

**THE LEGAL FATWA OF THE INDONESIAN COUNCIL OF ULAMA
(MUI) ON *FAJAR NUSANTARA* MOVEMENT (GAFATAR)**

(Perspectives of Farid Esack and Jacques Derrida)



THESIS

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ABSTRACT

The Indonesian council of ulama (MUI) is an independent non-government organization consist of Muslim leaders, scholars, and *zuama* to provide verdicts and other related religious references in Indonesia, especially as they relate to aqidah, fiqh, and dan other relegious matters. MUI was formed in 1975 from the idea of the ulama and *zuama* to build the Indonesian spirituality during the phase of revival. Specifically, MUI was formed to oversee the religious condition in Indonesia including giving fatwa to the people and government and guarding against the compound relegiosity in Indonesia. One of the most controversial fatwa issued by MUI is the one issues in 2016 on the heretical sect is *Gerakan Fajar Nusantara* (Gafatar) as it was declared in fatwa MUI number 06/2016.

This research focuses on controversies emerged as a result of the the MUI Fatwa on *Gafatar*. The data was collected through series of literature review, while the data was analysed using a format of descriptive analysis. *Maqasid asy-syariah* is utilised in this study, especially as an effort to better explore the nature of the MUI fatwa. It is the aim of this study to examine the MUI fatwa on heresy in the perspectives of Farid Esack's hermeneutic liberation and Derrida's concept of deconstruction.

The comparative between liberation hermeneutic and deconstruction on dissecting Gafatar heretical fatwa which is issued by the Indonesian Council of Ulama (MUI) are purposed to see clearly how different views can just happen among the society with its own truth they offer. As one of the citizen of the big heterogeneous nation (Indonesia), it is important to understand well those differences among us in order to have the wise respond toward those differencences.

Key words: *Fatwa, heretical, Gafatar, Farid Esack, Jacques Derrida.*

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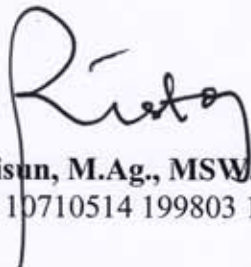
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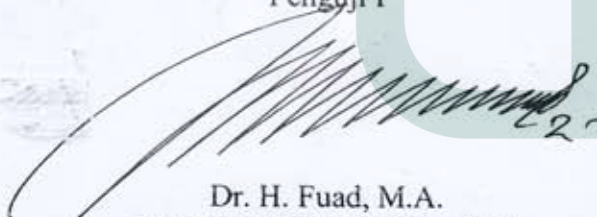
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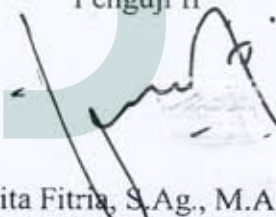
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TRANSLITERATION

The transliteration of Arab-Latin used in this thesis is guided by the decree of the Minister of Religion and Minister of Education and culture of the Republic of Indonesia Number: 158/1987 and 0543b/u/1987 dated: 22 of January 1988.

A. Single Consonant

<i>Arabic Letters</i>	<i>Name</i>	<i>Latin Letters</i>	<i>Description</i>
ا	Alif	Not denoted	A
ب	Ba'	B	Be
ت	Ta'	T	Te
ث	ṡa'	Ṣ	S (with a point above)
ج	Ĵim	J	Je
ح	Ḥā'	Ḥ	Ḥ (with a point below)
خ	Kha'	Kh	K and H
د	Dāl	D	De
ذ	Ḍāl	Ḍ	Ḍ (with a point above)
ر	Ra'	R	Er
ز	Za'	Z	Zet
س	Sīn	S	Es
ش	Syīn	Sy	Es and Ye
ص	Ṣād	Ṣ	Ṣ (with a point below)

ض	Ḍad	Ḍ	Ḍ (with a point below)
ط	Ṭā'	Ṭ	Ṭ (with a point below)
ظ	Zā'	Z	Z (with a point below)
ع	'Aīn	'	Inverted comma
غ	Gain	G	Ge
ف	Fa'	F	Ef
ق	Qāf	Q	Qi
ك	Kāf	K	Ka
ل	Lām	L	'El
م	Mīm	M	'Em
ن	Nūn	N	'En
و	Wāwu	W	W
ه	Ha'	H	Ha
ء	Hamzah	'	Apostrophe
ي	Ya'	Y	Ye

B. Double consonants Because *Syiddah* is Written Double

مُنْعَدَّة	Written	<i>Muta'addidah</i>
عِدَّة	Written	<i>'iddah</i>

C. *Ta' Marbūṭah* in The End of Word

1. If *Ta' Marbūṭ ah* is read as a consonant then it is written by the letter *h*, yet the Arabic words that have been uptake to the Indonesian language such as Salat, Zakat and so forth.

