

## Configuration the Thought of Islamic Law Throught Social Media in Indonesia

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**ABSTRACT:** *This study shows the reasoning behind Islamic law, which has recently become popular, along with the popularity of preachers through social media. Three themes of analysis are discussed in this study: the law of wishing Merry Christmas, the law of celebrating birthdays, and the law of music. Judging from the source, this research is text research. The text to be studied is in the form of lectures by well-known preachers on YouTube social media. This study uses an interdisciplinary approach, which combines discourse analysis with Islamic legal philosophy (ushul fiqh). The mapping of Islamic legal reasoning in this study is seen from two aspects, namely, the aspect of legal status and the aspect of legal methodology. This study found that the contestation occurred from legal status, as evidenced by the diversity of sources' opinions on the three issues examined here. In the methodological aspect, the contestation continues, both at the stage of the reasoning model, discovering maqshid sharia, and developing the theory of Islamic law. This study also found that using reasoning models positively correlated with the legal status they conveyed.*

Kajian ini menunjukkan nalar hukum Islam yang akhir-akhir ini menjadi populer seiring dengan popularitas da'i melalui media sosial. Ada tiga tema kajian yang dibahas dalam kajian ini, yaitu hukum mengucapkan selamat natal, hukum merayakan ulang tahun, dan hukum musik. Dilihat dari sumbernya, penelitian ini merupakan penelitian teks. Teks yang akan dipelajari berupa ceramah oleh pendakwah terkenal di media sosial Youtube. Kajian ini menggunakan pendekatan interdisipliner, yang menggabungkan analisis wacana dengan filsafat hukum Islam (ushul fiqh). Pemetaan nalar hukum Islam dalam kajian ini dilihat dari dua aspek, yaitu aspek status hukum dan aspek metodologi hukum. Kajian ini menemukan bahwa kontestasi terjadi dari aspek status hukum, terbukti dengan keragaman pendapat narasumber terhadap ketiga isu yang dikaji di sini. Pada aspek metodologi kontestasi terus berlanjut, baik pada tahap model penalaran, tahap penemuan maqshid syariah, maupun tahap pengembangan teori

hukum Islam. Studi ini juga menemukan bahwa penggunaan model penalaran berkorelasi positif dengan status hukum yang mereka sampaikan.

**Keywords:** *Thought Configuration, Islamic Legal Thought, Legal Reasoning, Legal Theory Development, Social Media.*

## I. INTRODUCTION

Social media has changed almost all lines of human life (Kapoor, 2018). It is no longer limited to changing but is like making a new modern human life (Szolnoki, 2018). Almost all fields have been entered and influenced by social media (Dwivedi, 2020), starting from the world of professional work, bureaucracy and governance, the political and economic climate of a country, to the daily interactions of traditional rural communities (Appel, Grewal, Hadi, & Stephen., 2019);(Voorveld, Noort, Muntinga, & Bronner, 2018). In the economic field, for example, social media has become a new source of income for some people, but at the same time, it has become a disaster for others (Bergström & Belfrage, 2018);(Edosomwan, 2011). There are many severe things in real life, but only a joke on social media. On the other hand, marks on social media are often painful and even trigger real-life fights (Drakett, Jessica, Rickett, Day, & Milnes, 2018);(Sturges, 2015).

Along with the flow of significant changes, the Islamic da'wah model in Indonesia has also undergone adjustments. This change is a consequence of changing patterns of social interaction in society, considering that preaching in Islam is part of that social interaction (Brasher, 2001);(Mubasyaroh, 2016). However, changes or attempts to adapt Islamic da'wah methods are not only happening now. If traced from the beginning of the 20th century, for example, the process of preaching Islam in Indonesia has always experienced developments following the character of the media that was popular at that time (Isbah, 2020);(Hasan, 2019). In each of these developments, the Islamic da'wah model has always been adjusted by presenting at least one great *da'i* (preacher) who was influential, loved by many people, and became an icon at that time (Firousyurahman, 2018).

When the world of writing in the country experienced development in the early to mid-20th centuries, Buya Hamka emerged, inspiring the Muslims through his holy writings. Turning to the radio era, which has become increasingly popular since the mid-20th century, Buya Hamka has also shown his expertise in utilizing the development of these media, so he often delivers his lectures from radio studios. Hamka's lectures via radio are always eagerly awaited and loved by many people (Hamka, 2013).

After Hamka came the following great figure, K.H. Zainuddin M.Z., with his excellent lectures and always attracted the attention of many people. His studies were also broadcast from radio to radio. In subsequent developments, they were recorded on cassette tapes and played back using a tape recorder by many people in various parts. Popularity K.H. Zainuddin M.Z.'s increasingly unstoppable after television technology experienced significant developments since the 1980s. That is why the mass media often dub him "da'i a million people" (Republika, 2019). In the early 2000s, K.H. Zainuddin M.Z. followed by K.H. Abdullah Gymnastiar (more popularly known as Aa Gym with his

soothing lectures (Viva, 2021b), followed by his popularity by Ustadz Arifin Ilham with his zikir method (Katadata, 2019).

Now, in the internet and social media era, the emergence of great and iconic preachers is increasingly unstoppable. The most famous figure in this context is Ustadz Abdul Somad. From his lectures on social media, which are always crowded with audiences, Abdul Somad's name has echoed throughout the country so that he is often invited to speak directly in various regions, even abroad. His lectures on numerous occasions, especially *tabligh akbar*, are always crowded with thousands of congregations. His studies were recorded and uploaded to social media, then watched again by thousands and millions of social media users. Therefore, if K.H. Zainuddin M.Z. received the nickname "*da'i a million people*," then Ustadz Abdul Somad was nicknamed "*da'i million viewers*" (Mubarak, 2019).

