

# Challenging the Sacred: the *Fatwa* of the Indonesia Ulama Council on the Recitation of Translation During the Prayer

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## ABSTRACT

This article examines the fatwas of the MUI (Indonesian Ulama Council) on the recitation of translation during the Prayer. The MUI fatwas were in response to the new trend of reading Indonesian language during prayer among Indonesian Muslims. In Islam, the practice of worship (praying) has been regulated by and based on the tradition of the Prophet Muhammad Saw. Debates over the issues whether or not praying can be performed in local language arose when Muhammad Yusman Roy from Surabaya initiated the practice of praying by reciting Bahasa Indonesia instead of Arabic. The author presents different views among classical Islamic scholars (ulama) about the translation of shalat recitation and explains why the MUI has forbid this practice in the Indonesian context.

*Keywords:* prayer, MUI, fatwa, *ijtihad*, innovation (*bid'ah*)

## ABSTRAK

Artikel ini membahas tentang fatwa-fatwa MUI tentang pembacaan terjemahan bacaan solat. Fatwa-fatwa MUI ini muncul sebagai respons terhadap adanya trend di kalangan Muslim untuk mempraktikkan

shalat dengan menggunakan bahasa Indonesia. Dalam Islam, praktik ibadah memiliki aturan tersendiri yang didasarkan pada tradisi atau sunnah Nabi Muhammad Saw. Perdebatan tentang hal mengenai boleh tidaknya shalat dilakukan dalam Bahasa Indonesia muncul ketika Muhammad Yusman Roy dari Surabaya mempraktikkan shalat dalam Bahasa Indonesia ketimbang Bahasa Arab. Penulis menggambarkan dan menganalisis berbagai pendapat ulama mengenai bacaan shalat dan mengapa MUI menolak praktik shalat tersebut dalam konteks Indonesia.

*Kata Kunci:* Shalat, MUI, fatwa, *ijtihad*, *bid'ah*

## INTRODUCTION

Prayer or *salat* has an important position in Islam as the second pillar of faith after *kalima shahada* (testimony of faith). According to prophetic traditions, it is not only the first obligation which was delivered to the prophet Muhammad but also a fundamental factor which determines the acceptance of Muslim's good deeds (*al-'amal al-shalih*) in the hereafter.<sup>1</sup> Therefore, it is an obligation for every Muslim to perform prayers five times a day under any condition and in any time except for women during their monthly period. It is not permissible for them to perform prayer until they are 'clean' from menstrual blood.<sup>2</sup> Although Muslims admit the importance of *salat*, the way they perform it is diverse depending on the school of Islamic law that they follow. This diversity is caused by different interpretations of the verses of the

Qur'an and *Hadith* concerning the procedures of prayer.

Prayer in Islam is such a fixed form of sacred ritual which is based on the Qur'an and *Hadith*. According to *fiqh*, there are several conditions and pillars of prayer which must be fulfilled by Muslims who intend to perform *salat*. The conditions of prayer consist of: (1) sanity, (2) reaching the age of maturity, (3) lack of ritual impurity (i.e. ablution), (4) removal of filth, (5) covering the *awrat*, (6) the entrance of the proper time, and (7) facing the *Qiblat*. In addition, there are four main pillars of prayers which contain: (1) the intention (*niyat*), (2) standing, if one has the ability to do it, (3) reciting al-Fatiha, and (4) bowing and prostrating on all seven limbs.<sup>3</sup> The number of the conditions and pillars of *salat* vary in accordance with the four schools of *fiqh*. For example, for the Shafi'ite School the intention of prayer is placed in the first pillar of prayer, but for the Hanafi *Madhhab* it belongs to one of the conditions of prayer.

An innovation (*bid'a*) beyond what has been generally practiced concerning prayer can sometimes trigger debates and arguments within Muslim communities. An example of these debates was the controversy of bilingual prayer performed by Muhammad Yusman Roy and his followers in Indonesia. Leading the prayer, Muhammad Yusman Roy inserted Indonesian translation in his recitation after Arabic during prayer. This attempt of Yusman Roy and his students is considered as an uncommon practice in prayers for Muslims in Indonesia in general, and Muslims in the world in particular.

Yusman Roy's activity was unfolded by some of his students who questioned his practice in prayer by seeking answers from

Muslim scholars concerning the status of translation during *salat*. The phenomenon had gained much attention ranging from regional to national level of Muslim scholars who argue whether it is allowed to insert translation during prayer or not. Afterwards, the Indonesian Ulama Council (MUI-Majelis Ulama Indonesia) in Malang regency issued a *fatwa* in January 2005 declaring that Yusman Roy's activity is forbidden, since there is no evidence both in the Qur'an and the Prophetic Traditions which permit Muslims inserting translation during prayer.<sup>4</sup>

*Fatwa* plays an important role in the lives of Indonesian Muslims for a number of reasons. First, it is issued to control the attitudes of Muslims so that they can act and live according to Islamic teachings. In addition, *fatwas* also "reflect the creative tension between the normative ideals of Islam and social reality"<sup>5</sup> in which Muslims strive to find some religious answers to problems they encounter in their daily lives. Furthermore, it serves as a bridge for the confluence between the opinions religious scholars issued and the reality of Muslims experience in their daily activities.<sup>6</sup>

The MUI's *fatwa* on Yusman Roy's case had been broadcasted through media and acquired much attention among many people in the country. Moreover, some of Muslims, as a result of the *fatwa*, demanded the government to react and to send Yusman Roy to prison because he had desecrated the fundamental normative teachings of Islam regarding the insertion of Indonesian translations in prayer. Although the MUI had issued a *fatwa* against this practice, Yusman Roy and some of his students insisted to continue their way of prayers. As a result, he was accused according to the Indonesian Penal Code

(KUHP-Kitab Undang-Undang Hukum Pidana) of causing public unrest and disgracing Islam as a religion. Finally, he was imprisoned in May 2005 after a verdict had been issued by the local criminal court in Malang that he was proved guilty of the blasphemy against prayers.