حِكْمَةٌ	Written	<i>Hikmah</i>
جِزْيَةٌ	Written	<i>Jizyah</i>

2. If *Ta' Marbūṭ ah* is followed by *alif-lam* connection “*al*” and both words are separated, then it is written by the letter *h*

كَرَامَةُ الْأَوْلِيَاءِ	Written	<i>Karāmah al-auliya'</i>
--------------------------	---------	---------------------------

3. If *Ta' Marbūṭ ah* is being read as vowel by *harakatfath āh*, *kasrah* or *dammah*, then it is written by the letter *t*.

زَكَاةُ الْفِطْرِ	Written	<i>Zakāt al-fiṭr</i>
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D. The Short Vowel

ـَ	<i>fathah</i>	Written	A
ـِ	<i>Kasrah</i>	Written	I
ـُ	<i>=dammah</i>	Written	U

E. The Long Vowel

<i>fathah+alif</i>	Written	<i>Ā</i>
--------------------	---------	----------

جَاهِلِيَّة		<i>Jāhiliyyah</i>
<i>fathah+ya' mati</i> تَنْسَى	Written	<i>Ā</i> <i>Tansā</i>
<i>Kasrah+ya' Mati</i> كَرِيم	Written	<i>Ī</i> <i>Kaīm</i>
<i>ḍammah+wawumati</i> فُرُوض	Written	<i>Ū</i> <i>funūd</i>

F. Double Vowel

<i>fathah+ya' mati</i> بَيْنَكُمْ	Written	<i>Ai</i> <i>Bainakum</i>
<i>fathah+wawumati</i> قَوْل	Written	<i>Au</i> <i>Qaul</i>

G. The Successive Vowel In A Word

The writing of successive vowel in a word is separated by apostrophe (‘)

أَنْتُمْ	Written	<i>a'antum</i>
لَنْ شَكَرْتُمْ	Written	<i>La'insyakartum</i>

H. The Word With The Alif-Lām Connection

1. If *Alif+Lām* connection is followed by the letters of *qamariyyah*, then it is written by *al*.

أَلْقُرْآن	Written	<i>Al-Qur'ān</i>
أَلْقِيَّاس	Written	<i>Al-Qiyās</i>

2. If *Alif+Lām* connection is followed by the letters of *Syamsiyyah*, then it is written by the letter of *Syamsiyyah* that follows it, as well as eliminating the / (el) letter.

أَلْسَمَاء	Written	<i>as-Samā</i>
أَلشَّمْس	Written	<i>asy-Syams</i>

I. Capital Letters

The writing of capital letters appropriates with EYD.

J. The Writing of the Words in The Sentence

The words in the sentence are written based on the pronunciation.

ذَوِي الْفُرُوضِ	Written	<i>Žawī al-funūd</i>
أَهْلِ السُّنَّةِ	Written	<i>ahl as-Sunnah</i>

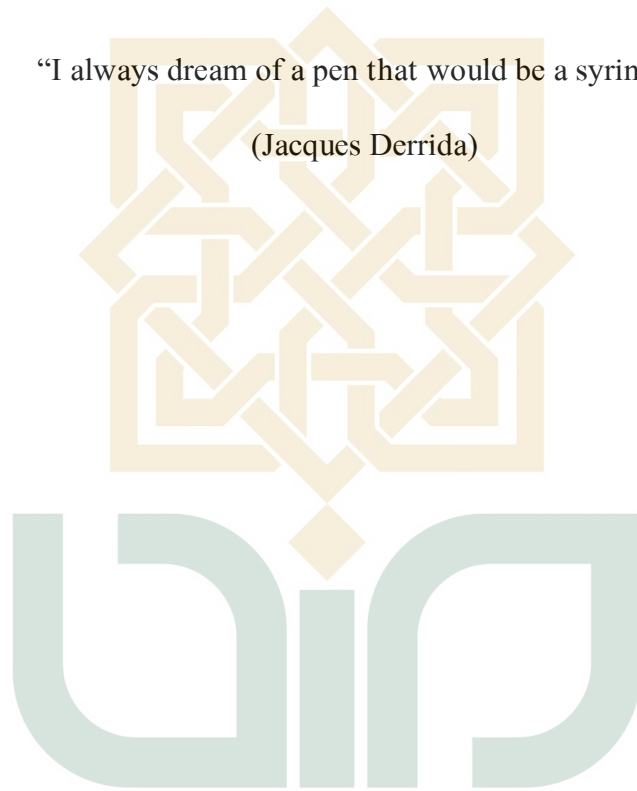
MOTTO

“So when you have finished (your duties), then stand up (for worship). And to
your Lord direct (your) longing”.

(Asy-Syarh: 7-8)

“I always dream of a pen that would be a syringe”.

