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The Fatwa of Compulsory Boycott of Israeli Goods: An Analysis of Fiqh al-Waqi'\textsuperscript{1} on KFCH approach

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Abstract

This study discusses the boycott of Israeli goods in Malaysia. The purpose of this study is to explore the ruling (hukm) of the boycott on Muslims especially in Malaysia. Furthermore, various parties have launched a number of campaigns in Malaysia boycotting Israeli goods. Fatwas from Muslim clerics regarding the boycott of Israeli goods were also issued. However, the extent to which the ruling could be applied to Muslims in Malaysia is in question. Similarly, the legal status of the boycott of goods produced by manufacturers who support the Zionist regime is still not clear. Thus, this study is important to determine the exact ruling that guides Muslims in their lives. The study is qualitative in nature using content analysis as a main method. In addition, interviews and observations were made to strengthen the study. The Usul Fiqh and a few methods of inferring the ruling (istinbat al-akhkam) such as Qawa'id al-Fiqhyyah (Islamic Legal Maxims), Maqasid Syar'iyyah (Objectives of Islamic Law) and Siyasah al-Shar'iyyah (Political Shar'iyyah) were used extensively to obtain the findings. The study found that the ruling of the boycott is within the discipline of Fiqh al-Jihad. Generally, the boycott is obligatory to every Muslim. However, there are flexibilities in applying the ruling based on the consideration of Fiqh al-Waqi' that assesses the
aspects of products, capabilities of the ummah to absorb the negative impact of the boycott and needs of Muslims.

Keywords: boycott, Israel, fiqh, al-waqi‘, intifada, Palestinian

Introduction

It is said that the boycott movement against Israel began in the 1920s. There is also a view that it began in the early 1950s after the Arab League members meet in Damascus in 1957. But a more clear evidence shows that is founded in the early 1940s when the Arab League introduced Standing Boycott Committee officially declaring "boycott declaration" which asserts that Jewish products were unwanted in Arab countries. Thus, all institutions, organizations, merchants, commission agents and Arab individual were urged to not deal, distribute or use any Zionist product. (Jack G. Kaikati, 1978)

A special resolution entitled "The Boycott of Zionist Goods and Products" is issued after a 7 members of the Arab League meeting on March 22, 1945. The resolution expressly states that any Jewish product shall be regarded as unwanted in the Arab countries and all Arab citizens whether an institutions, organizations, entrepreneurs, agencies and individuals must refuse to deal, distribute or use Zionist products. In 1948, the Arab League has issued an additional resolution to strengthen the 1945 resolution. It is stated:

1. No member country may import goods or services originate in Israel, known as the Primary Boycott.
2. No government, individual, company, or organization in a member country may engage in business with any entity that engages in business in Israel, known as the Secondary Boycott.
3. No government, individual, company, or organization in a member country may engage in business with any entity that engages in business with any entity that engages in business is Israel, known as the tertiary Boycott. (Adam B. Cordover, 2007)

The forms or types of prohibited transactions are detailed, covering:

1. granting an Israeli company technical assistance or know-how;
2. granting rights, patents or royalties to any Israeli citizen or company;
3. representing an Israeli company in Israel or abroad; and
4. supporting any Israeli cause or having "Zionist sympathizers" in executive positions or on the boards of a company. (Adam B. Cordover, 2007)

However, export of goods to Israel is not deemed as inclusive of the boycott campaign as it may be a contributing factor to the deficit economy of Israel.

In May 1951, the Arab League has established Central Boycott Office in Damascus for coordinating mechanism and boycott activity. Any company involved with Israel or its' company, will be given a warning by the CBO. Next, they are given 3 months to end the transaction. If not, it will be blacklisted and cannot enter the Arab market. (Constance A. Hamilton, 1994) The effect is very significant when it affected the Israeli economy due to market factors and regional resources. Israel expresses its