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Ecological Legal Politics in Indonesia: The Critique within Muhammadiyah's *Fiqh* during the Reformation Era

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Abstract: The reform era witnessed a shift in the Tarjih Muhammadiyah Council's legal outputs from monodisciplinary to multidisciplinary, resulting in a product known as responsive *fiqh*. Ecological political issues in Indonesia became a primary focus of this new approach. This research aims to analyze the Tarjih Muhammadiyah Council's conceptual shift from monodisciplinary to multidisciplinary *fiqh*, and to explore how its critical *fiqh* responds to the ecological legal-political constellation in Indonesia during the reform era. This research employed normative legal research methods, utilizing a political approach to law. Data were gathered through literature review. The findings reveal that Muhammadiyah's *fiqh* represents a new paradigm of responsive *fiqh*, aligned with the principles of *tajdid* and *ijtihad*. The shift in the Tarjih Council's legal outputs is largely attributed to the leadership of its chairman. From the Tarjih Council's diverse *fiqh* outputs, this research selected and highlighted Muhammadiyah's *fiqh* products pertaining to ecology. First, the *Fiqh of Water* addresses the alarming, global water crisis, serving as the legal basis for Muhammadiyah's judicial review of Law No. 7/2004 concerning Water Resources, which the Constitutional Court upheld, signifying the incorporation of this *fiqh* into Indonesia's ecological political landscape. Second, the *Fiqh of Disaster Management*, addressing socio-community issues linked with ecological problems in disaster contexts, has not resulted in contestation or accommodation within ecological politics. Third, *Agrarian Fiqh* addresses varied agrarian challenges in Indonesia, including food self-sufficiency, environmental degradation, agrarian conflicts, indigenous community rights, and housing and public space access, thereby engaging in contestation with state policies within the realm of ecological politics. In this way, Muhammadiyah's *fiqh* seeks to actively contribute to establishing a democratic political configuration by ensuring comprehensive and egalitarian influence on government policies.

Keywords: Critique, Muhammadiyah's *Fiqh*, Political Ecology Law

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Abstrak: Pada era reformasi terjadi transformasi produk hukum Majelis Tarjih Muhammadiyah dari monodisiplin menjadi multidisiplin. Salah satu produk baru tersebut adalah fikih yang membawa konsep fikih responsif. Isu politik ekologi di Indonesia menjadi isu yang dominan direspon. Penelitian ini berupaya mengungkap pergeseran konsep fikih muhammadiyah dari monodisiplin menjadi multidisiplin dan kritisisme fikih muhammadiyah merespon konstelasi politik hukum ekologi di Indonesia era reformasi. Penelitian menggunakan metode penelitian hukum normatif dengan pendekatan politik hukum. Data dikumpulkan melalui penelitian kepustakaan. Hasil Penelitian ini menunjukkan Fikih muhammadiyah sebagai paradigma baru fikih responsif yang sejalan dengan semangat tajdid dan ijtihad. Faktor pergeseran produk hukum Majelis Tarjih sangat ditentukan oleh peran ketua majelis tarjih itu sendiri. Dari banyaknya produk fikih yang dikeluarkan Majelis Tarjih dalam penelitian ini menyoroti produk fikih Muhammadiyah berkaitan dengan ekologi. Pertama fikih air yang merespon krisis air yang memprihatinkan dan berskala global. Selain itu fikih air juga menjadi dasar Muhammadiyah melakukan judicial review terhadap UU No. 7 tahun 2004 tentang Sumber Daya Air (SDA) yang dikabulkan oleh Mahkamah Konstitusi, pada konteks ini terjadi akomodasi fikih air dalam politik ekologi di Indonesia. Kedua fikih kebencanaan yang lebih merespon masalah sosial kemasyarakatan yang juga terkoneksi masalah ekologi disektor kebencanaan dan tidak terjadi kontestasi maupun akomodasi dalam konteks politik hukum ekologi. Ketiga Fikih Agraria merespon berbagai permasalahan keagrariaan yang ada di Indonesia seperti Swasembada pangan, kerusakan lingkungan, Konflik Agraria, Masyarakat adat, dan Perumahan dan Akses Ruang Publik. Sehingga dalam fikih ini terdapat kontestasi dengan kebijakan negara dalam politik ekologi. sehingga Fikih Muhammadiyah mengambil peran dalam upaya mewujudkan konfigurasi politik yang demokratis yang berupaya berkontribusi penuh dan egaliter untuk aktif mempengaruhi kebijakan pemerintah.