(Jacques Derrida)



DEDICATION

I dedicate this mini thesis to my family: Ibuk Ummi Nasikah, Bapak Rohani Effendi, Ika Rusdiana, M.Psi.,Khoirul Anam, S.H. and all my teachers, lectures and friends who patiently support me until the end of this (beginning) journey.

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As-salām ‘alaikumwarahmatullāh wabarakātuh

Praise and great gratitude submitted to Almighty God, Allah SWT who always gives His gracious mercy and tremendous blessing that has helped the writer finishing this script entitled: The Legal Fatwa of the Indonesian Council of Ulama (MUI) on Fajar Nusantara(GAFATAR) Movement (Perspective of Farid Esack and Jacques Derrida). This script is as a requirement in accomplishing the S-1 Degree at The Faculty of Syari’ah and Law SunanKalijaga State Islamic University Yogyakarta.

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Wa as-salām 'alaikumwarahmatullāh wabarakātuh

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CHAPTER I

INTRODUCTION

A. Background of Study

Pancasila (The Five Principles of Indonesia) as the principle of Indonesia has a unique and powerful formula¹. It means that Pancasila forces Indonesian to have both subjective and objective awareness. Subjective awareness means that the Indonesian must implement all groundnorms of Pancasila from the bottom of their heart, whereas objective awareness means that their actions reflect themselves as multidimensional creature; man as humanist individual and society (*zoon politicon*)², who are religious and responsible. For example in human right case, every Indonesian people has the rights to do anything as long as it does not break the law.

Indonesian constitution obliges its people to believe in god as it is stated in Pancasila's first principle, "believe in the one and only god". Believing in certain religion actually is a fundamental right for every human that must be protected by the Indonesian Government as it is listed in the constitution of 1945 subsection 28E paragraph (1)"Everyone is free to embrace religion and to

¹Thanon Aria Dewangga in his article, states that philosophy of Pancasila and religion who have owned this nation, has been unable to eliminate the intercommunal violence or inter-religious. The necessity of integration character education with local values and religious philosophy of Pancasila as a reference so that character education is not only at the level of discourse introduction of values and norms, access but to go further towards internalization levels in daily life applications. *See*: Syafruddin Amir, "Character Education to Build Human Indonesia Excellence," *International Journal Of Scientific & Technology Research* Vol. 2:1, (January 2013), pg. 54

²HM. Nasrudin Anshoriy, *Dekonstruksi Kekuasaan* (Yogyakarta: LkiS, 2008), pg. 181

worship according to their religion, choose education, employment, citizenship, a place to live in the territory of the country and to leave it or to return"³. But, in subsection 28J paragraph (2), it regulates that the exercise of the right must be submissive in constitution. So, it corresponds to the implementation of subjective and objective awareness explained above.

Nevertheless, there are still many emerging particular classes or groups that do not understand the limit of the freedom clearly. It is proven with the emergence of many sects (for example in Islam) that are considered insulting Islam (syncretism), or sometime it is called as the heretical sect. It is interesting to know (especially in Java) that around 30% muslim shuffled between the islamic and Javanese doctrin, or they admitted their self as pure muslim yet their habits are close to the ancient Javane and hinduist tradition⁴.

The emergence of certain sects that are considered insulting the principles of Islam makes the Indonesian Ulama Council (MUI) takes the decisive actions to prevent its further spread. One of the action is releasing the fatwa of heritical that is surely released after obtaining clarification and communication with the stakeholders.

MUI was formed in 1975 from the idea of the ulama' and zuama' to build the Indonesian spirituality during the phase of revival. It was built after 30 years of independence and the people were much concerned about the struggle for the

³Redaksi Jogja Bangkit, *UUD 1945 Amandemen Pertama s/d Kcempat* (Yogyakarta: Jogja Bangkit, 2010), pg. 38

⁴Hilman Hadikusumo, *Antropologi Hukum Indonesia* (Bandung:P.T. ALUMNI, 2013), pg. 154

political groups and less concerned on the spiritual aspect. specifically, MUI was formed to oversee the religious condition in Indonesia including giving fatwa to the people and government and guarding against the compound religiosity in Indonesia.

Until 2016, according to nahimunkar.com it is recorded that there have been 14 fatwa of digressions in Indonesia released by MUI. In addition, on March 3rd 2016, MUI issued a fatwa of digression for Gerakan Fajar Nusantara (Gafatar)⁵ through fatwa number 06. Fatwa of heretical sect reaps a controversy among the academics and non academics. They assume that fatwa of heretical seems excessive, cruel and inhumane.