Therefore, it is significant to investigate the status of translations in *salat* within the framework of Islamic law by discussing the four schools' different opinions regarding non-Arabic languages as valid in recitations in prayer. Another interesting fact in this study is that there is a debate within the Muslim community in Indonesia regarding this point. Some prominent leaders of Muslim organizations such as NU and Muhammadiyah agree with the MUI's *fatwa* against Yusman Roy. They believe that this *fatwa* can protect Muslims from heresy and prevent the dissemination of Yusman Roy's practice. They argue that the insertion of non-Arabic in prayer is invalid and against what is stated in the Qur'an.<sup>7</sup> However, other Muslims, specifically the members of the Indonesian Islam Network (JIL-*Jaringan Islam Liberal*) oppose the MUI's *fatwa*. They state that translations in prayer are not a new discussion in the history of Islam because not all *madhhabs* forbid translations in prayer. They assert that Muslims in Indonesia cannot differentiate between the essence of the teachings of Islam and the cultural background of Islam. They further argue that Arabic language is part of the culture of the Arabs. Therefore, Muslims can perform prayer in their own language, since language is not the essence of the teaching of Islam.<sup>8</sup>

The present paper attempts to deal with the following questions: what is the social background of the MUI's *fatwa* regarding

translations in non-Arabic? And which opinion of the four schools of *fiqh* is serving as a basis of the MUI's *fatwa* concerning this issue? This first question strives to elaborate the MUI's methodology in issuing this *fatwa*, including the *mustafti* (a person or a group who asks for religious opinions and the *mufti*, a person who issues *fatwas*). In addition, the second question attempts to explicate in details different opinions of the status of translations in prayer according to the schools of Islamic law to understand the basic opinion of *fiqh* that the MUI used to deal with this issue.

Some previous researchers have studied Yusman Roy's case, but to the best of my knowledge, they do not focus in their analysis on the discussion of the *fatwa* in the framework of Islamic law. Conversely, they investigated the issue from a juridical point of view because the imprisonment of Yusman Roy is considered to violate human rights and freedom of religion. Saru Arifin concludes that "the parameter used to criminalize the followers of heretical sects (such as Yusman Roy) in Indonesia is normatively based on article 156a KUHP. The article states that the concept of offense against religion is general, in view of Indonesia as multi religious country. This concept includes the attitudes or interpretations which are considered to desecrate a religion in Indonesia."<sup>9</sup> Nadirsyah Hosen in his project of research (funded by Max Planck Institute for Social Anthropology and Indonesian Institute of Sciences) argues that the case of Yusman Roy has shown the problematic dispute of religious life in Indonesia and the need for an alternative dispute resolution within Muslim communities in Indonesia. He further states that "the case shows how the state and its 'secular' court

examine ritual things. This is problematic since the religious courts (*Pengadilan Agama*) do not have jurisdiction on this issue. Yusman Roy's case provides a strong argument for the need to have an alternative dispute resolution within the Islamic community in Indonesia.<sup>10</sup> Stewart Fenwick in his article remarks that Yusman Roy's case has re-opened the discussion of the relation between religion and the state. He further opines that "the decision of the local state court in Malang to send Yusman Roy to prison reflects a conscious effort to access available legal mechanisms to pursue Islamic doctrinal agendas. This (also) arguably reflects dissatisfaction with and contestation of the boundaries between Islam and the state."<sup>11</sup>

This paper, therefore, aims to fill the lacunae of the previous studies of this case from the perspective of Islamic legal system (*fiqh*). Therefore, this paper attempts to give scientific and holistic description regarding the status of translations in prayer according to the four schools of Islamic Jurisprudence.

The organization of this paper consists of five parts. The first part is concerned with the biography of Muhammad Yusman Roy and his position in the society, ranging from the beginning of his conversion to Islam until his practice to insert Indonesian translation in prayer. The second part deals with the MUI as one of religious authorities in Indonesia, specifically its establishment and its functions within the government and Muslim communities. The next part elaborates the MUI's *fatwa* concerning Yusman Roy's practice in prayer including the reasoning (*ijtihad*) underpinning the *fatwa*. Afterwards, the paper discusses the status of translation in prayer according to the four schools of Islamic law in details in order to understand different

opinions regarding this case. The last, but not least, is the conclusion which attempts to answer the main reasons behind the MUI's *fatwa* declaring that reciting translation of the recitation of prayer in prayer are unlawful.

#### Yusman Roy and His Role in Society

The issue of the insertion of non-Arabic language in daily prayers in Indonesia is closely related to the controversy of Yusman Roy. He was born in 1955 in Surabaya, the capital city of East Java province. His mother is a Catholic from the Netherlands and his father is a Muslim from Indonesia. According to him, his family background led him to choose Catholicism as his religion because he was closer to his mother than to his father. He further explained that being a Catholic was not his own choice rather than he just followed his mother's faith.<sup>12</sup>

He began to be interested in Islam when he was a professional boxer and a gangster. He learned about Islam from *Kyai*<sup>13</sup> Satar in Paneleh, Surabaya and shortly after that, he converted to Islam in 1985. He asserted that after he studied Islam for 20 years, he decided to improve the quality of his prayers because he believes that true prayers can guide people to *al-akhlaq al-karima* (good attitude) in life as mentioned in the Qur'an that prayer can prevent Muslims to perform sins and disavowals. In the *Hadith*, it is stated that prayer in Islam is the pole of religion. It is therefore impossible to reach good quality of prayers without understanding what is recited during prayers. His idea of the insertion of Indonesian language in prayers was successfully implemented when he established a *Pesantren* under the name of Pondok ¼Itikaf Ngaji Lelaku after his return from pilgrimage to Mecca with his wife in 2002. He believed that bilingual prayers can be a kind of 'shock

therapy' for Muslims.<sup>14</sup>

The *Pesantren* was located in the East part of Sumber Waras village in Lawang, Malang, East Java. It consists of two buildings: the main building is used for accommodation for his *santri*<sup>15</sup>; another one is used for the activities including collective prayer (*salat al-jama'at*), learning (*ta'lim*), and welcoming guests (*ikram al-dhuyuf*). The main mission of the establishment of the *pesantren* is to study the translation of the Qur'an and *Hadith* in order to understand the teachings of Islam properly. About 300 students stay in this school, most of whom are his friends when he was a boxer and a gangster in Surabaya. The main activity of the *pesantren* takes place after Friday prayer which he leads himself. In addition, there is a monthly activity known as *Malam Qamariyah* (the night of the full moon) for learning the translation of the Qur'an and *Hadith*.

Sumber Waras is one of small remote villages among some villages in Lawang, Malang. For this reason, only a few people know about the activity inside the *pesantren* established by Yusman Roy<sup>16</sup>, East Java is well-known for the highest number of *pesantren*. According to the statistics of the Ministry of Religious Affairs, there were 3.582 *pesantrens* in 2005 in the region.

