THE MISINTERPRETATION OF THE JIHAD JURISPRUDENCE BY EXTREMIST GROUP: AN ANALYSIS

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INTRODUCTION

The Islamic history has recorded the jihad of the Prophets and Islamic jihadis since the past time has successfully spread the religion of God to all parts of the world. However, there are also in the history of Islam and in modern times, religious extremists who endorse terrorism against non-Muslims and fellow Muslims themselves on behalf of jihad. This jihadist network is developing and moving globally and locally. Among them are militant groups of Islamic State (IS) or Dawah Islam Ummiyah li al-Iraq wa al-Syam (DAISH), Hizbut-Tahrir, al-Qaeda Jamaah Islamiyah (JI), Boko Haram and so on. This phenomenon is said to have been the result of misunderstanding in interpreting religious teachings, especially relating to fiqh jihad which became one of the important elements of the ideology of religious extremism. Understanding the fiqh of jihad and other related issues should be given due attention to the extreme misunderstanding and belief in that aspect being the main cause of terrorism.

EXPERIMENTAL ESTIMATES

In the Malay language, the root word for 'extremism' is 'extreme'. According to the Chamber Dictionary, the word 'extreme' in English has a good and bad meaning depending on its use. The word 'extreme' in English is believed to have been derived from the old French language 'extreme' and it comes from Latin, 'extimus' which means 'outermost, utmost, farthest, last' (Oxford, t.dh). In Arabic, the term 'ghilouw' has the same meaning as the extreme, in terms of its meaning means to transgress (al-Ghazaliyani, 2002).

In terms of the term or use of the words 'esprimism' and 'esprimes', it is a word that has a complex meaning. Coleman and Batoli (2003) state:

"Extremism is a complex phenomenon, although its complexity is often hard to see. Most simply, it can be defined as activities (belief, attitudes, feelings, actions, strategies) of a character far removed from the ordinary."

Laurie Willis gave the same meaning as expressing 'extremism' as a problem often formed by a belief system, doctrine or ideology that has deviated far beyond the culture of society (Willis, 2011). Baqai (2011) relates 'extremists' to terrorism. He states 'extremists' are labels assigned to individuals or groups who use violence to impose their ideology, beliefs and moral values on others. However, according to Roslan (2015), not all extremism can be attributed violence. There is also a non-violent extremism such as the existence of an animal supporter who denies human nature to eat animal meat and pro-LGBTs who are fighting for the present inverse culture.

In addition to extremism, other terms that deal with the same problem are terrorism, radicalism, militancy, fundamentalism, revivalism and the like. These terms are always used interchangeably by various parties without much emphasis on the differences (Roslan, 2015). However, each term with different meanings and distinctive features requires fair and careful research. In particular, the labels of 'religious extremism', it should not be applied to any individual or group unless they are indeed extreme in principle or basic religious matters. Without proper justification, the use of such negative labels can be easily misused or used in bulk for all non-preferred Islamic groups in accordance with the views of the assessors.

Hence, religious group of extremism is a group of understanding that covers the whole of extremism in religion, especially in Islam. It should be emphasized that religious extremism is not merely referring to the school of Sunnah wa al-Jama'ah, but there are also in any of the Islamic-branded schools. However, as this study focuses on the Islamic State or (IS) group that claims to be Sunnis, discussions focus only on the Sunni misunderstanding by searching for the group's beliefs and beliefs.

CONCEPT FIQH JIHAD

Jihad as defined to the Chamber Dictionary (t.dh) means a diligent effort to achieve the goodness that is blessed byAllah. The definition given in the KamusDewan clearly illustrates the position of noble jihad according to the understanding of the Malay community. The word 'jihad' used in the Malay language comes from the same word in Arabic which is 'al-jihad'. 'Al-jihad' derived from the word 'jihadah-yuqahihu-jihadam' in
terms of the language means to do something with all the efficacy (IbnManzur, 1990). From ‘jihadah’ there are also several words like ‘al-jahda’, ‘al-jihdu’, ‘al-jihad’, ‘al-mu’jahadah’ and others. In Islamic terms, ‘al-jihad’ is divided by the scholars to general and special meaning. The meaning of jihad generally means all efforts and practices for Islam and calling upon mankind and opposing barriers thereof (Razak, 2018). Among the arguments of implementing jihad according to the term fuqaha is devoted to war in opposing the infidels or the enjoyment of it, including the war against the bhikkhus (al-Qardhawi, 2009).