The controversy of a legal product indicates that there is an element of justice that has not been fulfilled. Some people argued that MUI fatwa (No.6/2016) would trigger a social anarchism both physically and mentally⁶. For instance: it was reported by KOMPAS that women and children who were stigmatized as former members of Gafatar experienced violence in a number of phases. Some of violences were occurred before eviction and some were during

⁵The Minister of Home Affairs, Tjahjo Kumolo, explained the history of Gafatar's formation was starting from the split between Ahmad Mussadek and Panji Gumilang, both are members of the Islamic State of Indonesia (NII). After the split of the partnership, Panji Gumilang founded a new organization called the Islamic State of Malaya (NIM). While Mussadek founded Al-Qiyadah al-Islamiyah which lately changed its name to Community Milah Abraham (Komar). Komar did not survive for long period, especially after the Indonesia Council of Ulama (MUI) released a fatwa that the organization is heretical and misleading. Reinforced by a four-year criminal verdict against its leader Ahmad Mussadek in 2009. Furthermore, to remove the traces, the organization was renamed Gafatar Ormas led by Mahful Muis M. Tomanurung with "impersonate" as a social movement. *See:* Harris Y. P. Sibuea, *Info Singkat Hukum* Vol.VIII:02 (Januari 2016)

⁶The anarchism may caused by namely salvation exclusivism that believes the real truth faith is only from certain religion, others are wrong and would not get the salvation in the end of the day. *See:* F. Budi Hardiman, *Demokrasi dan Sentimentalis, dari "Bangsa Setan-setan", Radikalisme Agama sampai Post-Sekulerisme* (Yogyakarta: PT Kanisius, 2018), pg. 236

forced evictions . Moreover, it was also happening at the shelter in Borneo in the process of returning to Java⁷. The similiar case also afflicted Ahmadiyah in West Java. West java is the district where violence to Ahmadiyah happened for many times. Not only because Ahmadiyah center is located in West Java, but also because of the Governor Regulation (Pergub) No. 12/2011 which concerning the prohibition of Ahmadiyah movement. That tragedy has taken 5 Ahmadiyah people injured and three others were killed. This tragedy also got an attention from international world. This is indicated directly by the letter concerns from America, Canada and some representatives of EU. This accident was also noted as the decline of tolerance in Indonesia⁸.

. The aforementioned fatwa is classified by Atho' Mudzhar as the controversial and debateable fatwa widely among the mass⁹. That is why the researcher thinks that the analysis of the heretical fatwa is important to do in order to search deeply its core problem among our social life.

Farid Esack, African Muslim leaders who is famous for his hermeneutic of liberation. Esack is contemporary Islamic thinker who becomes victims of oppression Tripple; Apartheid, Patriarchy and Capitalism in his childhood. Meanwhile, Jacques Derrida, Algerian philosopher whose career and name swelled in France through his deconstruction. The researcher thinks both of them

⁷“Perempuan dan anak eks Gafatar mendapat tindak kekerasan,” <http://nasional.kompas.com/read/2016/06/08/17152441/>, accessed July 18, 2017

⁸Abdul Gaffar, “Jamaah Ahmadiyah Indonesia (JAI) Dalam Perspektif Kekerasan Negara: Dua Kasus Dari Surabaya Jawa Timur dan Lombok NT” ,*Jurnal Sosiologi Islam* Vol.3:2 (2013), Pg. 31

⁹Muhammad Atho Mudzhar, *Pendekatan Studi Islam dalam Teori dan Praktek* (Yogyakarta: Pustaka Pelajar, 1998), pg. 255

have some ideal perspectives to dissect the MUI fatwa no.6 2016. Esack whose thought always emphasizes the liberation of minorities and deconstruction that is radically reaching the root of the law (the legal text). Coursed through a text with a lot of texts (intertextuality), and weighted with a detailed and continuous extent philosophical aspects contained in the *text of a text* to be feasible (contextual). Those two different views are two representative views we can see among the mass who overview the heretical fatwa.

B. Research Questions

1. How does Esack's hermeneutic dissect fatwa MUI number 06/2016?
2. How does Derrida's deconstruction dissect fatwa MUI number 06/2016?
3. What is the bridge among Esack's hermeutic of liberation and Derrida's deconstruction dissection on fatwa MUI number 06/2016 in the context of Indonesia?

C. Purpose and Significance of Research

1. There are some purposes of this research, for instance:
 - a. To describe how Esack's hermeneutic dissect fatwa MUI number 06/2016
 - b. To describe how Derrida's deconstruction dissect fatwa MUI number 06/2016
 - c. To find the bridge among Esack's hermeneutic and Derrida's deconstruction dissection on fatwa MUI number 06/2016 in the context of Indonesia.

2. Significance of research

The result of this research academically will give more knowledge in law study, specifically in legal text reading, and practically will give a good influence to our society to response the difference wisely toward certain sect which is considered as the heretical sect.