The activity of bilingual prayer in Pondok ¼Itikaf Ngaji Lelaku had been questioned by some of Yusman Roy's *santris* and some people in the village. They, therefore, sent questions concerning Yusman Roy's activity to the Indonesian *ulama* Council (MUI) in Malang. The council in the regency issued its *fatwa* in 2004, and this was followed by another *fatwa* by the council in the province of East Java in February 2005 declaring that it is forbidden to practice bilingual prayers in

Islam. Although the two councils had issued the *fatwas*, Yusman Roy and his followers continued to perform bilingual prayer<sup>17</sup>. According to Fenwick, the local MUI in Malang distributed the document of the *fatwa* to local government institutions, such as the Regent of Malang and the Malang District Police Headquarters and urged the government "to take clear steps to prohibit teaching that deviates from Islamic law."<sup>18</sup>

However, many people in Indonesia became interested in the issue of bilingual prayer as has been conducted by Yusman Roy, which has been widely debated in Indonesian media. For example, the students in the State Islamic Institute (IAIN) in Surabaya organized a debate on the observance of prayers in Indonesian language during which they invited Yusman Roy and some religious scholars from MUI in the province. Unfortunately, MUI refused the invitation and urged the president of the institute to disband the meeting because according to MUI, conducting the discussion of bilingual prayers might indicate an agreement with what Yusman Roy and his followers believe. Moreover, Ahmad Zahro, a representative of the council, and the chairman of NU argued that Yusman Roy is a *muallaf* (a new converted to Islam) who does not understand the teachings of Islam comprehensively and should learn his religion from the right religious teachers (*ulama*).<sup>19</sup> Since the issue has spread out all over Indonesia and resulted in debates within Muslim communities, the centre board of MUI issued a *fatwa* concerning Yusman Roy in May 2005 to confirm the two previous *fatwas* that bilingual prayer is invalid and unacceptable in Islam. After the national board of MUI issued the *fatwa*, Yusman Roy was brought to the state court in Kepanjen,

Malang. He was accused of “*Godslastering*, mockery on Islamic teachings.”<sup>20</sup>

### THE INDONESIAN *ULAMA* COUNCIL (MUI) AND ITS FUNCTIONS IN INDONESIA

The Indonesian *ulama* Council (MUI) is a “semi-official” institution which was founded on July 26, 1975. The council was established by a group of Muslim scholars and intellectuals as a result of a conference in Jakarta which was arranged for this reason, and is regarded as the first conference of MUI. The members of the organization consisted of Muslim scholars and intellectuals from different Muslim organizations in Indonesia, such as Muhammadiyah and Nahdlatul Ulama (NU). Besides its central board in Jakarta, MUI has a number of branches in all provinces and regencies throughout the archipelago. Interestingly, the branches of council may sometimes oppose or issue different *fatwa* regarding the same problem from that of the central board of MUI in Jakarta. For example, the central board of MUI disagrees with the *fatwa* issued by the MUI branch in Riau which forbids a woman to be a leader. Muhammadun, one of the members of Brotherhood Committee of the MUI in Riau, argues that it is not permissible for a woman to be a leader of state because it is against *shari’a*. On the contrary, the secretary general of the MUI, Ichwan Syam, in Jakarta asserts that “MUI never issues a *fatwa* prohibiting a woman to be a president or a leader in a region or in the country”. He suggests that the MUI branch in Riau should revise their *fatwa*.<sup>21</sup>

According to Donald Porter, the establishment of MUI was initiated by the government at that time to weaken and control

Islamic political parties which threatened the hegemony of military regime led by Suharto who expected that the council to be “an officially condoned religious authority that could monopolize religious orthodoxy, guide the Muslim community and guard it against heterodox doctrines.”<sup>22</sup> As a result, its functions change in accordance with the expectation of the regimes ruling the country. At the beginning, MUI had four main functions: (1) “to serve as the translator of the activities and concepts of national and local developments for the people; (2) to be a form of advisory council to the government on religious affairs; (3) to mediate between the government and the *ulama*; and (4) to function as a forum for the *ulama* to discuss the problems related to the duties of the *ulama*.”<sup>23</sup> Schulze states that “in the New Order era, MUI became known in the Indonesian Muslim public opinion as an institution which has two main functions; issuing *halal* certificates for all products in Indonesia and determining the beginning of fasting month (*ru’yat al-hilal*).”<sup>24</sup>

The decline of Suharto’s regime has forced MUI to redefine its roles in Indonesian society. It was no longer to serve as an advisory council to the government but it changed to be ‘a servant of the Indonesian *umma*’ and a body which has authority to issue *fatawa*.<sup>25</sup> MUI announced its five new roles in 2000 which show the shift of its agenda after the demise of Suharto: (1) to spread Islamic teachings and support efforts for the construction of Islamic life; (2) to be a *fatwa* giver; (3) to work as a guide for the Muslim community; (4) to be an agent of reform and renewal; and (5) to uphold the Qur’anic command of summoning up the good and forbidding evil.<sup>26</sup> It is self-evident

that the change of MUI's orientations in the post-New Order and afterwards shows that MUI in 2000 seems to keep distance from the government and focus its agenda on the concern of Muslims in Indonesia. Another reason for the shift of MUI's roles is that the new president of the Republic of Indonesia, Abdurrahman Wahid often disagrees with MUI's *fatwas*, even he has ever urged the government to ban MUI because of its *fatwas* concerning 'heretical' religious groups. He argued that the *fatwas* are against freedom of religion and human rights.<sup>27</sup> As a former leader of NU, Abdurrahman Wahid is well known as a neo-modernist and secularist Muslim scholar who supported the integration between 'progressive liberal ideas' and 'a deep religious faith' for new approach to *ijtihad*. This idea is firmly opposed by MUI whose members are mostly conservative Muslims.<sup>28</sup>

The method of *fatwa* issuance in Indonesia is different from other Muslim countries. This *fatwa* issuance in Indonesia is based on collective reasoning undertaken by religious scholars who are affiliated with Muslims organizations, such as NU, Muhammadiyah, or the Islamic Unity (*Persis*). Most of MUI's *fatawa* refer to the four schools of Islamic Jurisprudence and the level of the authorities underpinning the reasoning of the Qur'an and *Sunna, Ijma'* (consensus) and *qiyas* (analogy). The *fatawa* are formally formulated like juridical letters beginning with quoting the Qur'anic verses related to the questions or cases before moving to Hadith and finally ending with explanation of different schools in Islamic law. The explanation of Shafi'i *madhhab* generally dominates the conclusions of the *fatwa*.<sup>29</sup>

In addition, the responses of Muslim

communities in Indonesia toward MUI's *fatwas* depend on specific sociopolitical changes. For example, after the fall of Suharto in 1999, Muslim communities use *fatwas* as a means to influence government's policies regarding a particular case.<sup>30</sup> Besides such sociopolitical changes, Van Dijk argued that the involvement of radical Muslim organizations in MUI, such as the Front of Islamic Defender (FPI-*Front Pembela Islam*) has significant influence in determining the MUI's *fatwas* against 'heretical' religious groups.<sup>31</sup> As a result, their followers who widely spread in Indonesia responded to the *fatwa* by banning the 'heretical' groups.<sup>32</sup> Likewise, the reaction of Indonesian Muslims towards MUI's *fatwa* on the translation in prayer was intense. As a result, the government accused Yusman Roy of blasphemy as based on the article 156a of the KUHP.