Social media provides a stage for almost anyone, including religious preachers. Therefore, the popularity of Ustadz Abdul Somad (UAS) was also followed by other preachers, including Ustadz Adi Hidayat, a young preacher born in Pandegelang who founded the Quantum Akhyar Institute and Akhyar TV (Viva, 2021a); Yahya Zainul Ma'arif or popularly known as Buya Yahya, caretaker of the Al-Bahjah Islamic Boarding School, Cirebon (Buyayahya, 2021); Khalid Zeed Abdullah Basalamah, the Makassar-born Ustadz who leads the ats-Tsabat Foundation and publishes Islamic books in Jakarta as well as several preachers who continue to enliven Islamic lectures on social media (Ikhwan, 2021b).

In addition to names with religious nicknames such as Ustadz, Kiai, or Buya, external figures –who do not identify as religious figures– often convey Islamic legal views like a lecture. A familiar name, in this case, is Emha Ainun Nadjib, familiarly called Cak Nun (Suara, 2020). Even though he is better known as a humanist, Cak Nun often conveys views. He analyzes Islamic law in his orations or cultural lectures, with legal and methodological tools also used by preachers or scholars. These lectures are also scattered on Youtube social media.

The adjustment of the da'wah method and the birth of new preachers in each era is proof of the excellent articulation ability of Muslims in facing the development of media and technology and the very dynamic development of Islamic da'wah. However, the hubbub of Islamic preaching on social media is marked by the diversity of opinions from one preacher to another. This diversity of thought is, of course, scarce in the era of radio, tape recorders, or television. Social media, inseparable from popular culture, has become an arena for ideological battles to fill the vacuum of power hegemony in its various forms (Heryanto, 2015).

Diversity of opinion is inevitable because social networks open opportunities for anyone to participate. Even people who do not have adequate scientific capacity can also enliven the atmosphere. This diversity also marks Islam's spread of religious authority. Although the variety of opinions in Islamic law –known as "*khilafiah*"– has occurred for a long time, even from the earliest generation of companions of the Prophet Muhammad, in this era of social media, differences of opinion have become the daily consumption of people to

the grassroots as part of the separated from the new phase of strengthening popular Islamic identity among the middle class (Jati, 2015).

In the end, social media has become an arena for the contestation of Islamic legal reasoning and contestation of authority– whose actors are famous preachers. The contestation of Islamic legal reasoning occurs due to the diversity of legal status on an issue raised by the preachers. The preachers conveyed the legal status of a problem and the legal methodology that guides their reasoning to produce that legal status. The contestation can be witnessed clearly on many issues often discussed by the public and then conveyed in religious lectures. During 2019, at least three matters received much public attention, which was asked of the preachers, and the preachers gave answers that were often different from one another. *First*, the law is to wish Christians a Merry Christmas. *Second*, the law celebrates birthdays. *Third*, music law.

Some preachers forbid Muslims from saying Merry Christmas to Christians, but some allow it. The preacher, with their respective methodology, conveyed this prohibition or permission. Likewise, in birthdays and music, some preachers allow, and some are prohibited. Each of these permissions and prohibitions is accompanied by arguments in the form of a legal methodology. This is a clear view of the contestation of the reasoning of Islamic law on social media, even though the preachers did not express any explicit contestation between themselves and other preachers.

This exciting phenomenon is further elaborated to identify the extent to which the development of Islamic legal reasoning in social media has opened up opportunities for broader contestation (Anwar, 2022). This identification can be further detailed by looking at what legal aspects the preachers often convey, what kind of reasoning or methodology they use, and how that reasoning is transmitted or communicated with the audience so that the lecture becomes more readily accepted. This study is also carried out to identify whether the legal rationale used by the preachers has developed from previous legal reasoning or only the delivery model experiences differences while the methodology is constant.

## II. METHOD

Judging from the source, this research is text research. The text to be studied is in the form of lectures by well-known preachers on YouTube social media. In the text study paradigm, video lectures deserve to be analysed scientifically because, according to Lockyer, television shows, speeches, architecture, clothing models, and furniture can be treated as texts and interpreted using scientific steps (Given, 2008).

Considering that the discussion on the law delivered by these preachers is extensive and broad, this study is limited to only three popular lectures until the end of 2019, namely: (1) the law of wishing Merry Christmas; (2) the law celebrating birthdays; and (3) and the law of music (playing and listening). The three lecture themes are seen not only as content but as "entry points" to study legal construction and its methodological aspects more broadly (Berger, 2018). At the technical stage, the video will be transcribed first, and then the content will be classified based on the methodological framework of Islamic law.

The results of this classification will be analyzed further to see what arguments are put forward by the preachers in supporting the legal decisions they convey and how the legal construct emerges through the choice of a particular methodology (Encarnacion, 2011).

This study uses an interdisciplinary approach, which combines discourse analysis with Islamic legal philosophy (ushul fiqh). Discourse analysis is used to analyze the structure of the lecture text, while ushul fiqh is used to analyze the ushul fiqh method used and introduced by the da'i to listeners (Bammidi, 2019);(Ikhwan, 2021a).