Katakunci: Kritisisme, Fikih Muhammadiyah, Politik Hukum Ekologi.

Introduction

Muhammadiyah, since its establishment, has been recognized as an Islamic organization centered on social and *da'wah* (Islamic propagation) activities.¹ Guided by its foundational *khittah*, or line of struggle, Muhammadiyah traditionally refrains from direct involvement in practical politics and maintains independence from political entities. This principle of neutrality in political matters was reinforced by the resolutions of the 38th Muktamar (Congress) in

¹ Zuly Qodir, Haedar Nashir, and Robert W Hefner, "Muhammadiyah Making Indonesia's Islamic Moderation Based on Maqāsid Sharīah," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (2023), p. 77–92.

Makassar.² The principle of political neutrality is observed to maintain the integrity of the organization by avoiding conflicts between its structural and cultural interests.³

The principle of neutrality, however, does not imply institutional or individual rigidity within Muhammadiyah. Instead, the organization remains actively committed to the holistic development of society and the nation. Muhammadiyah closely follows the political landscape, particularly concerning the application of its legal principles within political discourse and governmental policy formulation. Consequently, Muhammadiyah elites are held to a higher standard of accountability regarding their political influence.⁴ Muhammadiyah strategically engages with parliament during legislative processes concerning matters of Islamic interest, indicating a functional relationship with political parties. This approach marks a significant development in Muhammadiyah's legal-political thought.⁵

Despite not being founded as a political party or organization, Muhammadiyah has effectively functioned as a 'political movement.' Therefore, an examination of its relationship with politics is completely reasonable. In reality, this is merely one descriptor of Muhammadiyah, which is fundamentally an Islamic movement dedicated to upholding Islamic creed and promoting the *da'wah* of *amar ma'ruf nahi munkar* (enjoining good and forbidding evil), grounded in the Qur'an and Sunnah.⁶

The Muhammadiyah organization underwent specific transformations during the Indonesian Reformation era,⁷ predominantly in the domain of Islamic jurisprudence studies. The Tarjih Council has experienced a systematic transformation marked by changes in nomenclature, which have consequently redefined its functions and duties, research subjects, and legal methodology. Initially, the Tarjih Council operated solely to settle disputes and conflicts regarding religious observances within the Muhammadiyah organization; however, its scope and functions later broadened. Currently, the Tarjih Council's

² Haedar Nashir et al., "Muhammadiyah's Moderation Stance in the 2019 General Election: Critical Views from Within," *Al-Jami'ah: Journal of Islamic Studies* 57, no. 1 (2019), p. 1–24.

³ Haedar Nashir and others, 'Islam in Indonesia: From Puritanism to Enlightening Religion in the Case of Muhammadiyah', *Asia Life Sciences*, 28.1 (2019), p. 1–12.

⁴ Ridho Al-Hamdi, "Political Consciousness of Muhammadiyah: Historical Trajectories and Future.," *Studia Islamika* 29, no. 3 (2022), p. 453.

⁵ Nispul Khoiri, "Pemikiran Politik Hukum Islam Muhammadiyah," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 47, no. 1 (2013), p. 171.

⁶ Madrasah Muallimin Muhammadiyah, *Keyakinan Dan Cita-Cita Hidup Muhammadiyah* (Yogyakarta: PP. Muhammadiyah, 1989), p. 11.