### THE MUI'S FATWA ON OBSERVING PRAYERS IN TRANSLATION

The *fatwa* was officially formulated in Indonesian language which consists of four parts. The first part is concerned with the clarifications which describe the *mustafti* (s) (a person or a group of people who seek for the *fatwa* from religious scholars) and the reason why MUI should issue a *fatwa* concerning Yusman Roy's case. It is not clearly stated who was asking for the *fatwa*, but it says that a group of people came to the local MUI in Malang regency and informed the MUI about Yusman Roy and his followers who performed *salat* in Indonesian translation. Afterwards, the *fatwa* issuing body of the local MUI in Malang invited Yusman Roy to clarify his position before the council. In a meeting initiated by the MUI, he acknowledged that he performed prayers in Arabic followed by

Indonesian language. In addition, he asserted that his aim of bilingual prayers is to reach a better quality of *salat* and it is only possible if Muslims understand what they recite during prayers.

The second part of the *fatwa* consists of the considerations in which the MUI quoted some verses of the Qur'an and the prophetic traditions concerning the proper ways to conduct prayers. However, the verses of the Qur'an quoted by the MUI in the *fatwa* deal with the importance of Arabic in Islam rather than the status of translations or non-Arabic languages in prayers. The verses of the Qur'an quoted in the *fatwa* are *Sura* (QS.) 12:2: [...verily, we have sent it down as an Arabic in order that you may understand.]; QS. 13:37: [And we have sent it (the Qur'an) down to be a judgment of authority in Arabic. Were you (O Muhammad) to follow their (vain) desires after the knowledge which has come to you, then you will not have any protector or defender against Allah]; QS. 16:103: [And indeed we know that they (polytheists and pagans) say: 'it is only a human being who teaches him (Muhammad)' the tongue of the man they refer to is foreign, while this (the Qur'an) is clear Arabic tongue.]; QS. 20:113: [And thus We have sent it down as a Qur'an in Arabic, have explained therein in detail the warnings, in order that they may fear Allah, or that it may cause them to have a lesson from it (or to have the honour for believing and acting on its teachings.); and QS. 26:192-195: [And truly, this (the Qur'an) is a revelation from the Lord of the mankind, jinn, and all that exists, which the trustworthy *Ruh* (Jibril) has brought down, upon your heart (O Muhammad) that may be (one) of the warners, in the plain Arabic language.]<sup>33</sup>

The second consideration is based on four *Hadith* (s) concerning the way to perform prayer and innovation (*bid'a*) as follows: (1) "perform prayers as the way I do."; (2) "it is invalid to pronounce any human language in prayer: the recitation only includes *tashbih*, *takbir* and reading the holy Qur'an..."; (3) "whomever makes innovation (s) in our religion (Islam), which is not part of the teachings of Islam, is invalid"; and (4) "whom-ever performs good deeds (*al-'amal al-shalihah*), which are not ordered by God, are invalid."<sup>34</sup>

In addition to the aforementioned verses of the Qur'an and *Hadith*, the *muftis* include *fiqh* discussion in the consideration section. They argue:

*"As part of worship (ibadah) in Islam, the form and the way of salat must be based on Islamic law (Shari'a) practiced by the prophet Muhammad. The Qa'idah Fiqhiyya affirms: 'there is no worship except one which is ordered by God.' Legal origin of worship is tauqif (in accordance with certainties and regulation which are stated in Shari'a). Therefore, it is prohibited to worship Allah except with procedures which have been ordered by Allah in the holy Qur'an and the Prophetic Traditions....worship is based on tauqif and ittiba' (following guidance and model from the prophet Muhammad), not based on carnality and ibtida (new innovation) as stated in the two previous Hadith narrated by Aisyah."*

The reasoning of this *fatwa* elucidates the importance of Arabic in Islam and the prohibition of innovation beyond *Shari'a*. However, there is no verse of the Qur'an or *Hadith* which explicitly prohibits the insertion of non-Arabic languages in prayer. Moreover, in this *fiqh* discussion the *muftis* do not refer in their opinions to one of the four schools of



Islamic law.

Based on the aforementioned considerations, MUI decides in the third part of the *fatwa* that Yusman Roy has misunderstood the verses of the Qur'an regarding *salat* and what he and his followers did, is misleading. The *fatwa* commission officially states:

*“Prayer is one of fundamental pillars in Islam and the way to perform it has been guided by the prophet Muhammad as based on the Hadith. In addition, Arabic is the language of the Qur’an by which Muslims practice prayers and has an important position in Islamic rituals. If Muslims intend to understand what they recite during prayers, they should learn Arabic in order to attain a good quality of salat. Therefore, after listening carefully to Yusman Roy’s answers, we declare that performing prayers followed by non-Arabic languages is deviating and misleading.”*

Besides, MUI reveals a recommendation which contains three points. MUI orders Yusman Roy to stop his bilingual prayers because it has misled his followers and resulted in confusion among Muslims in Indonesia. In addition, MUI urges Yusman Roy to study more about Islam from the religious scholars in the council because the council assumes that his background as a *muallaf* was the reason behind his misunderstanding of the way to perform prayers properly. Moreover, the council demands him to dismiss his Islamic boarding house (*pesantren*) for the time being until he finishes his study of the teachings of Islam.

The *fatwa* on the translation during prayers was signed by KH. Mahmud Zubaidi, the chairman of the MUI in Malang regency, which was based on the draft given by the *fatwa* commission after the hearing session

with Yusman Roy. The commission consists of 52 members including religious teachers and scholars working together to do *ijtihad jama'i* (collective *ijtihad*) regarding the case of bilingual prayers.