### III. RESULT AND DISCUSSION

#### *Mapping the characteristics of the preachers*

Abdul Somad is currently the most phenomenal preacher in Indonesia, not only in cyberspace but also in the real world. Therefore, when discussing who is the current famous preacher, the name Abdul Somad is inevitable as the leader. From a religious perspective, the lectures delivered by Abdul Somad are identical to the understanding of traditional Muslims who maintain spiritual practice based on four sects (Hanafi, Maliki, Syafi'i, and Hanbali). The Nahdhatul Ulama (NU) organization represents this traditional Islam practised in Indonesia. However, Abdul Somad's presence was not a representation of NU. Abdul Somad tried to appear moderate by expressing various opinions, especially from the four sects of thought, even those opposed to the four sects. In this study, Abdul Somad is positioned as a preacher of the traditional moderate non-organization circles.

Adi Hidayat is a preacher who displays a style of understanding that every law must rely on the Koran and hadith, not be fixated on the opinions of sect scholars. However, he often quoted the views of the imam of the sect of thought in several lectures. Adi Hidayat's style of understanding is identical to that of moderate Muslims represented in Indonesia by the Muhammadiyah organization. Moderate Islam in Indonesia, represented by the Muhammadiyah organization, is an example of a successful amalgamation of Islam and modernity (Burhani, 2018). Some sources say that Adi Hidayat is a Muhammadiyah administrator. Various news sites often write about Adi Hidayat as a "young preacher of Muhammadiyah." Therefore, it is not wrong in this study that Adi Hidayat is positioned as a representative of moderate Islamic organizations in Indonesia.

Buya Yahya is a scholar whose religious understanding is traditional. In his lectures, Buya Yahya always quoted the opinion of a scholar from one of the four sects and more often quoted the scholars of the Syafi'i sect. Buya, who often appears in white, lives in a religious environment thick with NU nuances, but the al-Bahjah institution she manages does not belong to NU. He is not an NU administrator, but there were rumours that he was part of the NU Straight Line (NUGL) splinter group. However, when confirmed in a lecture broadcast on the Youtube channel "Al-Bahjah TV," Buya Yahya clarified that he only supported the *ahlussunnah waljamaah*, which was championed by Sheikh Hasyim Asy'ari, the founder of NU, even though the struggle was not through the organizational structure of NU. One of the NU news sites, nu.or.id, often reports Buya Yahya's lecture activities or legal opinions conveyed by Buya Yahya. With these considerations, this study positions Buya Yahya as a representative of traditional Islamic organizations in Indonesia.

Khalid Basalamah is a textual cleric. In various media, both mass media and social media, he is often labelled as a *salafi Ustadz*. This Ustadz of Hadramaut (Yemen) descent often mentioned *salafi* as his identity without any particular burden or tendency. His recitations often get opposition from traditional circles, especially those affiliated with NU, because the material of his lectures often contradicts the conventional practices of traditional circles, such as reading "*ushalli*" before prayer, adding "*sayidina*" in *shalawat*, and so on. Khalid Basalamah has also been refused lectures in many areas, for example, in March 2017 in Sidoarjo (Detik, 2017). Even so, Khalid Basalamah's classes are still loved on social media, especially by the younger generation. In this study, Ustadz Khalid Basalamah is positioned as a representative of *salafi* circles in Indonesia.

Emha Ainun Nadjib, popularly known as Cak Nun, is a Muslim intellectual, humanist, writer, artist, and prolific writer. Many people call him a multi-dimensional and versatile human. On many occasions, he has often dissected various problems using the methodology of Islamic law. Because of his proficiency in Islamic law, Cak Nun is often called "a Kiai cultural observer." He was born to a family with a strong NU background. Still, he studied at the Gontor Modern Islamic Boarding School, then continued to Junior High School and Senior High School Muhammadiyah in Jogjakarta. In various video lectures, Cak Nun often discusses the law of music and Christmas greetings. Therefore, this study deliberately makes Cak Nun a representation of intellectual figures who are not labelled ulama but experts in Islamic law.

### ***Methodology and Reasoning Style of Islamic Law***

This study uses three segments of identification of legal reasoning carried out by the five preachers. First is the legal reasoning stage. Second, the steps of identification of *maqashid sharia*. Third, the locations of developing Islamic legal theories. In the first stage, legal reasoning is deductive and inductive. These two models of reasoning have experienced contestation since their initial period in the 2nd century *Hijriah*. At this time, two sects experienced frequent debates, namely the *mutakallimin* sect, which was followed by the majority of scholars and the *ahnaf* or *fuqaha* sect, which was followed by the *Hanafiah* (2011). The *mutakallimin* sect uses deductive reasoning, while the *ahnaf* sect uses inductive reasoning (Yasid, 2010). In the second stage, the identification of *maqashid sharia* uses the framework laid out by Abu Ishaq al-Syatibi regarding the four groups in understanding *maqashid sharia* (Al-Shatibi, 2014).

*First*, the *zahiriah* (textual) group. According to this group, the purpose of Allah to lower the sharia cannot be known by humans except through notification from Allah Himself as the maker of the sharia. The information is through texts, both the Koran and the hadith. These texts must be understood as they are, without looking for rational reasons behind them and without interpreting them outside the meaning of language.

*Second* is the spiritual group. This group exists among the Shiites. According to this group, *maqashid sharia* cannot be understood explicitly from legal texts, as understood by *zahiriyah* circles, nor implicitly by understanding the implied meaning behind the text, but only through the words of the imam ma'shum, namely the imam's Shiite priests who are believed to be preserved from sin.