D. Literature Review

There are many researchs on MUI fatwa, both muamalah and worship. As for study of heretical fatwa of MUI sect in the central library of UIN Sunan Kalijaga itself the researcher find one thesis that researched about Gafatar Movement under titled “*GAFATAR DAN FATWA SESAT MUI, Studi Kasus Dampak Sosial Fatwa Sesat terhadap Mantan Anggota Gafatar di Desa Trini Kecamatan Gamping Kabupaten Sleman Daerah Istimewa Yogyakarta*” composed by Arikko Julian Saputra, collage in Religions Major faculty of Uşūlu ad-dīn and Islamic Though who graduated in 2017¹⁰. There is two big conclusion of his thesis. First, one of ex-Gafatar said that what has been said in fatwa on Gafatar in not true, he said that Gafatar is only social and agriculture movement. He also added that MUI was not able to protect them (ex-Gafatar) through rehabilitation. Second conclusion is that ex-Gafatar were well welcomed by society. Their neighbor think they (ex-Gafatar) don’t bring any negative effect materially or immaterially among society.

From uinjkt.ac.id the researcher found a thesis which discuss about Gafatar. The thesis is under titled “*ALIRAN SESAT ORMAS GAFATAR DI*

¹⁰Retrieved from “<http://digilib.uin-suka.ac.id/25291/>”, accessed January 16, 2019

MEDIA ONLINE (Studi Perbandingan terhadap Pemberitaan Gafatar di DETIK.COM dan REPUBILIA ONLINE)” in 2016 which is composed by Riadin Munawar¹¹, collage in major Communication faculty of Dakwah and Communication Studies, Syarif Hidayatullah State Islamic University. This thesis analyzed Gafatar from the aspect of its news dissemination among *Detik.com* and *Media Online* with M.A.K. Halliday social semiotic theory.

From eprints.uny.ac.id the researcher found a thesis under titled DEKONSTRUKSI TERHADAP ASPEK MODERNISME DALAM ROMAN DIE VERWANDLUNG KARYA FRANZ KAFKA (KAJIAN POSTMODERNISME) composed by Dian Dwi Anisa¹², the collage of Yogyakarta State University major German Language Education. This thesis is focusing on deconstructing a literature text (*Die Verwandlung*). The conclusion of Dian's work are the appearance of dualism of every character (rationalism=irrationalism, capitalism=anti capitalism, and moral=immoral). This thesis is one of example that deconstruction is a multi-dimensional hermeneutic, dissect any text side by side to dig and offer the other considerations.

From uin.jkt.ac.id the researcher found the thesis under titled FARID ESACK DAN PLURALISME AGAMA composed by Tati Castiah¹³, the collage of philosophy in Syarif Hidayatullah Islamic State University. This thesis wrote

¹¹Retrieved from ["http://repository.uinjkt.ac.id/dspace/bitstream/123456789/33790/1/RIADIN"](http://repository.uinjkt.ac.id/dspace/bitstream/123456789/33790/1/RIADIN), accessed January 16, 2019

¹²Retrieved from ["http://eprints.uny.ac.id/25347/1/Dian"](http://eprints.uny.ac.id/25347/1/Dian), accessed January 16, 2019

¹³Retrieved from ["http://repository.uinjkt.ac.id/dspace/bitstream/123456789/8787/1/TATI"](http://repository.uinjkt.ac.id/dspace/bitstream/123456789/8787/1/TATI), accessed January 16, 2019

about the religion pluralism perspective of Farid Esack. After long analysis the writer concluded that Esack though the tolerance is more than understanding each other, it's about receiving each other by whole soul transcendently.

So, as long as i searched for the research about fatwa MUI, Deconstruction and liberation theology, I do not find yet the same research as I want to research.

E. Theoretical Framework

"Fatwa" is a loan word from Arabic that etymologically means advice and terminologically means a decision issued by MUI as a legal opinion on the *ijtihādīyah* issue that happen in Indonesia to protect the implementation of Muslims worship in Indonesia. Fatwa of heretical sect is fatwa delivered to a particular class or group in Islam who do the diviation in worship.

Indonesian Ulama Council (MUI) is a Non-Governmental Organization that includes scholars, *zu'amā*, and Islamic scholars in Indonesia to guide, nurture, and protect the Muslims all over Indonesia in term of living in Islamic way. MUI was found on the 17th of Rajab 1395 Hijri, coinciding with the date July 26th, 1975 in Jakarta which was stated in the "Charter of MUI establishment ". MUI has five principal roles: 1) as heir to the duties of the Prophet (*warasatu al-anbiyā'*), 2) as the giver of fatwa (*mufī*), 3) as the movement of *iṣlah wa tajdīd*, 4) as a mentor and servant of the people (*ri'āyah wa khādimu al-ummah*), and 5) as the enforcement agencies of *amr ma'rūf nahi munkar*¹⁴.

¹⁴Ali Sodiqin, *Fiqh dan Usul Fiqh* (Yogyakarta: Beranda Publishing, 2012), pg. 280

MUI has *ijtihad* method to determine a fatwa stated in fatwa number U-596/ MUI/X/1997¹⁵. There is a hierarchy in MUI. The MUI center which is located in Jakarta and MUI district which is located certain district in Indonesia. The fatwa of both of them could not revoke each other. Each fatwa presents for its own local context. But if there is different fatwa from MUI center and district about one same problem, they should meet and discuss further to resolve to avoid confusion among *ummah*¹⁶.