Although the council had issued the *fatwa* against bilingual prayers, Yusman Roy and his followers continued to perform their practices. This issue became hotly-debated in the media and triggered various responses in the society. The MUI at provincial and national levels confirmed the *fatwa* of the MUI in Malang declaring that Yusman Roy's practice was unacceptable in Islamic jurisprudence and advised Muslims not to perform prayers as Yusman Roy and his followers did.<sup>35</sup>

The nature of a *fatwa* in Islamic law is unbinding. In other words, Muslims can choose whether they obey a *fatwa* or not and if they are not certain about a *fatwa*, they may ask for another *fatwa* from another *mufti*.<sup>36</sup> Unlike other *fatwas*, the MUI's *fatwas* against heretical groups attracted much attention of Muslims. For instance, after the MUI issued a *fatwa* concerning Yusman Roy's innovation in prayer, the majority of Muslims in the country requested the government to prosecute Yusman Roy for disgracing Islam.<sup>37</sup>

## THE STATUS OF THE TRANSLATION IN PRAYER IN ISLAMIC LAW

The discussion of reciting translation of the Qur'an in prayer had emerged since the lifetime of the Prophet. This assumption is proven by a report which, according to Abou Sheisha, has two different versions. The first version was mentioned by Imam al-Nawawi in *al-Majmu'* that “some of the people of Persia asked Salman al-Farisi to write to them something of the Qur'an and he wrote them al-Fatiha in Persian.”<sup>38</sup> The second version

was mentioned in *al-Nihaya wa al-Diraya* that “the people of Persia wrote to Salman al-Farisi to write al-Fatiha, which he did; and they used to recite it in prayer until their tongues became used to it.”<sup>39</sup> According to this version Salman “submitted what he had done to the Prophet, and he did not disapprove of it.”<sup>40</sup>

However, some *ulama* have doubts about the authenticity of this report. For instance, Sheikh Abu Daqiqa refused it for three reasons: (1) “it is not mentioned in the authoritative collections of *Hadith*”; (2) “there is disagreement regarding its text, which is obvious from its two different versions”; and (3) “it contradicts the agreement on the prohibition of translation as he stated.”<sup>41</sup> Shaisha remarks that the absence of clear points whether it is permissible to translate the Arabic Qur’an into non-Arabic languages and to recite the translation of the Qur’an in prayer or not, made this report controversy. As a result, the *ulamas’* conclusions of this report were based on clues “that gave way to further analogies and interpretations.”<sup>42</sup>

The Imams of the four schools of Islamic law have different opinions about the possibility to include non-Arabic languages within the process of prayers. As for the translation, most of the *ulama* of *fiqh* agree that recitations must be in Arabic since it is the language of the Qur’an and the prophet Muhammad never performed prayer in other languages except in Arabic. They only allow Muslims to recite translation of the Qur’an in prayer only under several conditions.

However, Abu Hanifa (b. 80-d. 150 AH), who is a Persian, states that it is permissible for Muslims to recite the translation of the Qur’an in prayer even though they can read Arabic.<sup>43</sup> Unfortunately, there is no “direct

access to his opinions on this matter.”<sup>44</sup>

Therefore, the explanation concerning his opinions was known from his followers. In his work, *al-Mabsut*, Al-Sharakshi states that Abu Hanifa’s opinion is based on the aforementioned report of Salman al-Farisi. Besides, Abu Hanifa argued that “the inimitability (*i’jaz*) of the Qur’an is in its meaning, and not in its sounds, in whatever language they may be.”<sup>45</sup> Accordingly, translating the Qur’an does not challenge the inimitability of the Qur’an because human beings cannot create the same speech like the verses of the Qur’an; human languages are “all temporal and created.”<sup>46</sup> Furthermore, al-Sharakshi argues that because it is permissible for Muslims at that time to recite in Persian the two avowals (*shahadatayn*) to convert to Islam, the *talbiya* during Hajj, and “the *basmala* before slaughtering”, it is, therefore, allowed to recite the recitations of prayers in non-Arabic tongues.<sup>47</sup> Moreover, another follower of Abu Hanifa, al-Kasani confirms that Abu Hanifa allowed Muslims to recite verses of the Torah, the Gospel, or the Psalms in prayer provided that Muslims were convinced that the verses were corrupted.<sup>48</sup>

Unlike al-Sharakshi and al-Kasani, Abu Yusuf and Muhammad al-Shaybani, the other followers of the Hanafi School, restricted the permissibility of translation in prayer under one condition that only Muslims who cannot read Arabic are allowed to recite translations of the Qur’an in prayer. They argue that the *ijaz* of the Qur’an is not only in its meanings but also in its “Arabic compositions”. Therefore, reciting translation of the Qur’an in prayer for those who know Arabic invalidates their prayer. The reason behind this restriction is the possibility of performing the *ruku’* and the *sujud* for disabled Muslims in prayer

with the gestures.<sup>49</sup>

It is worth mentioning that the opinions about the permissibility of reciting translation within Abu Hanifa's followers vary. According to Sheisha, the conflict of opinions can be concluded into three points: (1) "it is obligatory to recite the translation", (2) "one should better remain silent", and (3) "It is better to recite the translation than to remain silent."<sup>50</sup> Although this issue is heatedly debated within this school, it is obvious that there are more Hanafi's works which state that Abu Hanifa allowed Muslims to recite the translation of the recitations of prayer than of which refused it.<sup>51</sup>

In contrast to the Hanafi School, the other three *fiqh* schools, the Shafi'i, Hanbali, and Maliki strictly assure that all recitations of prayer must be in Arabic, but they have different reasons in support their opinions.<sup>52</sup> The Shafi'i followers, such as Imam Abu Hamid al-Ghazali, Imam al-Zarkashi, and Ibn Hajar al-Asqalani, agree that it is not lawful for Muslims to recite the translations of the Qur'an in prayer since the *i'jaz* of the Qur'an covers "its Arabic composition, rhetoric, and unique style."<sup>53</sup> Al-Shafi'i explained in his book *Kitab al-Umm* that "if a person does not know *al-Fatiha* in Arabic, then he must recite instead other seven verses of the Qur'an in Arabic. If he could not, then he should utter *dhikr* and if he is still unable, he should perform the prayer without recitation."<sup>54</sup> Therefore, reciting the translation of the Qur'an, according to the Shafi'i School, can invalidate prayers. In addition, al-Shafi'i declares that it is obligatory for every Muslim to learn Arabic to be able to recite the recitations in prayer.<sup>55</sup>

However, Imam al-Shafi'i declares that it is permissible for Muslims who do not know