Third, the *mutamassikin bi al-qiyas* group. This group can be called substantialism. According to this group, *maqashid sharia* can be known by understanding the rational-substantive reasons contained in the text (*iltifat ila al-ma'ani al-alfazh*). For this group, the most important thing from the text of the Koran and hadith is the substance and rational meaning, not the text itself. Suppose the Koran text contradicts the practical sense. In that case, the reader must be abandoned and the logical mind that is held (*fa in khalafa al-nashshu al-ma'na al-nashari, uthriha wa quddima al-ma'na al-nazhari*).

Fourth, the *rasikhun fi al-'ilm*. This group was interpreted by al-Syatibi as a scholar who had deep knowledge and fear of God. This group pays close attention to the Koran texts and hadiths born and the rational meaning that is stored behind the text (*bi'tibari al-amraini jami'an*). If there is an impression of a conflict between the text and the rational meaning, this group tries to compromise the two. According to al-Syatibi, this group is correct and can be used as a guide in establishing Islamic law.

### Contest in Taklifi's Law

According to the five preachers, this section explains the legal status of the three issues (saying Merry Christmas, celebrating birthdays, and music). The legal position referred to here is one of the five *taklifi* laws: wajib, sunnah, haram, makruh, and mubah. Every problem highlighted in Islamic law is, of course, inseparable from these five options. The description of this legal status is presented first to prove that the contestation of Islamic law through social media in Indonesia has occurred at the level of discussion about legal status before continuing on methodology and reasoning.

This study shows that there was never an agreement or common opinion among the five preachers on these three issues. In every problem, there are always two different legal opinions between what is permissible and what is forbidden. This difference shows that the three issues being studied are very fiqh in a whole style of differences of opinion (*khilafiah*). Differences of opinion are appropriate, considering no verse or hadith speaks explicitly about this matter. These opinions can be mapped in more detail as in the following table:

Table 1. Mapping of Opinions on Legal Status

| Problem         | Abdul Somad | Adi Hidayat | Buya Yahya | Khalid Basalamah | Cak Nun |
|-----------------|-------------|-------------|------------|------------------|---------|
| Merry Christmas | Haram       | Haram       | Haram      | Haram            | Mubah   |
| Birthday        | Mubah       | Mubah       | Mubah      | Haram            | Mubah   |
| Music           | Mubah       | Mubah       | Mubah      | Haram            | Mubah   |

The table above illustrates several things. First, on every problem, there are always two legal opinions in the form of haram and permissible. This means there needs to be unity of view on each issue among the preachers. Second, preachers whose thoughts are

always the same on every issue, namely Abdul Somad, Adi Hidayat, and Buya Yahya. However, there are some differences in argumentation and methodology (this will be discussed in more detail in the following section). These three preachers forbid Christmas greetings and allowed birthday celebrations and music. It is just that, in obtaining birthday celebrations and music, they note that the issue is permissible as long as it is not accompanied by activities that are punishable as makruh or haram because, in practice, such inclusion is often carried out by the community. Third, some preachers always forbid every problem, namely Khalid Basalamah. In fact, in celebrating birthdays and music, only Khalid Basalamah stated that the law is haram, while four other preachers noted that the law was permissible. Fourth, some preachers always allow every problem, namely Cak Nun. In fact, in saying Merry Christmas, only Cak Nun thought that the law was permissible, while the other four preachers stated that the law was haram.

The nuances of the contestation surrounding this discussion can be captured at several points. *First*, when Adi Hidayat explained the law of saying Merry Christmas in the context of responding to the words of Ma'ruf Amin, the Former General Chair of the Indonesian Ulema Council (MUI) who was currently running for Vice President of the Republic of Indonesia, to Christians in Indonesia on December 25, 2018 (Detik, 2018). Ma'ruf Amin's words were viral and received many responses from netizens, both pros and cons. When interviewed on the program "Mata Najwa" broadcast by Trans 7 television station, Ma'ruf Amin emphasized that in MUI, there has never been a fatwa prohibiting congratulating Christmas. The fatwa that the MUI issued in the past continued Ma'ruf was a prohibition on following Christmas rituals and not saying Merry Christmas. Ma'ruf Amin also strengthened his remarks by referring to the opinion of the al-Azhar University, Egypt scholars, who allowed just Christmas greetings.

Adi Hidayat, in a YouTube broadcast entitled "*Heboh Ucapan Natal Kiyai Makruf Amin, Begini Penjelasan Ustaz Adi Hidayat Lc MA*," conveyed a statement that giving Christmas greetings is haram. "Remember carefully, saying congratulations to other religions outside our belief in our faith as Muslims is not allowed. It is unlawful to say congratulations," said Adi Hidayat. Adi Hidayat's statement is indeed a general statement, like conveying a law on society's problems in general. However, in the video, Adi Hidayat quotes K.H. Hasyim Asy'ari, founder of Nahdhatul Ulama, in his work, *Risalah Ahlus Sunnah Wal Jamaah*, which states that people who imitate the actions of infidels are punished as infidels. By quoting this, Adi Hidayat conveyed that saying Merry Christmas is an act of imitating infidels. According to K.H. Hasyim Asy'ari, the law is haram.