The consideration of Fatwa No.06/2016 declaring the digression of Gerakan Fajar Nusantara (Gafatar) due to its doctrine that is adopted from al-Qiyādah al-Islāmiyah and Millah Abraham who believe Ahmad Musadeq or Abdus Salam Messi as the prophet after Prophet Muḥammad MABH. He does not require prayer, fasting and making ḥajj trip. In addition, he confounds the teachings of Islam, Christianity and Judaism. They also interpret al-Qur'ān without the interpretation rules and principles. The fatwa number 06/2016 is also based on the verses of the al-Qur'ān, Ḥadīṣ, and uṣūliyah principle.

Esack is one of figure of al-Qur'ān interpreter whose thinking is influenced by Arkoun and Rahman¹⁷. His hermeneutic of liberation sounds familiar. In order to understand the hermeneutic of liberation, he offers six key principles that have to be understood¹⁸.

¹⁵Retrieved from “<https://www.muidkijakarta.or.id/bagaimana-metode-penetapan-fatwa-mui/>”, accessed January 16, 2019

¹⁶Atho Mudzhar, *Membaca Gelombang Ijtihad; Antara Tradisi dan Liberasi* (Yogyakarta: Titian Ilahi Press, 1998), pg. 134

¹⁷Farid Esack, *Membebaskan yang Tertindas: Al-Quran, Liberalisme, Pluralisme* (Bandung: Mizan, 2000), pg.123

¹⁸Sudarman, “Pemikiran Farid Esack tentang Hermeneutika Pembebasan Al-Qur'an,” *Al-Adyan*, Vol.X:1(Januari-Juni 2015), pg. 95

The two first keys are *taqwā* and the *tauhīd*, aimed at the development of other keys. These two are tool as "a theological lens" to interpret al-Qur'ān in general thought. Although both of those keys seem to be theological, yet they are formulated and understood in the historical context of certain politic. The next two keys are human (*an-nās*) and the oppressed (*mustaḍ'afūn fī al-arḍ*). Although the interpreter has a different interpretation, the interpreter has a freedom to positinate himself in a different situation to obtain certain types of interpretation. In other words, the interpreter is required to do *tafsīr bi ar-ra'yi*. Interpretation that does not claim entirely on the ḥadīṣ literature but also requires the mind to do the reading¹⁹. The two final keys are justice (*'adl and qist*) and struggle (*jihād*), reflecting the methods and ethos that produce and form a contextual understanding of the Word of God in injustice society²⁰.

Based on the keywords that offered by Esack, the method of interpretation of sacred texts analysis of the fatwa will be started from the interpretation of al-Qur'ān and ḥadīṣ that stand as the basis of the fatwa in certain historical and political context. Secondly, we determine is there/who are the oppressed party by publishing the heritical fatwa among the mass. So, we can try to scale wisely the ideal justice we want to achieve. As Rawls has ever said that distinction is allowed when it brings big benefit for the most unlucky party²¹.

¹⁹Farid Esack, *Menghidupkan Al-Quran* (Depok: Inisiasi Press, 2006), pg. 182

²⁰Sudarman, "Pemikiran Farid Esack tentang Hermeneutika Pembebasan Al-Qur'an," *Al-Adyan*, Vol.X:1 (Januari-Juni 2015), pg. 96

²¹Pan Mohamad Faiz, "Teori Keadilan John Rawls," *Jurnal Konstitusi*, Vol. 6:1 (April 2009), Pg. 142

Esack construction theology looks stressing on reality. Esack said, *"theological belief can not be separated from the reality of everyday life; personally, socially, politically, economic, education and so on, but vise versa. It must be started from those everyday life reality"*. That is a little brief description of Esack struggled in liberation *-defend the weak-*. This hermeneutic is in line with what has been said by Nurcholish Madjid *"human deeds are anthropocentric. Piety human are for human. Humans have to defend the persecuted man"*²².

Derrida, through his deconstruction, the word that actually has been introduced by Heidegger in "The Basic Problem of Phenomenology". Despite the fact that Heidegger is not successful enough to explore the deconstruction itself²³. Derrida's deconstruction is the method of reading the text. He thinks that the text does not stand independently but rather like a woven or knitted fabric which are bounded each other. Derrida wrote in his "Writing and Difference" that deconstruction presents as "an unclosed, unenclosable, not wholly formalizable ensemble of rules for reading, interpretation and writing"²⁴.