Arabic to pronounce the translation of the *adhkar* and the *takbir*, other than the verses of the Qur'an, in their own languages in prayer until they can recite them (*adhkar*) in Arabic. This is because the *adhkar* and the *takbir* are not part of the Qur'an.<sup>56</sup> Furthermore, al-Nawawi states that "there is no dispute within the Shafi'i School that prayers would be invalid if a person utters *takbir* in Persian when he is able to say it in Arabic. Other foreign languages are on equal terms with Persian in this regard."<sup>57</sup>

Hanbali jurists agree with the Shafi'i School followers' opinions that the recitation must be in Arabic. Muwaffaq al-Din b. Qudama (d. 620/1223), the noted jurist of the Hanbali School, wrote in his important work, *al-Mughni*, that "recitation is not lawful except in Arabic. Nor is it lawful to substitute similar Arabic words for the original words (of the Qur'an). This is the case whether a person is or is not capable of reciting in Arabic."<sup>58</sup> He explains that a person who knows Arabic must recite the Qur'an in Arabic in prayer, otherwise his prayer would be invalid. However, he further states that "if he (a person) is unable to learn *al-Fatiha* in Arabic, or is afraid to miss the time for prayers (in the process of learning), and he knows only one verse of *al-Fatiha*, then he must repeat that verse seven times. Likewise, if he knows more than one verse, he must repeat all that he knows to the measure of the seven verses of *al-Fatiha*. It is possible for him to complete the number of verses required with other verses of the Qur'an."<sup>59</sup>

In addition, in his commentaries of *al-Mughni*, Shams al-Din Muhammad b. Qudama al-Maqdisi (d. 682/1283) claims that Abu Hanifa neglected his opinion concerning the permissibility of reciting translation of

the Qur'an in prayer without any restrictions. Al-Maqdisi adds that "no one of Abu Hanifa's followers or the followers of the other three schools of *fiqh* had actually followed this opinion". Then he remarks that "the practical consensus of the *ummah* has remained that the Qur'an be recited only in Arabic at prayers and outside them, as well as that all *adhkar* and invocations (whether related to prayers or not) be recited in Arabic as well. This practice has continued in spite of the increasing number of non-Arab Muslims, until some apostatizing non-Arabs in our time began to call for the translation of the Qur'an and *adhkar* and the use of such translations in their daily worship. Their true aim is, however, to use this as means of facilitating apostasy for the rest of their people, and the casting of the Qur'an which was sent down from Allah behind their backs."<sup>60</sup>

The Maliki School has the most conservative opinion concerning recitation of the translation of the Qur'an and the other formulas (*adhkar* and *shahadatayn*).<sup>61</sup> Imam Malik, the founder of this school, even forbids a person to recite an oath in a language other than Arabic.<sup>62</sup> In *Hashiyat al-Dusuqi*, it is clearly stated that it is permissible for a person to recite the Qur'an and the *takbir* in non-Arabic tongues in prayer. "If a person is unable to utter *al-Fatiha* in Arabic, then he should look for a person, who knows it in Arabic, so that he may lead him in prayer otherwise his prayer would be invalid. If he did not find such a person who can lead him in prayer, then he should utter (in the place of *al-Fatiha*) *dhikr* and *tasbih* in Arabic...Every Muslim must learn *al-Fatiha* in Arabic and try his utmost to learn it and other additional (parts of the Qur'an)."<sup>63</sup>

Based on the abovementioned discussion concerning the status of reciting translation of the Qur'an in prayer within the framework of the four schools of Islamic law, it is only the Hanafi School which allows a person to recite translation of the Qur'an in non-Arab tongues in prayer, whether he knows Arabic or not. However, there are arguments among the Hanafi's followers regarding this issue. The other *fiqh* school jurists (the Shafi'i, the Hanbali, and the Maliki) oppose Abu Hanifa's point of view and affirm that reciting the Qur'an in non-Arabic languages would invalidate prayer.

## CONCLUSION

The MUI's *fatwa* declaring that Yusman Roy's practice is misleading emerges as a result of Muslims' reaction. As has been mentioned above, some of his students came and reported Yusman Roy's performance of prayer to the local MUI in Malang, and shortly after that Muslims began arguing the issue of following the Arabic recitations in prayer with Indonesian translation. It is self-evident that the mass media has a significant role in making this issue hotly-debated within Muslim communities in Indonesia. Consequently, the provincial and national board of MUI issued their *fatwas* to end the controversy of Yusman Roy's act.

However, the *mustafti* (s) is not clearly stated in the *fatwa*. The MUI only mentioned that the *fatwa* was issued because some Muslims asked for an answer to the MUI regarding the position of reciting translation in prayer in accordance with Islamic law. The decision in the *fatwa* was made under the consideration of some verses of the Qur'an concerning the crucial position of Arabic in Islam and the obligation to follow the

Prophet's practice, and some *Hadiths* regarding the guidance of performing *salat* and the prohibition to make an innovation (*bid'a*). In addition, the *muftis* quoted *fiqh* discussion to ensure that it is unlawful to include translation in prayer, but they did not refer to any jurists of Islamic law. Nonetheless, the decision of the MUI to ban Yusman Roy's practice shows that the MUI referred to the majority of opinions in Islamic law. As has been shown that among the four schools of *fiqh*, only the Hanafi School which allows Muslims to recite translation of the Qur'an in prayer.

In fact, the reaction of Muslims and the decision of MUI may be understandable since the majority of Muslims in Southeast Asia, particularly in Indonesia are Sunni followers. Azra asserts that "the fact that the majority of southeast Asian Muslims are Sunnis have contributed a great deal to the formation of distinct Islamic traditions that can still be observed today. Doctrinally speaking, Southeast Asian Muslims generally follow the Ash'arite theology (*kalam*), Shafi'ite School of law (*madhhab*), and Ghazalian Sufism."<sup>64</sup> In the *fatwa*, it is obvious that the MUI did not include the Hanafi School's opinions and stick to the reasons of the prohibition of reciting translation of the recitations in prayer.

