

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

Muhd Imran Abd Razak¹, Rahimin Affandi Abdul Rahim², Mohd Anuar Ramli², Nurhidha Irawaty Kasmaruddin¹, Muhammad Yusri Yusof @Salleh¹, Paiz Hassan¹

¹MARA University of Technology, Malaysia (Perak Campus) 32610 Bandar Baru Seri Iskandar Perak, Malaysia

²University of Malaya, Malaysia 50603 Kuala Lumpur, Wilayah Persekutuan Kuala Lumpur, Malaysia

E-mail: imranrazak@uitm.edu.my

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Abstract

The term jihad has become a scary term (logophobia) today. This is due to its usage in a narrow context by religious extremists. Unfortunately, the concept of pure and vast jihad has been tainted by insights and actions beyond the boundary that causes the term jihad to be negative to some of the world's society. Hence, this study is intended to explain the misused of the concept jihad fiqh by religious extremism groups. By specifying the scope of the study on Islamic State (IS) group, this full qualitative study uses inductive, deductive and comparative documentation and content analysis methods. The finding shows that the IS group has literally understood the literal texts regardless of the reality and the views of contemporary Muslim scholars. As a result, the term of jihad is synonymous with war (qital). Hence, it must be dealt with by a true narrative, especially relating to Islamic fiqh jihad which is in fact parallel to the basis of Islamic teachings based on the principle of wasatiyyah, the religion of rahmatan lil-alamin.

Keywords-- War, Logophobia, Fiqh Jihad, Religious Extremism, Moderation

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INTRODUCTION

The Islamic history has recorded the jihad of the Prophets and Islamic jihadists since the time of the past 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 Dawlah Islamiyyah li al-'Iraq wa al-Syam (DAISH), Hizbut-Tahrir, al-Qaeda, Jamaah Islamiyyah (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 Malay brings a negative connotation of "an outrageous or extreme" (Dewan Bahasa dan Pustaka, 2015). Extreme too means too much, over and over, over limits, outrageous. Clearly, the word 'extreme' is a word taken from English, 'extreme' (Cambridge, t.th). However, 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, 'extrēmus' which means 'outermost, utmost, farthest, last' (Oxford, t.th). In Arabic, the term 'ghuluw' has the same meaning as the extreme, in terms of its meaning means to transgress (al-Gharyani, 2002).

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

"Exstremism 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 Sunnahwa 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 misunderstood by searching for the group's beliefs and beliefs.

CONCEPT FIQH JIHAD

'Jihad' according to the Chamber Dictionary (t.th) means a diligent effort to achieve the goodness that is blessed by Allah. The definition given in the Kamus Dewan 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 'jahada-yujahidu-jihadan' in

terms of the language means to do something with all the effort or earnest (IbnManzur, 1990). From 'jahada' there are also several words like 'al-jahdu', 'al-juhdu', 'al-ijtihad', 'al-mujahadah' 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, 2019). While the meaning of 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 (Daruzak, 1952; 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-Zuhaili, 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 'makkiyyah' 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 (Mahmood, 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 fardhu ain 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-Hanif, 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 fardhu ain while some say it is not a must. Among the scholars who hold the jihad al-talab law are fardukifayah are al-Miqdad al-Aswad, Abu Talhah, Huzaifah al-Yamani, 'Abdullah Ibn' Amru, Sufian al-Thauri and some companions and from tabiin, Abu Hanifah, Yusuf, Malik, al-Qirafi, Sahnun, al-Syafi'i, al-Nawawi, IbnQudamah and the majority of scholars (al-Jassas, t.th; al-Qardhawi, 2009; al-Qirafi, 1994; al-Syarbini, 2002; al-Nawawi, 1991; IbnuQudamah, 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 'kutiba' 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 fardhu ain is also Ibn Mubarak and 'Ata', 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 fardhu 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 fardhu 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 fardhu 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 fardhu ain when there is an attack on the enemy of the Islamic state and the

individual is directed by the government to exit the jihad (al-Syirazi, 1996).

Based on the debate about the jihad fiqh, the researcher concluded that the jihad al-difa 'law is fardhu ain for the Muslims involved while jihad al-talab is dependent on the situation and circumstances. The determination of the law becomes mandatory or not obligatory and so is only determined by the authorized ulama in addition to the direction by the legitimate government. Multiple views on the issue of jihad laws only involve jihad al-talab based on the understanding of scholars on the situation of the jihad analysed (Fletcher, 2015). At present time, appropriate ijihad can be done by scholars and governments to see the fact that sovereign states and international treaties involved are necessarily different from those of ancient scholars.

FIQH JIHAD AGRICULTURAL EXCITEMENT GROUP

The IS group considered their struggle is the real jihad struggle and is recognized Islam. This is because it is intended to uphold the laws of Allah as commanded. Jihad using sword or weapon is also understood as the most important Islamic law. Islam for them will not spread without the use of weapons. The IS group pledges not to stop the war until administering the east and west of the world. The IS group quoted the Qur'anic argument saying that:

"Beware of falling into false excuses that hold you back from your true purpose and greatest obligation after becoming a Muslim. Do not be taken in by claims that the "real jihad" is giving da'wah - rather, the real da'wah is waging jihad! Most of the world is very aware of Islam's existence and even its tenets, and the time for showing them that actions speak louder than words is ever so present. The blood of the disbelievers is obligatory to spill by default. The command is clear. Kill the disbelievers, as Allah c said, "Then kill the polytheists wherever you find them" (At-Tawbah 5)."