From the explanation above, it is concluded that Derrida seriously rejects the independence of a law to avoid the deadlock into the philosophical aspect. In this way, the laws are expected to be friendly for each discipline of science. Some keywords of deconstruction that can be used to analyze the legal text,

²²Nurcholis Madjid, *Islam Doktrin dan Peradaban* (Jakarta: Yayasan Wakaf Paramadina, 1992), pg. 101

²³Muhammad Al-Fayyadl, *Derrida* (Yogyakarta: LkiS, 2011), pg. 21

²⁴Jacques Derrida, *Writing and Difference* (Chicago: University of Chicago Press, 1980), pg. 40

among others: *intertextuality, openness text of the law, and the process of deconstructing itself continuously*²⁵.

All in all, based on al-maqāṣid asy-syarī'ah, the first thing that we should save is the biggest and the most essential purpose among the others. In this context, the big rule of MUI for Indonesia must be saved firstly. However recently Indonesia is referenced as the most peaceful Muslims country. This fact can not be separated from the role of MUI in maintaining the unity of Muslims throughout Indonesia. Religion is poison when it is understood with wrong understanding and MUI has a good intention to guide the ummah (society) to understand the Islam in correct way. But the social fact is not simple as we think. The good purpose and intention of MUI by publishing the heretical fatwa to certain movement/sect could be different understood by other, especially on human right watch (local, national and international) view²⁶.

F. Research Method

This research uses the comparative method comparing both perspectives of Farid Esack and Jacques Derrida to analyze fatwa MUI no.06/2016. Therefore, the researcher will take several steps to get some data:

1. Type of Research

²⁵Awaludin Marwan, *Teori Hukum Kontemporer* (Yogyakarta: Rangkang Education, 2010), pg. 103

²⁶Ramli Abdul Wahid, "Aliran Minoritas dalam Islam di Indonesia," *Journal of Contemporary Islam and Muslim Society*, Vol.1:2 (Juli-Desember 2017), Pg. 145

This research uses library research which means collecting the data from relevant textbooks, magazines, websites and other references to prove the problems that exist in this research.

2. Approach of Research

The used approach in this research is juridical-normative approach that takes *maqāṣid asy-syarīah* as the wider lens bridging the liberation theory and deconstruction.

3. Model of data collection

In order to compose the paper, the researcher uses the literal method by exploring a wide range of information from variety of books that suits the research topic in order to get the comprehensive data. While the primer books used in this research are *Membebaskan yang Tertindas: Al-Quran, Liberalisme, Pluralisme* (written by Farid Esack), *Derrida* (written by Muhammad Al-Fayyadl).

4. Technique of data analysis

This research uses the qualitative data analysis technique that is not implemented by calculating statistical data but rather on how to read and look at the processed data. The analysis will be started by describing and comparing both liberation theology and deconstruction on dissecting fatwa MUI number 06/2016 in order to find the differences. Lately, the researcher will give his own

view and argument to respond those two different results by using *maqāṣid asy-syari'ah*.

G. Systematics Writing

In order to ease the reader, this thesis will be systematized in chapters. First chapter composes of the background of the study, statement problem, purpose and significance of research, hypothesis of the study, theoretical framework, and research method.

Second chapter composes of the general view of fatwa MUI number 06/2016, founding of MUI, general structure of MUI, the method that MUI uses to release certain fatwa, especially fatwa about heretical sect.

Third chapter composes of Derrida's and Esack's thoughts as an analytical tools for analyzing fatwa MUI number 06/2016 which are include of historitical background of Farid Esack, socio-political-religion in South Africa, the place he lived that configurate Esack's thought namely liberation theory, a brief history of Jacques Derrida and the people who shaped his thought called deconstruction.

Fourth chapter composes of researcher opinion and analysis (comparison) of both Derrida's and Esack's thoughts of fatwa MUI number 06/2016. In this chapter the researcher tries to analyse these two different approaches (deconstruction and liberation theory) as clear as possible by understanding

clearly among MUI, their heritical fatwa about Gafatar Movement in order to respond scintifically the existence of fatwa no.16/2016.

Chapter five composes of conclusion and suggestion. This chapter will be scaled by points.



CHAPTER V

CONCLUSION

A. Inference

After discussing about MUI's fatwa Number 06/2016 related to Gafatar in Farid Essack and Jacques Derrida's perspective—especially, the point of view of hermeneutics and deconstruction theory—then i conclude that there are difference between the interpretation of the religious texts of Farid Essack's hermeneutics and Derrida's deconstruction theory. There are some points I can conclude based on this research:

1. Gafatar does not actually expect the liberation of discrimination, yet it destructs the religion teachings (of Islam) that have been on a steady state. Gafatar does not expect the liberation of suppression but it only wants to be free from the obligations as a moslem, since the Gafatar's fellows do not have to or are not obligated to pray (shalat), fast, and make ḥajj trip.
2. Therefore, Gafatar's teachings oppose against Esack's hermeneutical keys specifically Taqwā and Tauhīd. Taqwā means that the adherents of a religion obey everything obligated by god, neither break it nor even destruct it. It is shown by Gafatar's teachings that is in line with Millah Abraham's deviate belief—merging Islam, Christian, and Jewish believes by interpreting al-Qurān without correct principles.