## ENDNOTES

- <sup>1</sup> This statement is based on a *Hadith*, "the first thing of a person which will be judged in hereafter is *salat*; if it is valid, then all his good deeds are accepted, but if it is invalid, then all his good deeds are not accepted." narrated by Abu al-Qasim Sulaiman Ibn al-Tabrani as quoted by Sabiq, Sayid in his book, *Fiqh al-Sunnah*, vol. 1, (Cairo: Dar al-Fath, 1990), p. 63.
- <sup>2</sup> Muhammad Atiyya Kamis, *Fiqh al-Nisa fi al-Salat*, (al-Qahira: Dar al-Ansar 1979), pp.89-93.
- <sup>3</sup> Abd al-Rahman al- Jaziry, *Kitab al-Fiqh 'ala al-Madhahib al-Arba'ah*, vol. 1, (Beirut: Dar al-Kutub al-'Ilmiyah 2003), pp. 158-159.
- <sup>4</sup> Surya Arifin Nugraha et al, *Aliran-Aliran Sesat di Indonesia*, (Yogyakarta: Banyu Media 2007), p. 111.
- <sup>5</sup> Syamsul Anwar, "Fatwa, Purification and Dynamization: A Study of *Tarjih* in Muhammadiyah", in *Islamic Law and Society*, 12:1, (2005), pp. 27-44.
- <sup>6</sup> Kaptein, Nico J.G., "the Voice of the ulama: Fatwa and Religious Authority in Indonesia" in *Archives de Sciences Sociales des Religions*, 125 (2004), pp. 115-130.
- <sup>7</sup> NU online, "Shalat Dua Bahasa Tidak Sah", <http://www.nu.or.id>, accessed on April 12, 2011.
- <sup>8</sup> Islam Liberal online, "Salat Bilingual: Haruskah Menjadi Kontroversial?", <http://www.islamlib.com>, Accessed on April 12, (2011).
- <sup>9</sup> Saru Arifin, "Law Enforcement on the Blasphemy Offense: the Case Study of Lia Eden Community, Yusman Roy and Ahmadiyah", *Jurnal Millah*, vol. 7:2, (2008), pp. 1-15.
- <sup>10</sup> Nadirsyah Hosen, "Secular Court and Religious Prayer", [http://www.eth.mpg.de/cms/files/events\\_pdf/1055/1232460820-03.pdf](http://www.eth.mpg.de/cms/files/events_pdf/1055/1232460820-03.pdf). accessed on March 10, 2011. Unfortunately, this article is not published and its author refused to share it since the article, according to him, should be edited before shared and published. Therefore, the abovementioned description is quoted from the abstract of his article.
- <sup>11</sup> Stewart Fenwick, "Yusman Roy and the Language of Devotion-'Innovation' in Indonesian Islam on Trial." Paper presented in the Third International Conference in the framework of the Training Indonesia's Young Leaders Programme at Novotel, Bogor on January 23<sup>rd</sup>-26<sup>th</sup> (2011).
- <sup>12</sup> Nugraha, et al, *Aliran-Aliran Sesat di Indonesia*, p. 133.
- <sup>13</sup> The word 'kyai' refers to an ulema in East Java who informally teaches Islam to some students called as 'santri' in pesantren, an Islamic boarding school in which students learn and live in the dormitory provided by *pesantren*. The name of 'kyai' may vary in different regions in the country such as 'ajeungan' in West Java.
- <sup>14</sup> Nugraha, et al, *Aliran-Aliran Sesat di Indonesia*, p.114. See also Stewart Fenwick, "Yusman Roy and the Language of Devotion", p.14.
- <sup>15</sup> The word 'santri' refers to students who learn Islam in the informal institution. They usually do not go home for a period of time in *Pesantren*.
- <sup>16</sup> Nugraha, et al, *Aliran-Aliran Sesat di Indonesia*, p. 112.
- <sup>17</sup> Fenwick, "Yusman Roy and the Language of Devotion", p.3.
- <sup>18</sup> Fenwick, "Yusman Roy and the Language of Devotion", p.3.
- <sup>19</sup> NU Online, "Yusman Roy dianggap Sembrono dalam Beragama", in <http://www.nu.or.id>, accessed on April 13, 2011; and "PBNU Sarankan Ustads Roy Dalami Al-Qur'an", in <http://www.nu.or.id>, accessed on April 13, 2011.