⁷ Surya Sukti et al., "Political Dynamics of Islamic Law in the Reform Era: A Study of the Response of Muhammadiyah Cadres in Central Kalimantan," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022), p. 1022–45.

responsibilities extend to addressing both traditional worship practices and contemporary challenges emerging from societal shifts.⁸

The Tarjih and Tajdid Council of Muhammadiyah, during the period of Syamsul Anwar's leadership, pioneered novel *fiqh* (Islamic jurisprudence) concepts that diverged from classical jurisprudential traditions. This framework has generated a substantial body of *tarjih* outputs, often referred to as '*fiqh*'.⁹ *Fiqh*, as a conceptual framework, has experienced intellectual development throughout history, currently integrating comprehensive religious insights to navigate novel challenges. The Tarjih and Tajdid Council of PP Muhammadiyah has undertaken a revision of *fiqh* principles to better address the contemporary challenges faced by Muslims.¹⁰

Initially, Muhammadiyah's *fiqh* adopted a monodisciplinary scope, primarily concerned with ritual worship. However, following the reformation, it underwent a multidisciplinary expansion. Significantly, Muhammadiyah's *fiqh* now engages with the complexities of Indonesia's legal-political constellation. As an illustration, Muhammadiyah formulated a *fiqh* of child protection to address the inadequacies of the existing legal-political framework concerning child welfare.

Ideally, *fiqh* should be viewed as a dynamic component of religious understanding, not a static endpoint. This philosophical approach necessitates a continuous and substantial process of modernization. This aligns with Scott Gordon's perspective on progressiveness, as cited by Maulidi,¹¹ which posits that all phenomena are subject to evolutionary processes, shifts, or transformations: "Everything must change, to something new and to something foreign." Similarly, *fiqh* ought to adopt a progressive and change-sensitive trajectory, as opposed to a regressive one.¹²

A prominent issue that has garnered the attention of Muhammadiyah during the Indonesian reformation era is the legal-political ecology of the nation.

⁸ Tasnim Rahman Fitra and Ade Silvana, "Moderate Islamic Jurisprudence: Study of Muhammadiyah's Decision on Changes in Criteria for Fajr Prayer Time," *Mazahib*, 2021, p. 43–76.

⁹ Niki Alma Febriana Fauzi, "Nalar Fikih Baru Muhammadiyah: Membangun Paradigma Hukum Islam Yang Holistik," *Jurnal Afkaruna Vol* 15, no. 1 (2019), p. 32.

¹⁰ Ahmed Gad Makhlof, "Continuity and Change of Traditional Islamic Law in Modern Times: Tarjih as a Method of Adaptation and Development of Legal Doctrines.," *Oxford Journal of Law & Religion* 12, no. 1 (2023), p. 1.

¹¹ Maulidi Maulidi, "Menggagas Fikih Responsif: Upaya Progresif Modernisasi Fikih," *Al-Adalah* 14, no. 2 (2018), p. 507.

¹² H. Scott Gordon, *The History and Philosophy of Social Science, The History and Philosophy of Social Science* (Routledge, 2002).

This domain represents a developmental movement within the organization.¹³ Within academic discourse, numerous scholars have explored the intersection of Muhammadiyah and environmental issues, as evidenced by extensive publications and research. These studies typically examine socio-political developments and their influence on the articulation of Islamic legal principles. Nevertheless, scholarly discourse tends to prioritize research themes specifically examining ‘Muhammadiyah and the Environmental Movement,’ with a particular emphasis on environmental advocacy initiatives and Muhammadiyah’s participatory role.¹⁴ Despite the substantial body of research on Muhammadiyah’s *fiqh*, the relationship between Muhammadiyah and the legal-political constellation of Indonesia remains largely unexplored.