3. If the fatwa on the Gafatar is examined using Essack's hermeneutic, it can be granted since it is the fact that the Gafatar is not a religious organization that wants freedom from suppression but it is just an organization that wants freedom from everything obligated by god.
4. In the other hand, if the fatwa examined by using Derrida's deconstruction theory, it cannot be granted. Gafatar is only a religious organization that interprets al-Qur'ān in a different way from the majority.
5. When MUI published the fatwa on Gafatar, at the same time, MUI dominated the truth and carried away the right of believing personal truth. In conclusion, from the perspective of Derrida's deconstruction theory, MUI is regarded as a dominating group of interpreting al-Qur'ān that closes other interpretation of al-Qur'ān. Deconstruction is a strategy to skin the layers of meaning contained in the "text", that has been suppressed. The text here is important in the thinking in which it defines it semiologically, discourses involving the practice of interpretation. Here the language becomes very important.
6. Maqāṣid asy-syāri'ah as the theory that answers all the challenging questions of *why* on various levels is expected to be able to reconcile both *close and loose fitting* theory above. Based on Esack's Liberation theory, the question arises on how if the oppression happens after the presence of the fatwa, or the anarchism is the effect from the people's mindset that the misguiding one must be driven out or destroyed. In other

word, the former released fatwa of digression sect by MUI has been simulator of the anarchism appearance. So, the understanding of *al-mustad'afūna fī al-arḍ* (the oppressed) must be expanded. It should be understood as pra and pasca condition.

7. In deconstruction theory, it is recommended to accomplish the text and fulfill the whole deficiency. Yet, the rising of unlimited possibilities could risk the nihilism as the deconstruction honestly is dangerous to analyze the religious text. The religious text has its own guidance namely religion. Religion has the sacred guidance text from the God called *al-Kitāb*, *al-Qur'ān*, etc. It is like the outsider who talks about the insider's matters. The researcher's consideration here is to test how far the pure human's logic could understand among the religious text that its sources are from God. In this research, it can be found that actually deconstruction's logic will run into chaos when it is faced with the religious text.
8. All in all, I chose *maqāṣid asy-syarī'ah* as the independent view to bridge those two different conclusions (Liberation hermeneutic and deconstruction). I think *maqāṣid asy-syarī'ah* is a large perspective to use among the different views which offer the goodness. The work of *maqāṣid asy-syarī'ah* is saving the biggest and most essential purpose among all. In this context, the big rule of MUI for Indonesia must be saved firstly. However nowadays, Indonesia is referenced as the most peaceful Muslim country. This fact can not be separated from the role of

MUI in maintaining the unity of Muslims throughout Indonesia. Moreover now days the spread of the radical and harmful sect with religious flag is unconditionally over the worlds. As a matter of fact, the problem related to the Gafatar and other religious digression sects is the command for MUI to anticipate and guide the Islamic teaching purely.

B. Suggestion

Based on the data, fact, and discussion that the researcher has provided, the researcher has some suggestions:

1. There should be a massive translation of Farid Esack and Jacques Derrida books, since so far, the whole work on Farid Esack and Jacques Derrida is still widely spoken in foreign languages.
2. Furthermore, MUI (even not as) the one representativ of Islamic organization in Indonesia, but MUI's fatwa is the most accesable all over indonesian people. Throgh its fatwa (especially heritical fatwa) as long as the researcher find from journal and internet, there are still many troubles happen among society such as social violence against its follower. Fethullah Gulen once wrote the two beautiful words: *esotericism* and *exoterisme*. Esotericism is heart and soul and exoterisme is as its frame or organization. Exoterisme of Islam is various and variables in this "a world of forms" that its illumination comes from "the formless essence"

namely esoterism. Islam is peace and everything comes from should also be peace¹¹⁰.

3. There is no wrong at all about the heretical fatwa released by MUI. Yet, how this heretical fatwa drives the society to do anarchism (or at least as their personal legality) is a fact. So, I think it will be better if MUI accommodate the guidance as save as possible for all people whom are categorized as the misguided before publishing certain heretical fatwa among the wide mass. After all, I think it's will be sound more neutral if the words "heretical sect" in fatwa replaced by "splinter sect"¹¹¹.



¹¹⁰M. Arfan Mu'ammam, Abdul Wahid Hasan, dkk, *Studi Islam Kontemporer Perspektif Insider/Outsider* (Yogyakarta: IRCISoD, 2017), pg. 460

¹¹¹Haidar Bagir, *Islam Tuhan Islam Manusia* (Bandung: Mizan, 2018), pg. 139

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Hopefully this *Curriculum Vitae* can be used as it is needed.

Best regard

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