- <sup>20</sup> Saru Arifin, "Law Enforcement on the Blasphemy Offense", p. 11.
- <sup>21</sup> "MUI Cemas Fatwa MUI Riau untuk Jegal Calon Tertentu", in <http://www.kbr68h.com/berita/nasional/3646-mui-cemas-fatwa-mui-riau-untuk-jegal-calon-tertentu>, accessed on April 13, 2011.
- <sup>22</sup> Donald Porter, *Managing Politics and Islam in Indonesia*, (New York: Routledge Curzon, 2002), pp. 79-81.
- <sup>23</sup> Nur Ichwan, 'Ulama, State and Politics: MUI after Suharto', *Islamic Law and Society*, 12, 1 (2005), p. 48.
- <sup>24</sup> Schulze, Kirsten, 'Indonesia-the Radicalization of Islam', in Stig Jarle Hansen et al (eds) *The Border of Islam*, (London: Hurst and Company 2009), p. 86.
- <sup>25</sup> Nur Ichwan, 'Ulama State and Politics', p. 55.
- <sup>26</sup> Majelis Ulama Indonesia (MUI), *Wawasan dan PD MUI*, (Jakarta: MUI Sekretariat(2000), pp.14-15.
- <sup>27</sup> Eramuslim, "MUI Dibubarkan, Logika Berpikir Gus Dur Kacau", in <http://www.eraMuslim.com/berita/nasional/mui-dibubarkan-logika-berfikir-gus-dur-kacau.htm>. accessed on April 13, 2011.
- <sup>28</sup> Piers Gillespie, "Current Issues in Indonesian Islam: Analyzing the 2005 Council of Indonesian Ulama fatwa no. 7 Opposing Pluralism, Liberalism and Secularism," *Journal of Islamic Studies* Vol. 18 No. 2 (2007), pp. 202-40.
- <sup>29</sup> Piers Gillespie, 'Current Issues, p.84. Besides *fatwa* giving, MUI also issues such other religious opinions as *Tausiyat* (recommendations), *Tadzkirot* (admonitions), *Amanat* (instructions), *Pernyataan Sikap* (position statements), *Himbauan* (appeals), and *Sumbangan Pikiran* (thought contributions).
- <sup>30</sup> Steward Fenwick, "Yusman Roy and the Language of Devotion", p. 18.
- <sup>31</sup> Van Dijk, Kees, "Religious Authority, Politics, and *Fatwas* in Contemporary Southeast Asia", in *Islamic law in Contemporary Indonesia*, ed. R. Michael Feener and Mark E. Cammack. (Cambridge: Harvard University Press, 2007), pp. 44-66.
- <sup>32</sup> Noorhaidi Hasan. 2008."Reformasi, Religious Diversity, and Islamic Radicalism after Suharto" in *Journal of Indonesian Social Sciences and Humanities*, 1 (2008), pp. 23-51.
- <sup>33</sup> The English translation of the verses of the Qur'an was quoted from Dr. Muhammad Taqi al-Din al-Hilali and Dr. Muhammad Muhsin Khan, *Translation of the Meanings of the Noble Qur'an in the English Language*, (Madinah: King Fahd Complex for the Printing of the Holy Qur'an, 1440 H).
- <sup>34</sup> The translation of the *Hadiths* and the *Fiqh* discussion is based on my own translation.
- <sup>35</sup> Ridarson Galinggng, *MUI Fatwa Negates Freedom of Religion and Human Rights*, in <http://www.thejakartapost.com/news/2005/08/12/mui-fatwa-negates-freedom-religion-human-rights.html>.
- <sup>36</sup> Kaptein, "the Voice of the ulama", p.115.
- <sup>37</sup> Margiono et al., *Bukan Jalan Tengah: Eksaminasi Publik Putusan Mahkamah Konstitusi Perihal Pengujian Undang-Undang Nomor 1PNPS Tahun 1965 tentang Penyalahgunaan dan/atau Penodaan Agama* (Jakarta: the Indonesian Legal Research Center, 2010), p. 7.
- <sup>38</sup> Al-Nawawi as quoted by Mohamed Ali Mohamed Abou Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice." *Master thesis*, Leiden University, 2002), p.30.
- <sup>39</sup> Shaisha states that "the possibility that what Salman wrote was merely a transliteration of al-Fatiha in Persian Alphabet is excluded. See for more details in Sheisha, "The Translation of the Qur'an: Muslim Opinion and Practice," p.30.
- <sup>40</sup> Sheikh Mahmud Abu Daqīqa as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice," p.30.
- <sup>41</sup> Sheikh Mahmud Abu Daqīqa as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice," pp.30-31.
- <sup>42</sup> Sheikh Mahmud Abu Daqīqa as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice," p.31.
- <sup>43</sup> Abu Hanifa commented verse of the Qur'an (QS) 26:196 [It (the Qur'an) is surely in the scriptures (*zabur*) of the ancients.] that the Qur'an is the eternal uncreated speech of God, while languages are all temporal and created. We can thus infer that it is not valid to say that it is a Qur'an in a particular language". This statement was quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice," p. 34.
- <sup>44</sup> Sheikh Mahmud Abu Daqīqa as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice," p.33.
- <sup>45</sup> Muhammad b. Abi Sahl al-Sharakhsi as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice," pp. 33-34.
- <sup>46</sup> Muhammad b. Abi Sahl al-Sharakhsi as quoted by Sheisha in his Mater thesis, "The Translation, p.34.
- <sup>47</sup> Muhammad b. Abi Sahl al-Sharakhsi as quoted by Sheisha in his Mater thesis, "The Translation, p.34
- <sup>48</sup> Abu Bakr b. Mas'ud b. Ahmad al- al-Kasani as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice", p.34.
- <sup>49</sup> Abu Yusuf and Muhammad al-Shaybani as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice", p.35.
- <sup>50</sup> Sheisha, "The Translation of the Qur'an: Muslim Opinion and Practice", p. 38.
- <sup>51</sup> Sheisha, "The Translation of the Qur'an: Muslim Opinion and Practice", p. 36.
- <sup>52</sup> Isfahani, Abu Sughā al- and Ahmad b. Hāsān 1043-ca. 1106, *Fathò al-Qarib al-Mughib Sarhò Muhòammad b. Qasim al-Ghazzi al-Shafi'i 'ala al-Kitab al-Musamma bi*

*al-Taqrīb*, (Hindi: Maktabat Isa'at al-Islam, 1980), p. 13. See also Jaziry, Abd al-Rahman al-, *Kitab al-Fiqh 'ala al-Madhahib al-Arba'ah*, vol. 1, (Beirut: Dar al-Kutub al-'Ilmiyah, 2003), pp. 201-205.

- <sup>53</sup> Imam al-Nawawi as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice", p. 42.
- <sup>54</sup> Muhammad b. Idris al-Shafi'i as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice", p. 41.
- <sup>55</sup> Muhammad b. Idris al-Shafi'i as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice", p. 41.
- <sup>56</sup> Muhammad b. Idris al-Shafi'i as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice", p. 41.
- <sup>57</sup> Imam al-Nawawi as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice", p. 42.
- <sup>58</sup> Abdullah b. Ahmad Ibn Qudama al-Maqdisi as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice", p. 47.
- <sup>59</sup> Abdullah b. Ahmad Ibn Qudama al-Maqdisi as quoted by Sheisha in his Mater thesis, "The Translation." p.47..
- <sup>60</sup> Shams al-Din Muhammad b. Qudama al-Maqdisi as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice", pp. 47-48.
- <sup>61</sup> The Maliki opposition to Abu Hanifa's opinion is based on Abu Bakr Muhammad Ibn Arabi's commentaries on verse QS. 41:44, [Had we sent this as a Qur'an (in a language) other than Arabic, they would have said: 'why are not its explained in details?'...], in which he states that "our scholars have said that this would refute Abu Hanifa's view that it is lawful to translate the Qur'an into Persian. This is because this verse absolutely negates the possibility of non-Arabism approaching it. Elucidation and inimitability can only be attained in the Arabic tongue. If, therefore, the Qur'an is transformed into another form, it would no longer be a Qur'an, or a book of elucidation. Nor would it have any claim to inimitability". Abu Bakr Muhammad Ibn Arabi as quoted by Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice", p. 50.
- <sup>62</sup> Malik Ibn Anas as quoted by Mohamed Ali Mohamed Abou Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice," *Master thesis* (Leiden University, 2002), p. 50.
- <sup>63</sup> *Hashiyat al-Dusuqi* as quoted by Mohamed Ali Mohamed Abou Sheisha in his Mater thesis, "The Translation of the Qur'an: Muslim Opinion and Practice," *Master thesis*, (Leiden University, 2002), p. 50.
- <sup>64</sup> Azyumardi Azra, "Islamic Thought: Theory, Concepts and Doctrines in the Context of Southeast Asian Islam" in *Islam in Southeast Asia: political, social and strategic challenges for the 21<sup>st</sup> century*, ed. K.S. Nathan and

Mohammad Hashim Kamali (Singapore: Institute for Southeast Asian Studies, 2005), p. 9.

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