The critique within Muhammadiyah’s *fiqh* in the realm of ecological legal politics during the Indonesian Reformation era presents considerable complexity and multi-dimensionality. However, Muhammadiyah’s *fiqh* theory, functioning as a legal paradigm, is increasingly relevant today because of its integrated approach, which encompasses the theological, moral, and legal facets of sharia.¹⁵ Muhammadiyah’s *Fiqh of Disabilities*, for instance, demonstrates a successful integration of the lived experiences of persons with disabilities, national legal framework, and recent academic research. This approach signifies an Islamic model that prioritizes justice and inclusivity.¹⁶ Muhammadiyah adopts a comprehensive approach to the exegesis of Islamic texts and acknowledges a variety of legal sources.¹⁷

Moreover, research into the formation of Islamic law, including *fiqh*, is inextricably linked to the encompassing social, political, and cultural dynamics.¹⁸ The central questions guiding this research, and their underlying urgency, are as follows: Why did the concept of Muhammadiyah’s *fiqh* change, and how does the

¹³ Hendy Setiawan, Nanang Indra Kurniawan, and Purwo Santoso, “The Ecotheological Movement of the Muhammadiyah Environmental Council in Response to the Environmental Governance Crisis,” *Millah: Journal of Religious Studies*, 2022, p. 639–70.

¹⁴ Muhammad Wahdini, Kamsi Kamsi, and Hasse Jubba, “Environmental Governance in Indonesia: Muhammadiyah’s Role, State Intervention, and Legal Practice Dynamics,” *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (2024), p.195.

¹⁵ Fauzi, “Nalar Fikih Baru Muhammadiyah: Membangun Paradigma Hukum Islam Yang Holistik.”

¹⁶ Arif Maftuhin and Abidah Muflihati, “The Fikih Difabel of Muhammadiyah: Context, Content, and Aspiration to an Inclusive Islam,” *Indonesian Journal of Islam and Muslim Societies* 12, no. 2 (2022), p.342.

¹⁷ Ahwan Fanani, “Moderasi Pemikiran Fikih Hubungan Antarumat Beragama Di Majelis Tarjih Dan Tajdid Muhammadiyah,” *SHAHIH: Journal of Islamicate Multidisciplinary* 2, no. 1 (2017), p.54.

¹⁸ Emine Enise Yakar, *Islamic Law, and Society: The Practice of Iftā’ and Religious Institutions* (Routledge, 2021).

critique within Muhammadiyah's *fiqh* address the legal-political ecological framework in the Indonesian Reformation context?

These research questions were addressed through normative legal research employing a legal-political approach. Mahfud MD defines legal politics as the legal policies or official regulations concerning law, implemented through the enactment of new statutes or the amendment of existing ones, to realize state objectives.¹⁹ This research employed a legal-political approach to analyze the influence of political forces, ideologies, and religious roles on Indonesia's ecological legal policies, with specific attention to Muhammadiyah's *fiqh*.

This research utilized library research as its primary data collection strategy. The subsequent phase of library research consisted of identification and retrieval of secondary data, which included information gathered from indirect sources.²⁰ Some indirect information, included, but are not limited to, library-based literature reviews, published books, and scholarly articles relevant to the research topic.

Transformation of the Tarjih Council: Interdisciplinary, Multidisciplinary, and Transdisciplinary Approaches

Muhammadiyah, a long-standing and significant Islamic organization in Indonesia, has effectively responded to the challenges of the modern era.²¹ Muhammadiyah, as an Islamic movement, formally upholds the principle of *amar ma'ruf nahi munkar*. However, it is variously characterized as embodying Modernist Islam, Moderate Islam, Purist Islam, and Progressive Islam (*Islam Modernis, Islam Moderat, Islam Murni, and Islam Berkemajuan*).²² Certain aspects of the organization's identity are externally attributed through observation, and others through antagonistic assessments. Conversely, members of Muhammadiyah articulate a self-perceived identity that characterizes their affiliation.

Deliar Noer, in his 1973 publication, 'The Modernist Muslim Movement in Indonesia, 1900-1942,' positions Muhammadiyah as an integral part of the modernist Islamic movement in Indonesia. This work is derived from his doctoral dissertation submitted to Cornell University. However, differing from Noer's assessment, James L. Peacock, in his work 'Purifying the Faith: The

¹⁹ M D Mahfud, "Moh.(2011) Politik Hukum Di Indonesia," *Jakarta, Rajawali Pers* (Jakarta: Rajawali Press, 2012), p. 1.