Quoting the opinion of K.H. Hasyim Asy'ari in this context is a powerful message to NU circles, considering K.H. Hasyim Asy'ari is the founder of NU. In this context, the NU circle Adi Hidayat wanted to target was Ma'ruf Amin, who had previously said Merry Christmas to Christians. Indeed, Adi Hidayat did not explicitly mention Ma'ruf Amin's name in his speech and did not direct his statement specifically against NU circles. However, because the context of Adi Hidayat's statement was in response to Ma'ruf Amin's statement, which was viral on social media then, the *halal-haram* fatwa contestation is visible. Adi Hidayat's statement follows, citing the fatwa of K.H. Hasyim Asy'ari in his book, *Risalah Ahlussunnah Wal Jamaah*:



"It is said in the book of al-Anwar, that a person can be considered to have renounced if he does something that has no origin except an infidel, such as prostration to the cross, worshipping fire, deliberately going to their place of worship, or wearing their attributes. It is all punished with *inkar*."

Adi Hidayat's quote from K.H. Hasyim Asy'ari does not explicitly contain the phrase "wish you a Merry Christmas" explicitly. The quotation only mentions actions such as prostration against the cross, worshipping fire, deliberately going to a place of worship, and wearing Christmas attributes. By quoting the sentence, Adi Hidayat seems to say that saying congratulations is the same as the actions mentioned. In fact, in the Mata Najwa program on Trans TV, Ma'ruf Amin explained that participating in Christmas celebrations or using Christmas attributes was forbidden. Still, if you just said Merry Christmas, then that was allowed. Because of that, Ma'ruf continued, what was prohibited in the 1981 MUI Fatwa was to follow the ritual, not wish him a Merry Christmas.

*Second*, when Abdul Somad explained the law of music. Abdul Somad began his explanation by clarifying that his statement about the direction of music was not the result of his *ijtihad* but only quoted the opinion of *mujtahid* scholars. Here is the statement:

The law of playing musical instruments, such as guitar and piano, which I convey is according to Imam Hanafi, Imam Maliki, and so on. Once again, I say I have never done *ijtihad*. I only answered according to the answers of the scholars. So, if you are angry, do not get mad with me. I am tired of being scolded on the internet.

Abdul Somad's statement above indicates that he was previously blasphemed on social media after delivering the *ulama's* fatwa on music law. Indeed, in another video of his lecture entitled "The Law of Musical Instruments," Abdul Somad quoted Yusuf al-Qardhawi's opinion that the traditions regarding the prohibition of music are all weak and cannot be used as a legal basis. Yusuf al-Qardhawi's conclusion, as quoted by Abdul Somad, is that if the music contains good lyrics or invites people to goodness, then the law is permissible. Still, if it includes terrible songs or invites people to immoral acts, the law is haram. For expressing this opinion, Abdul Somad was blasphemed by several netizens on social media. From this, it can be understood that those who curse do not agree with the fatwa that music is permissible. They want the music to be punished as haram. This means that there is a fatwa contestation on the law of music between groups that prohibit it and those that allow it. Groups that blaspheme Abdul Somad implies that they think that music is haram.

*Third*, when Adi Hidayat also explained the law of music. Almost the same as Abdul Somad, Adi Hidayat started his statement with a clarifying sentence with the phrase:

When did you see my broadcast? That is the first point. Second, or are you just looking at the footage? Do you see the whole thing or not? Third, in what setting do I answer the question? Because of every material presented, the atmosphere can be different. What is being asked, you cannot make general law.

Adi Hidayat's statement above was made after reading a letter from the audience containing a request for clarification to Adi Hidayat regarding the law of music he had

previously conveyed. From the way he responded to the letter, Adi Hidayat gave the impression that once, his video containing statements about the law of music had been cut. A section containing information about the permissibility of music was spread on social media, giving the impression that Adi Hidayat stated that playing music was legal. Said Adi Hidayat, the law of music depends on the circumstances that accompany it. If music is accompanied by something forbidden, then the law is also haram. However, if music is accompanied by kindness, the law is mubah.

Adi Hidayat's statement again suggests contestation in music law between groups that allow it and groups that prohibit it. The context of Adi Hidayat's report shows that parties are trying to steer parts of his statements to support their opinions and to negate other ideas. In this case, Adi Hidayat's statement piece is used to support the view that permits music so that, at the same time, it becomes a rebuttal for those who forbid music. Adi Hidayat's statement is in the middle, namely, allowing music with conditions and prohibiting it with requirements.

*Fourth*, Buya Yahya's statement regarding the law to wish him a Merry Christmas. Buya Yahya started with a mediating idea that congratulations on Christmas from Muslims are punishable by haram, but this should no longer be a problem. According to Buya Yahya, this issue has been resolved at the legal level, so there is no need to fuss anymore. However, every year, especially just before Christmas, there is always excited about this Christmas greeting because certain parties deliberately provoke a fuss for political purposes. This time, the contestation took place, not at the legal level but by making legal mandates as a means of social, political, etc.

*Fifth*, Buya Yahya's statement regarding the law on celebrating birthdays. This statement is quite interesting because Buya Yahya does not only allow birthday celebrations but instead positions it as a perfect activity. According to Buya Yahya, birthdays can be counted as *muhasabah* (self-introspection), while *muhasabah* is highly recommended by religion. Buya Yahya's opinion is very contradictory to some of the other preachers who forbid birthday activities. Buya Yahya does not deny that there are opinions about the prohibition of birthdays. However, the ban is not on the essence of the birthday but on other actions that accompany it, such as redundant actions or activities that lead to immorality. As for birthdays like that, Buya Yahya also declared it a forbidden act.