In addition, the fiqh jihad of the IS group is closely related to the concept of Dar al-Islam and Dar al-Kufr. Dar al-Islam is understood as the area they occupy while Dar al-Kufr is the whole world that is not dominated by hem. Therefore, they condemn the killing of all those who are considered infidels in any region of Dar al-Kufr. They use the Quran's argument (Break The Cross, 2015):

"So whoever transgresses against you, then transgress against him in a way similar to how he transgressed against you" (Al-Baqarah 194).

Apart from the original Kaffrians, the IS group also emphasized the importance of killing Muslims who are considered apostates for not supporting the IS struggle. Abu Bakr al-Baghdadi in his speech shortly after being elevated to the 'Caliph' emphasized the importance of jihad war as the most noble assignment of Muslims who not only focused on the infidels, but were also obliged over the entire Muslim leaders who were perceived as unjust with Islamic law, being a barrier to Jews and other Muslim enemies.

Generally, the concept of jihad in the IS group is understood; First, the law of jihad is fardhu ain (The Law of God or The of Man, 2015). This can be seen from the following statements:

"Amongst the major sins that many parents order their children with is the abandonment of the fard 'aynjihād (jihād which is obligatory upon each and every individual). They intentionally or unintentionally distort the meaning of various ahādīth on the obligation to obtain the permission of one's Muslim parents before performing fardkifāyahjihād (jihād which is an obligation on the Ummah as a whole but not obligatory upon each and every individual). These ahādīth should be understood in light of other evidences including the statement of Allah ﷻ, {Say, "If your fathers, your sons, your brothers, your wives, your relatives, wealth which you have obtained, commerce wherein you fear decline, and dwellings with which you are pleased are more

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 defiantly disobedient people"} [At-Tawbah: 24]. Thisāyah refers to a jihād that is not excused by obeying one's parents. Th scholars have unanimously explained that such jihād is the fard 'aynjihād - The scholars mentioned numerous cases that make jihād against the kuffrfard 'ayn, including the invasion of the Muslims' lands, the imprisonment of Muslims, the imminent threat of attack against the Muslims, and the faceoff the opposing armies. The Khalifah (hafihahullāh) has made a call for a general mobilization, further emphasizing this obligation - as one of the cases making jihādfard 'ayn is the Imām 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-Baghdadi (Jones, 2014). Secondly, the IS group only looks at jihad as a physical war simply without being associated with other jihad efforts to develop knowledge or social economic factors that are good for the Muslim community. In addition, the interpretation of jihad's intentions other than the jihad of war is a group of murji'ah who want to abolish the obligations of jihad. The young generation of Islam is encouraged to engage in the fight against the infidels as anti-thesis to the Muslims, who are said 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".

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

Based on the analysis conducted on the concept of Islamic fiqhjihad as well as the understanding of jihad by the IS group, the researcher can formulate the misunderstanding and application that has been done with the following arguments: Firstly, fiqh jihad in Islam is a widespread concept and not solely about war. This can be evidenced by the fact that the jihad-related lafaza (al-Zuhaili, 1987; Razak, 2019) has the meaning of al-Quran. Hadiths related to jihad do not clearly explain warfare against infidels must use weapons (Kamaruddin, 2008). Hence, there is an ijihad space to extend the concept of jihad in the field of da'wah and to use the method of wisdom as suggested in the Qur'an. Another important fact is that there are jihad verses in the Quran that are 'makkiyyah' which prove the jihad in Islam not referring to solitary warfare because the jihad war is only happened when Muslims have migrated to Medina. Therefore, Islamic scholars collectively agree that there are various ways or methods of implementing jihad according to the priorities of reality (al-Buti, 1993; al-Qardhawi, 2009; Razak, 2018).

Second, 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-Baqarah 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 (IbnKathir, 1997). Messenger of Allah S.A.W 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

the public (Ibn Rajab, 2008). The suggestion of bomb attacks and the *Lone Wolf* in safe countries including 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 (Dzulqarnain, 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 *takfirism* that they embrace. The method of placing all nations including the majors of Muslims as a territory to fight against all the fiqh and maqasid al-shari'ah care. The terms dar al-Islam and dar al-harb is in the fiqh books which show about Islamic or Daulah Islamiyya. However, the scholars are disputed in accepting the concept in the current context. Wahbah 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-Khallaf and others (al-Qardhawi, 1999). Fourth, the fuqaha agreed on the law of fardu ain for Muslims to join the jihad in defending themselves if their country was attacked. However, for jihad offensive as an organized IS group, there is a difference in opinion in punishing him whether supplementary, fardukifayah 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 Qur'anic 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 *bughah* 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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