²⁰ Muhammad Wahdini, *Pengantar Metodologi Penelitian Hukum* (Penerbit K-Media, 2022), p.34.

²¹ M Falikul Isbah, "Pesantren in the Changing Indonesian Context: History and Current Developments," *Qudus International Journal of Islamic Studies (QIJIS)* 8, no. 1 (2020), p.67.

²² Ilham Yuli Isdiyanto, Fauzan Muhammadi, and Umair Fahmiddin, "Tracing the Roots of Muhammadiyah Thought on the Concepts of Dār Al-'Ahdi Wa Al-Syahādah," *Legality: Jurnal Ilmiah Hukum* 30, no. 1 (2022), p.148.

Muhammadiyah Movement in Indonesian Islam' (1978), presents a contrasting portrayal of Muhammadiyah, describing it as a manifestation of a puritanical religious movement.²³

Initially, the Tarjih Council's role was to convene, deliberate, and resolve contemporary issues through the lens of the Qur'an and Sunnah, thereby addressing the challenges of the era. However, its function later transitioned to prioritizing the extraction of the most robust legal foundation for practical application.²⁴ The transformation of the Tarjih Council entailed not only an expansion of its functional scope but also a significant enhancement of its legal decision-making methodology through the integration of diverse scientific approaches. Moreover, its legal outputs contain not only the resolutions of the National Tarjih Assembly, but also *fatwas* (legal rulings) and scholarly discourses designed to expedite the resolution of emergent societal issues. The Tarjih Council is tasked with five primary responsibilities, one of which entails the organization and dissemination of Tarjih products and ideological frameworks to all segments of society.²⁵

The Muhammadiyah organization initially regarded *tarjih* as a forum for the selection of the most authoritative opinion from a range of existing viewpoints. The Tarjih Council was founded with the preventative function of addressing *khilafiyah* (differences of opinion) disputes that emerged within Muhammadiyah regarding the divergent practices of implementing Islamic teachings.²⁶ This understanding, however, has undergone recent evolution. Muhammadiyah now defines *tarjih* as the process of rendering legal rulings on issues not explicitly addressed in the Qur'an and Sunnah, and selecting the opinion deemed more *rajih* (weightier) from among competing viewpoints.²⁷

The transformative shift in the conceptualization of *tarjih*, from a mere selection of existing opinions to encompass discovery or *ijtihad*, embodies the

²³ Syamsul Arifin, Syafiq A Mughni, and Moh Nurhakim, "The Idea of Progress: Meaning and Implications of Islam Berkemajuan in Muhammadiyah," *Al-Jami'ah: Journal of Islamic Studies* 60, no. 2 (2022), p. 549.

²⁴ Ilham Mundzir and Yulianti Muthmainnah, "The Progressiveness of Quranic Interpretation in the Fatwa of Muhammadiyah on Female Circumcision," *Indonesian Journal of Islam and Muslim Societies* 12, no. 2 (2022), p.286.

²⁵ Yazida Ichsan, Unik Hanifah Salsabila, and Difa'ul Husna, "Tranformasi Dan Aktualisasi Majelis Tarjih Dalam Pendidikan Islam Di Sekolah Muhammadiyah," *Muaddib : Studi Kependidikan Dan Keislaman* 12, no. 1 (2022), p.41.

²⁶ Nadia Azkiya, "Muhammadiyah Issues (An Examination of Majlis Tarjih and the Interpretation of the Qur'an)," in *Proceeding International Conference on Tradition and Religious Studies*, vol. 2, (2023), p. 224–42.

²⁷ Qosim Arsadani et al., "The Progressiveness of Sharia Economic Fatwas: Direction of Islamic Legal Thoughts within NU and Muhammadiyah," *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (2024), p.159.

spirit of *tajdid* that underpins this organization. Muhammadiyah is recognized as an Islamic organization committed to reformist or *tajdid* principles.