Buya Yahya's statement is clearly in stark contrast to Khalid Basalamah's statement, which forbids birthdays. Khalid Basalamah saw the birth's essence as an act with no evidence or, for example, from the Prophet, so it was considered unlawful. Meanwhile, Buya Yahya assessed its essence as a recommended action. It is only because forbidden actions accompany it that a birthday becomes an illegal job. Here we can see different views about the essence of an effort, which has implications for the sharp differences of opinion they produce.

*Sixth*, Cak Nun always gives the impression that there is legal contestation in every statement. Cak Nun stated that some preachers had mistakenly viewed the Merry Christmas greetings as haram when explaining the law of saying Merry Christmas. In fact, according to Cak Nun, Allah Himself taught the Merry Christmas greetings, one of which was through His words in the letter Maryam (19): 33, "*And peace is on me the day I was*

*born, and the day I will die, and the day I am raised alive*" (Kementerian Agama, 2015). This verse, said Cak Nun, is proof that Allah Himself taught congratulations on the birthday of Isa a.s.

Of the five preachers, only Cak Nun allowed Christmas greetings. He did not just let it but instead advocated it based on Q.S. 15: 33. Cak Nun's statement shows a contestation of opinions regarding the law of pronouncing Merry Christmas between permissible and forbidden. The contestation became more apparent when Cak Nun tried to quote and correct the meaning of the hadith "*Whoever resembles a people, then he becomes part of that people*", which is often used by groups which forbid greetings of Merry Christmas. Based on this hadith, the group that forbids congratulations on Christmas says that Muslims who say Merry Christmas are like Christians, whereas to resemble Christians means that the law is the same as Christians, namely infidels. Therefore, people who wished him a Merry Christmas were punished as infidels. According to Cak Nun, such interpretations need to be more accurate and tricky. Cak Nun stated:

This must be analyzed in a complex manner. We have to find the most accurate point in the hadith earlier. Because if we are careless, then we will find very tricky laws. Whoever has a beard means a goat. Whoever gets on a plane includes birds. Whoever rides a vehicle with two wheels is an animal. We have to look at history and see *asbabun nuzul*, *asbabul wurud*, context, nuances, and so on.

Cak Nun wants to state that if this hadith is interpreted and used carelessly, there will be many other things similar to the daily lives of Muslims that limit their movements because they are all punished as haram. However, Cak Nun denied that the interpretation was not based on the methodological tools of hadith science or ushul fiqh, but only with an analogy that everyone with a beard is a goat, which creates a mockery (Yasid, 2011).

### Contest in Legal Methodology

This section identifies the legal methodology used by the five preachers. This identification consists of three stages. First, identify the inductive-deductive reasoning model. Second, identify the model of extracting *mashed sharia*. Third, identify the development of Islamic legal methodology (ushul fiqh).

#### 1. Identification of the Reasoning Model

From the aspect of the reasoning model, the average preacher uses deductive reasoning in explaining legal problems. Of the five preachers, only one preacher used the inductive method, namely Cak Nun, which was only in some issues. Besides, Cak Nun uses a deductive reasoning model in all problems. The inductive model referred to here is to research legal facts first, then find the normative legal connection. As for the deductive model, it first looks for normative law, and then, based on normative regulation, legal facts are assessed. At this stage, the identification of the five preachers' reasoning models can be mapped, as shown in the following table:

Table 2. Identification of the Reasoning Model

| Problem | Abdul Somad | Adi Hidayat | Buya Yahya | Khalid Basalamah | Cak Nun |
|---------|-------------|-------------|------------|------------------|---------|
|---------|-------------|-------------|------------|------------------|---------|

|                        |           |           |           |           |           |
|------------------------|-----------|-----------|-----------|-----------|-----------|
| <b>Merry Christmas</b> | Deductive | Deductive | Deductive | Deductive | Inductive |
| <b>Birthday</b>        | Deductive | Deductive | Deductive | Deductive | Deductive |
| <b>Music</b>           | Deductive | Deductive | Deductive | Deductive | Inductive |

The table above shows that deductive reasoning is dominant, while Cak Nun only uses inductive reasoning in two problems, namely the problem of pronouncing Merry Christmas and music. As for the issue of birthdays, Cak Nun also uses deductive reasoning. Apart from Cak Nun, all the preachers use deductive reasoning models for all problems. In the matter of Christmas greetings, Cak Nun first describes the facts of the situation and then attaches the law to these facts. Based on his investigation of this fact, Cak Nun then concluded that the substance of Christmas was a tribute to the birthday of Prophet Isa a.s., while the trinkets and attributes contained in the Christmas celebration, such as lights, hats, etc., were a cultural matter Christians. Cak Nun said: *"Christmas tree, there are lights, everything is their cultural affair. That is not a theological concern, he admits to us. It is a cultural affair."*

Cak Nun's statement shows an effort to examine the facts before establishing the law. The phrase "according to his confession to us" indicates an attempt to confirm Cak Nun to Christians regarding Christmas activities. Cak Nun is known to interact often, hold joint exercises with the church, and even hold prayer services at the church. Based on his examination, Cak Nun concluded that the substance of Christmas was an expression of joy at the birth of Isa. Considering that Jesus is also one of the prophets believed by Muslims and told in the Koran, according to Cak Nun, there is nothing wrong if Muslims celebrate it, especially if you say congratulations.

After checking the facts and finding the substance, Cak Nun linked them to the norms contained in Islam. In this case, Cak Nun tied it with Q.S. Maryam (19): 15, *"And peace be upon him the day he was born and the day he dies, and the day he is raised alive"* (Departemen Agama RI 2010). From here, Cak Nun emphasized that Allah SWT. Just say congratulations on the birth of Jesus because it is unnecessary to prohibit Muslims who wish to wish him a Merry Christmas.