Although the various meanings are given to these different words, the researcher sees that they do not run away from showing serious meanings in doing something difficult. The variety of words born from the same word is used in different contexts according to the suitability. In the Qur’an, the word ‘jihad’ is mentioned more than 40 times in a general and specific purpose (Daruzah, 1993; Razak, 2018). If carefully observed, the words related to the jihad mentioned in the Quran or the Hadith include so much meaning. It can be detailed as follows:

i. Most of the ‘jihad’ pronouncements mentioned in the Qur’an have meant to devote themselves to spreading Islam and defending its propaganda, not solely with regard to war (al-Zuhail, 1987).

ii. There are many hadiths of the Prophet who narrated the jihad problem, but the researcher has not yet found a clear hadith that ordered the jihad to use weapons against the infidels (Kamaruddin, 2008).

iii. There are verses of the Quran that are ‘makkikyyah’ about jihad. This proves that the term jihad in Islam does not refer to solitary warfare because the jihad warfare occurred only when Muslims had migrated to Medina (al-Buti, 1993).

iv. The scholars collectively agree that there are various ways or methods of implementing jihad. However, the fuqaha specializes in jihad to war because it is considered the most important part of jihad (Mahoood, 1993; Razak, 2018). In the context of jihad warfare as intended, the jihad law debate is so widespread as it encompasses various aspects of observation.

The researcher explained the opinions of the scholars on the jihad law as follows:

a) Jihad warfare divided by al-difa (‘defending’) al-talab (invading enemy territory).

The scholars have agreed that jihad al-difa ‘is a fardhain to all Muslims (al-Qardhawi, 2009). It is therefore an obligation for every Muslim to strive to defend their territory from being inflicted by infidels with all the abilities they have in themselves (al-Hani, 1426H).

b) There is a dispute between clerics about the jihad al-talab law.

Jumhurulama says it is fardukifayah, while some say the al-talab law is farudain while some say it is not a must. Among the scholars who hold the jihad al-talab law are fardukifayah are al-Miqdad al-Awsad, Abu Talhah, Huzafah al-Yamani, ‘Abdullah Ibn ‘Amru, Sufian al-Thauri and some companions and from tabin, Abu Hanifah, Yusuf, Malik, al-Qirari, Sahhun, al-Syafi‘i, al-Nawawi, IbnQudamah and the majority of scholars (al-Jassas, t.th; al-Qardhawi, 2009; al-Qirari, 1994; al-Syahrini, 2002; al-Nawawi, 1991; IbnQudamah, 1997). The proof of the obligation is based on verse 216, surah al-Baqarah which means:

“It is mandatory for you to fight, but the war is something you hate. You may hate something, but it is good for you, and it may be that you love something, but it is bad for you; Allah is all knowing, and ye know not” (al-Baqarah (2) : 216)

They argued that this verse contained a ‘kutila’ utterance which meant the same obligation as verse 183, surah al-Baqarah on the fasting obligation which means:

“O you who believe! It is obligatory for you to fast as it is obligatory upon those before you that ye may be cautious” (al-Baqarah (2): 183)

Among the scholars who hold the law of jihad al-talab is fardu ain is also Ibn Mubarak and ‘Asta’, but they argue that jihad is only forbidden to the companions of Rasulullah SAW, not for the Muslim generation after them (al-Qardhawi, 2009). Their argument is based on the hadith of Rasulullah SAW which is understood to be specific for that time alone. The meaning of the hadith:

“Whoever dies in a state of not jihad and never intends to strive, then he dies in one of the branches of munafiq.” (Muslim: no.1910)

Among the scholars who hold that the jihad law is supplementary is IbnSyubrumah and a narration from Ibn ‘Umar IbnSyubrumah views verse 216, surah al-Baqarah does not show a compulsory sign but only means as found in verse 180 which means:

“You are obliged when one of you is about to die, if he abandons the property, (let him) make a will for the parents and kinsmen in a good way, as a right over a righteous man” (al-Baqarah (2): 180)

Another argument is the hadith of Rasulullah SAW which means:

“Islam is built upon five things: witnessing no god is worshipped except Allah and Prophet Muhammad is the messenger of Allah, performing prayers, issuing zakat, performing Hajj and fasting in Ramadan.” (Bukhari: no 1; Muslim: no 16)

Al-Jassas said IbnSyubrumah used the wrong method of al-Qiyas in understanding the Qur’anic verses related to the jihad because it violated the meaning of the verse in its literal form and meaning. Al-Nahhas said that the word ‘amr is found in any argument, it should be said to contain a mandatory order and cannot be interpreted to other meanings unless there is a strong argument that it is not obligatory (al-Nahhas, 1988). In relation to the hadith used, al-Nahhas states that the hadith should not be an argument that jihad is not obligatory because there is a record that states Ibn ‘Umar said “I am a believer” and that hadith is not marfu’. However, al-Qaradawi disagrees with al-Nahhas’s argument because the hadith is well-known and recorded by al-Bukhari and Muslims who are assured of their validity (al-Qardhawi, 2009).

c) Determination of jihad laws look at the situation of time.

According to IbnHajar al-‘Asqalani, there are two episodes, which are; jihad in the time of the Prophet and jihad after his ages. In the first context, there are two opinions in this regard namely al-Mawardi which says jihad is only a fardu ain to the muhajirin while al-Suhaili is obliged only to the Ansar.

Al-Mawardi argued with the fact that a person who converted to Islam before the opening of Mecca had to migrate to Medina to help Islam, while al-Suhaili argued with the fact that the Aqabah Agreement that the people of Medina were willing to sacrifice provide protection and help to the Prophet (al-Asqalani, t.th). Al-Qaradawi (2009) has summarized the two arguments with the view that it shows the obligations of jihad depending on the situation. Sometimes it becomes fardu ain to Muhajirin and there is a time to Ansar only. He also explained that there is an opinion that the Prophet (peace and blessings of Allah be upon him) is the ruler who determines who should go out to jihad then becomes the law of fardu ain for himself. In the second context is the jihad law after the time of Rasulullah SAW, the original law of jihad is fardhukifayah which refers to the duty of the Muslims to perform jihad al-talab at least once a year according to the view of the jumhurulama. While the jihad law becomes fardu ain when there is an attack on the enemy of the Islamic state and the...
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Based on the analysis conducted on the concept of Islamic fiqh jihād as well as the understanding of jihād by the IS group, the researcher can formulate the misunderstanding and application that has been done with the following arguments: Firstly, fiqh jihād in Islam is a widespread concept and not solely about war. This can be evidenced by the fact that the jihād-related Ijāza (al-Zuhaili, 1987; Razak, 2019) has the meaning of al-Quran. Hadiths related to jihād do not clearly explain warfare against infidels must use weapons (Kamaruddin, 2008). Hence, there is an ijtihad space to extend the concept of jihād in da’wah and to use the method of wisdom as suggested in the Qur’ān. Another important fact is that there are jihād verses in the Quran that are ‘makkīyya’ which prove the jihād in Islam not referring to solārīy warfare because the jihād war is only happened when Muslims have migrated to Medina. Therefore, Islamic scholars collectively agree that there are various ways or methods of implementing jihād according to the priorities of reality (al-Buti, 1993; al-Qardhawi, 2009; Razak, 2018). Secondly, the wrong understanding of the context of the verses of the Koran. This can be seen from an understanding of the verses from surah al-Baqara and surah al-Taubah verse 5. The verses are actually revealed in the context of the war that syar’i is not in the context of peace (Ibn Kathir, 1997). Messenger of Allah SAW which means: “No (can be done) harm and not (may not) be harmful (others).” (Hadith History of IbnMajah). This Hadith clearly prohibits Muslims from harming others and at the same time instructs them in preventing situations that can cause hardship. Ibn Rajab asserted that the Islamic Shari’a had ruthlessly denied the harms of its various forms and also banned any harm done to