In the initial stages of Muhammadiyah's establishment, the concept of *tajdid* remained undefined. KH. Ahmad Dahlan's primary focus was the eradication of perceived deviant religious practices and the restoration of adherence to the Qur'an and Sunnah. Prior to the 37th Muhammadiyah Mukhtar in 1968, M. Djindar Tamimy formally proposed the conceptualization of *tajdid* as the organization's *khittah*.²⁸

In 1927, following the recommendation of K.H. Mas Mansyur, the Tarjih Council was established to issue *fatwas* and provide legal judgments on particular religious questions.²⁹ Muhammadiyah observers speak of the Tarjih Council in a unique way. It is considered by some to be the very essence of Muhammadiyah, holding responsibility for its existence and demise. Some also argue that the Tarjih Council and Muhammadiyah are essentially one and the same, implying that the Tarjih Council is integral to Muhammadiyah's identity. As Muhammadiyah's institution for *ijtihad*, the Tarjih Council plays a pivotal role in leading Muhammadiyah's *tajdid* movement.³⁰

The Tarjih Council underwent a notable change when it elected a leader whose background was outside the traditional Islamic jurisprudence, an event that broke with its established customs and hinted at a new direction for the council. The shift occurred with the appointment of Amin Abdullah, a specialist in Ushuluddin (Islamic philosophy), as leader of the Tarjih Council and the Development of Islamic Thought (MTPPI) from 1995 to 2000, marking a departure from traditional leadership. During his tenure at the Tarjih Council and the Development of Islamic Thought, Amin Abdullah made significant strides by incorporating new epistemologies into modern Islamic studies, drawing on the works of influential scholars such as Muhammad Arkoun, Muhammad 'Abid al-Jabiri, Abdullah Saeed, Ibrahim M. Abu-Rabi', Abdolkarim Soroush, Jasser Auda, Khaled Abou El-Fadl, and numerous others. Moreover, the significant influence of Western intellectual traditions on modern social humanities and the natural sciences has driven a major paradigm shift within Muhammadiyah, resulting in a substantial transformation.³¹

²⁸ Kholidah Kholidah, Nawir Yuslem, and Ahamd Qorib, "Dinamika Manhâj Tarjih Muhammadiyah Dalam Merespon Persoalan-Persoalan Hukum," *Istinbath* 20, no. 1 (2021), p. 44-73.

²⁹ Adi Rusbandi, "Sejarah Majelis Tarjih," Tarjih.co.id, 2020.

³⁰ Kholidah, Yuslem, and Qorib, "Dinamika Manhâj Tarjih Muhammadiyah Dalam Merespon Persoalan-Persoalan Hukum."

³¹ Mu'arif, "Jelang Munas Satu Abad: Menyongsong Transformasi Kedua Majelis Tarjih," Suara Muhammadiyah, 2024, <https://suaramuhammadiyah.id/read/jelang-munas-satu-abad-menyongsong-transformasi-kedua-majelis-tarjih-5>.

The Tarjih and Tajdid Council remains in existence to this day following the 44th Mukhtamar. Throughout its history, nine of Muhammadiyah's most influential figures have served as chairpersons of the Tarjih Council: KH Mas Mansur (1928–1936), Ki Bagus Hadikusumo (1936–1942), KH Ahmad Badawi (1942–1950), KRH Hadjid (1950–1959), KRTM Moh. Wardan Dipaningrat (1959–1985), KH Ahmad Azhar Basyir, MA (1985–1990), Prof. Drs. H. Asjmundi Abdurrahman (1990–1995), Prof. Dr. H. Amin Abdullah (1995–2000), and Prof. Dr. H. Syamsul Anwar, MA (2000–present).³²

Amin Abdullah's tenure marked the introduction and development of interdisciplinary, multidisciplinary, and transdisciplinary approaches within the Tarjih Council, resulting in a conceptual transformation. Muhammadiyah utilizes a *jama'i* (collective) *ijtihad* system as its interdisciplinary foundation. For contemporary issues like vaccination and artificial insemination, Muhammadiyah engages in collective *ijtihad*, engaging experts from various fields.