From this, it appears that Cak Nun used an inductive method in assessing the problem of congratulating Christmas. He checks the facts first, then looks for the normative relationship. Meanwhile, the preachers other than Cak Nun started their assessment from normative explanations, for example, that the greeting Christmas means recognition of the Christian faith, while Islam forbids its followers to acknowledge it; or that saying Merry Christmas means imitating the actions of Christians (in their interactions with others), whereas a Muslim who imitates a non-Muslim can be considered the same as the non-Muslim he imitates, based on the hadith "Whoever resembles a people, then he is part of the people". Apart from starting their statements with normative explanations, the preachers other than Cak

Nun did not provide factual explanations based on their confirmation of Christians who celebrated Christmas. Likewise, in explaining the law of music. Cak Nun first explains the elements of music consisting of sounds, tones, and rhythms. Cak Nun asked:

If music is prohibited, what elements are not permitted? Is it sound, pitch or rhythm? All of them or one of them? Look, liquor is not permitted because there is an intoxicating element. There is a chemical mixture in there that is intoxicating. Now about music, what is forbidden there? If the sound is haram, the person speaking makes a sound. People also use tone. The tone is not just a song. Just snore utilising the technique.

The above expression shows that Cak Nun first tries to understand music and its constituent elements. From that understanding, then he questioned what features there were forbidden. According to Cak Nun, no strict norm prohibits one or all of these musical elements. Here Cak Nun compares it to the prohibition of khamar, namely because there are chemical elements that make the drinker drunk. Meanwhile, in music, it needs to be clarified what features are forbidden. Therefore, according to Cak Nun, it is not appropriate for music to be punished as haram. From his questioning this, it can be seen that there is a contestation on aspects of legal reasoning about music. It can be understood that before Cak Nun issued this statement, there were preachers who stated that music was haram.

Meanwhile, the other four preachers began their explanation from the norms of the hadith. Even though they started from the hadith, they found their conclusions were different. Abdul Somad, Adi Hidayat, and Buya Yahya concluded that music was not prohibited as long as it was not related to or contained haram acts. In contrast, Khalid Basalamah concluded that music was haram. The three preachers (Abdul Somad, Adi Hidayat, and Buya Yahya) used the same reasoning model as Khalid Basalamah, but produced different legal decisions. Meanwhile, compared to Cak Nun, the three use different reasoning, while the conclusions are intersecting, namely about musical ability. The part that does not intersect: Cak Nun permits music by refuting the opinion that forbids it, while these three preachers allow music with certain conditions, namely not to come into contact with forbidden things.

## 2. Identification of the Maqashid Sharia Excavation Model

The maqashid sharia excavation model referred to here refers to the classification given by Al-Syatibi: 1) *zahiriah*; 2) spiritual; 3) *mutamassikin bi al-qiyas*; 4) *rasikhun fi al-'ilm*. *Zahiriah* is those who understand norms textually. *Bathiniah* is those who believe that the Imams can only know the meaning of the text. This understanding developed in the Shiite sects of thought, not in the Sunni sects. *Mutamassikin bi al-qiyas* are among those who tend to be substantialism. *Rasikhun fi al-'ilm* are those who compromise textual and substantial understanding. An overview of the identification results of the five preachers based on these four classifications can be seen in the following table:

**Table 3. Identification of the Maqashid Sharia Excavation Model**

| Problem         | Abdul Somad                | Adi Hidayat                | Buya Yahya                 | Khalid Basalamah | Cak Nun                         |
|-----------------|----------------------------|----------------------------|----------------------------|------------------|---------------------------------|
| Merry Christmas | Zahiriah                   | Zahiriah                   | Zahiriah                   | Zahiriah         | <i>Mutamassikin bi al-qiyas</i> |
| Ulang Tahun     | <i>Rasikhun fi al-'ilm</i> | <i>Rasikhun fi al-'ilm</i> | <i>Rasikhun fi al-'ilm</i> | Zahiriah         | <i>Mutamassikin bi al-qiyas</i> |
| Music           | <i>Rasikhun fi al-'ilm</i> | <i>Rasikhun fi al-'ilm</i> | <i>Rasikhun fi al-'ilm</i> | Zahiriah         | <i>Mutamassikin bi al-qiyas</i> |

The table above shows the diversity of the maqashid sharia excavation models for the five preachers. Some preachers have the same tendency in all matters, namely Khalid Basalamah, who tends to be always *zahiriah* (textual), and Cak Nun, who is always *mutamassikin bi al-qiyas* (substantial). It is only natural that their legal opinions are always conflicting, as shown in table 1, which is described in the previous section. Some preachers experienced a change in method, namely Abdul Somad, Adi Hidayat, and Buya Yahya, who both seemed *zahiriah* in congratulating Christmas, and who were equally *rasikhun fi al-'ilm* in matters of birthdays and music. It is only natural that their legal opinions are always the same, as shown in table 1.

Of the five preachers and the three legal issues, it turns out that there is no model for extracting spiritual law. This is understandable because the spiritual method is adhered to by the Shiite sect, while none of these five preachers adhered to the Shiite sect. So far, there have not been any Indonesian Shiite preachers whose popularity on social media can match or at least come close to these five preachers. The Shiite sects are indeed a minority in Indonesia. That is also the reason why no Shi'ah preachers were examined in this study.