beloved to you than Allah and His Messenger and jihād in His cause, then wait until Allah executes His command. And Allah does not guide the defiant disobedient people” [At-Tawbah: 24]. Thsāyah refers to a jihād that is not excused by obeying one’s parents. Th scholars have unanimously explained that such jihād is the fard ‘ayn jihād – The scholars mentioned numerous cases that make jihād against the kuffār ‘ayn, including the invasion of the Muslims’ lands, the imprisonment of Muslims, the imminent threat of attack against the Muslims, and the faceoff against the enemies. The Khalīfah (hafihahullāh) has made a call for a general mobilization, further emphasizing this obligation – as one of the cases making jihāfard ‘ayn is the Imam commanding all the Muslims with jihād – so how can one ignore this clear-cut obligation now and be satisfied with submission to his lower self”.

Hence, the IS group invites Muslims to join in giving allegiance to them. The negative implications have caused anyone joining them to reject all forms of legitimate government today. On that basis, every IS group is an anti-government or state that can suppress the sovereignty and obedience of its nationals (Weeks, 2013). This is because for them there is only a compulsory leader Abu Bakr al-Baghḍadī (Jones, 2014). Secondly, the IS group only looks at jihād as a physical war simply without being associated with other jihād efforts to develop knowledge or social economic factors that are good for the Muslim community. In addition, the interpretation of jihād’s intentions other than the jihad of war is a group of mujālīlah who want to abolish the obligations of jihād. The young generation of Islam is encouraged to engage in the fight against the infidels and Muslims believe that they have to have a martyrdom status if they are willing to sacrifice themselves in scare the infidels and undermine their interests. As such, the IS group has claimed to have attacked attacks in many countries around the world (Just Terror, 2015). The IS group in formulating the attacks states:

“These are the deeds of those upon the methodology of the revived Khilafah. They will not let its enemies enjoy rest until enemy blood is spilled in revenge for the religion and the Ummah”.

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the public (Ibn Rajab, 2008). The suggestion of bomb attacks and the destruction of non-Muslim countries is a clear suggestion of transgression for violating human fundamental restrictions on human life. As such, there were series of bombing events since 9/11, a series of bomb attacks in Bali, France, UK and others have received worldwide criticisms including well-known Islamic scholars (Dzaulqarnain, 2006).

Third, the deception of jihad is wrong by the IS group by placing all territories besides them as Dar al-Harb. This is the implication of takfiirim that they embrace. The method of placing all nations including the majors of Muslims as a fiqh书籍 which show which show about Islamic or DaulatIslamiyya. However, the scholars are disputed in accepting the concept in the current context. Wahhab al-Zuhailiy in his book Atharu al-Harb fi al-Fiqh al-Islami stated that the distribution of the typology is not based on al-Quran and al-Sunnah but it is due to historical factors in the past (al-Zuhailiy, 1998). This opinion was also held by Muhammad Abu Zuhrah, 'Abd al-Wahhab al-Khalaf and others (al-Qardhawi, 1999). Fourth, the fuqaha agreed on the law of fardu ayn for Muslims to join the jihad in defending themselves if they were under the fiqh books and maqasid al-adl. However, for jihad offensive as an organized IS group, there is a difference in opinion in punishing him whether supplementary, fardu kifayah or farduain. The majority of the scholars say that it is only fardukifayah and depends on the direction of the authoritative rulers. However, the legal debate is based on the reality of humankind and the former Muslims living in warfare.

CONCLUSION

Obviously, it is clear that the basic understanding of the IS group on jihad is deviating from the teachings of Islam and only thinking about the goals of their struggle alone. Their consideration of the Quranic verses and Hadiths is only literally and selectively without looking at the whole including consideration of reality and priorities and not guided by the debates of honourable contemporary Islamic scholars. The fact is that their actions are not jihad but rather are said to be hugdah because it is a real tyranny until it is intimidating and killing innocent civilians. Hence, jihad is a term that is feared by the present as it is abused by religious extremism.

APPRECIATION

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