The Concept of Responsive *Fiqh* in Muhammadiyah

The numerous different *madhhabs* (schools of thought) and *fiqh* works throughout history signify the dynamism and flexibility of *fiqh*. The notion of the closed door of *ijtihad* (*insidad bab al-ijtihād*) and the discourse of intellectual stagnation (*jumud*) are refuted by the dynamic evolution of *fiqh*. The discourse in question is often a product of *madhhab* fanaticism, which effectively closes the door to *ijtihad* by asserting that all legal issues are already settled within established *madhhabs*, as documented in *fuqaha's fatwas* concerning theoretical and applied jurisprudence.³³

In response to this discourse, it becomes imperative that *fiqh* move beyond a passive representation of reality and embrace an active role in shaping it, thereby ensuring its continued existence and relevance. This necessitates *fiqh's* adaptation to the changing global landscape.³⁴ *Fiqh* is fundamentally constructed upon dynamism and evolution, not rigidity. This dynamic and flexible nature, stemming from the ongoing interaction between textual interpretation and societal change, facilitates its broad applicability across time and place.³⁵

For *fiqh* to gain relevance in the contemporary world as a process of *ijtihad* and a dynamic interplay between doctrine and reality, it is essential to address its current challenges. A key issue is the weaknesses of the classical

³² M Muchlas Abror, "Dinamika Tarjih," *Suara Muhammadiyah*, 2014.

³³ Maimun Nawawi, "Reaktualisasi Fiqh Indonesia (Telaah Atas Kontribusi Pemikiran Hukum Hasbi Ash-Shiddieqy)," *AL-IHKAM* 11, no. 1 (2007), p.30.

³⁴ Maulidi, "Menggagas Fikih Responsif: Upaya Progresif Modernisasi Fikih, p.59.

³⁵ M Sulthon, Imam Syafi'i, and Auliya Ghazna Nizami, "Contemporary Fiqh in Indonesia: The Dynamics of *Istinbat Al-Ahkām* at Ma'had Aly Salafiyah Shafi'iyah Sukorejo Situbondo," *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (2024), p.120.

paradigm and the slow pace of reform, leading to unnecessary repetition.³⁶ It is crucial to develop new perspectives within *fiqh* that can meaningfully transform modern social realities. In line with Ibn Taimiyyah's insights, *fiqh* must engage with tangible social issues, prioritizing real-world concerns of Muslims over abstract scholastic formalism.³⁷

Therefore, Muhammadiyah's *manhaj tarjih* introduces a novel *fiqh* reasoning that, while grounded in detailed textual evidence (*dalil tafsili*), also emphasizes practical application. This is accomplished by synthesizing various analytical methods with revealed sources and the foundational principles of Islamic law.³⁸ Consequently, Muhammadiyah's broadened understanding of *fiqh*, while encompassing wider applications, does not dismiss the significance of precisely defined legal concepts.³⁹

Muhammadiyah's *Manhaj Tarjih* posits that the construction of Muhammadiyah's *fiqh* relies on two fundamental methodological principles: an integralistic assumption and a hierarchical assumption.⁴⁰ The integralistic assumption combines both direct and indirect evidence pertaining to a given issue, subjecting it to corroboration. Alternatively, the hierarchical assumption asserts that norms are arranged in a progressive, bottom-up structure. According to Syamsul Anwar, the hierarchical structure of norms, when considered from the highest to the lowest level, comprises fundamental values (*al-qiyam al-asisiyyah*), general principles (*al-ushul al-kulliyah*), and practical legal provisions (*al-ahkam al-far'iyah*) at the base.⁴¹

A detailed analysis reveals that Muhammadiyah's *fiqh* is structured upon three hierarchical levels, beginning with fundamental values (*al-qiyam al-asisiyyah*). These are abstract norms, rooted in the core teachings of the Qur'an and Sunnah, encompassing essential Islamic principles such as monotheism, equality, tolerance, and noble character. Subsequently, general principles (*al-ushul al-kulliyah*) serve as the concrete manifestation of fundamental values and

³⁶ H Chad Hillier, "Muhammad Iqbal on Al-Fiqh: Towards a Natural Law Jurisprudence," *Journal of Islamic Law and Culture* 12, no. 3 (2010), p. 259.