If we return to Table 1.1, it can be seen that the preacher whose conclusions are always contradictory is Khalid Basalamah and Cak Nun. Compared to Table 1.3, the difference is finally understandable because the two preachers departed from conflicting methodologies. Khalid Basalamah, who always forbids the three problems, has a textual method, while Cak Nun, who tends to allow the three, has a marked tendency. The contradiction between the textualist group and the substantial group in Islam is always obvious.

### 3. Identification of Legal Methodology Development

This section contains the opportunity to develop an Islamic legal methodology based on the themes discussed by the five preachers. The development in question, both in understanding the sources and methodologies that have been agreed upon by the scholars (Koran, hadith, *ijma'*, and *qiyas*), methodologies that still need development such as *maslahah*, *istihsan*, *'urf*, *sad al-dzari'ah*, or excavation. *maqashid sharia*, or the development of certain parts of these legal theories. In the lecture of the five preachers, several opportunities were found to develop the methodology, but they did not.



The opportunities for developing the methodology appear at several points. *First*, the development of the theory about lafazh in the legal explanation of saying Merry Christmas. Most preachers who use deductive reasoning start their explanation from the hadith “*Whoever resembles a people, then he becomes part of that people*” (hadith about *tasyabbuh*). This hadith is still very general. It does not contain an explicit explanation of saying Merry Christmas. If this hadith is used too massively, many activities will be punished with haram because they resemble non-Muslims. Naturally, if Cak Nun questions if all who are similar are punished the same, then a bearded man will be punished the same as a goat. Although Cak Nun’s statement is humorous, it contains a signal that the use of this hadith must pay attention to certain limitations or rules.

Therefore, it needs clear boundaries about what it means to resemble an infidel (*tasyabbuh bi al-kuffar*). To create this limitation, several theories in the science of ushul fiqh can be used, for example, the theory about *mafhum* and *mantuq*, *qiyas* theory, and so on. The opportunity to use *qiyas* is increasingly visible when Adi Hidayat quotes K.H. Hasyim Asy’ari. The passage quoted does not say explicitly about saying Merry Christmas, but about following Christmas rituals or using Christmas attributes. In this case, Adi Hidayat equates between saying Merry Christmas and following a Christmas ritual. Adi Hidayat is doing *qiyas* (analogy) here, but he does not provide any further explanation of this theory.

*Second*, the development of *qiyas* theory when Cak Nun explained the law of music. To question the prohibition of music, Cak Nun took the law of *khamar* for comparison. Efforts to compare the law between the two Islamic legal theory (ushul fiqh) are called *qiyas*. It is just that Cak Nun did not provide further explanation of this theory in his lecture. Although *khamar* and music cannot be completely equated, and Cak Nun does not place it in an equal position, because he puts forward the law of *khamar* in order to explain the prohibition of the law, while for music he denies its prohibition, but in this condition, the theory of *qiyas* has a chance to be developed.

*Third*, the use of basic principles that different religious and socio-economic (non-worship) matters. It is commonly understood that in matters of worship, the rule applies “*the law of origin of worship is haram unless there is an argument that enjoins it*”, while in socio-economic matters, the rule of “*law of origin/non-worship is permissible unless there are arguments against it*” (Djazuli, 2014). In looking at the birthday law, socio-economic principles should be used because birthdays are not considered worship. However, Khalid Basalamah used rules about worship to forbid birthdays. This attitude taken by Khalid Basalamah can be a point of criticism for himself, it can also be a starting point for further development of this rule, especially in providing limits on worship and *muamalah* (non-worship) in Islam.

#### IV. CONCLUSION

This study shows that the contestation of Islamic legal reasoning on social media in Indonesia occurs from delivering legal status to legal methodology. At the legal status

stage, there was diversity among the five preachers in their views on congratulating Christmas, birthdays, and music. The difference ranges between whether or not these actions are carried out by Muslims. Differences like this are common in fiqh studies, which are full of differences of opinion or are usually termed khilafiah.

At the methodological stage, contestation is further detailed into three segments, namely the reasoning model, identification model, and the development of legal theories. At the stage of the reasoning model, it appears that the dominant deductive reasoning is used. Among the five preachers, only Cak Nun used inductive reasoning, and even then only in two problems, namely the congratulations of Christmas and music, while in the matter of birthdays, Cak Nun was the same as other preachers.

In the identification stages of maqashid sharia, it was found that there were preachers who were consistent with one model and some who experienced changes. The consistent preachers are Khalid Basalamah and Cak Nun. Khalid Basalamah is consistent with the *zahiriah* (textual) model, while Cak Nun is consistent with the *mutamassikin bi al-qiyas* (substantial) model. Because these two models seem to negate each other, the legal conclusions presented by the two preachers are always contradicting the three issues. Meanwhile, the three other preachers always had the same tendency: they were both *zahiriah* in determining the law of congratulating Christmas and both *rasikhun bi al-'ilm* in determining the law of happy birthdays and music.

In developing legal theories, it seems that there is an opportunity to develop the theory of *mafhum-mantuaq* and *qiyas*, but this is not done by the preachers. That means, the contestation does not strengthen at this stage. Meanwhile, in the use of basic worship and non-worship, Khalid Basalamah's inconsistency is evident. He uses the rules of worship to judge birthdays, which are not a matter of worship. Even though it seems inconsistent in this regard, this incident indicates the need for a more detailed explanation of these basic principles, especially in determining which are included in the scope of worship and included in non-worship.

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