³⁷ Nurhadi Nurhadi, "Formulasi Fiqh Muhammadiyah Dalam Paradigma Islam Berkemajuan," *Misykat Al-Anwar Jurnal Kajian Islam Dan Masyarakat* 1, no. 1 (2018), p. 3.

³⁸ Niki Alma Febriana Fauzi, "Muhammadiyah's New Fiqh Reasoning: Constructing a Holistic Islamic Law Paradigm," *Afkaruna* 15, no. 1 (2019), p. 44.

³⁹ Zalik Nuryana and Niki Alma Febriana Fauzi, "The Fiqh of Disaster: The Mitigation of Covid-19 in the Perspective of Islamic Education-Neuroscience," *International Journal of Disaster Risk Reduction* 51 (2020), p. 4.

⁴⁰ Ruslan Fariadi, Aryani Ikasari, and Salwa Nafiza, "Manhaj Tarjih: Navigating Ijtihad in The Disruption Era," *Indonesian Journal of Islamic Economic Law* 2, no. 1 (2025), p. 31.

⁴¹ Ilham, "Syamsul Anwar Terangkan Metode Asumsi Hirarkis Dalam Manhaj Tarjih," Muhammadiyah, 2021, <https://muhammadiyah.or.id/2021/07/syamsul-anwar-terangkan-metode-asumsi-hirarkis-dalam-manhaj-tarjih/>.

the abstract representation of lower-level norms, effectively mediating between these values and practical circumstances.

A distinction is made between two types of these principles: those codified as *qawa'id fiqhiyyah* (rules of *fiqh*), which are juridical formulations, and *an-nazariyyat al-fiqhiyyah* (principles of Islamic law). Moreover, *al-ahkam al-far'iyah* (practical legal provisions) establish the *taklifi* (*halal*/permitted or *haram*/prohibited) and *wad'i* (conditional) aspects of sharia legal events.

Muhammadiyah's *Fiqh* and Legal Politics in Indonesia

Din Syamsuddin contends that politics and religion are inseparable, characterizing them as 'siblings' that exert mutual influence.⁴² This view is consistent with Syafii Maarif's emphasis on the relevance of Islamic values, particularly justice, democracy, and tolerance, to the domain of political life.^{43,44} This reality highlights the consistent political influence upon Islamic legal discourse.⁴⁵ In the process of legal enactment, primary priority must be accorded to the core objectives of Islamic law: the realization of public welfare (*maslahah*), the prevention of harm and corruption (*mudarat* and *fasad*), and the establishment of justice.⁴⁶ Nevertheless, achieving these objectives requires innovative interpretations to address contemporary socio-legal challenges.⁴⁷

In light of these arguments, Muhammadiyah's *Fiqh* has actively participated in shaping the legal-political landscape of Indonesia during the reformation era. The following are key *fiqh*-based contributions from Muhammadiyah during this period.

Table 1: Products of Muhammadiyah's *Fiqh*

No.	Fiqh Products	Determination Time
1	Fiqh of Women and Pornography and Pornographic Acts	XXVI National Deliberation of Tarjih Muhammadiyah, held on 5 to 9 Sha'ban 1424 H/ 1 to 5 October 2003 CE in Padang

⁴² M Din Syamsuddin, "Islamic Political Thought and Cultural Revival in Modern Indonesia," *Studia Islamika* 2, no. 4 (1995), p. 52.

⁴³ Deri Rizal et al., "Reinterpreting Religious Texts on Gender Equality: The Perspective of Ahmad Syafii Maarif," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (2024), p. 328.

⁴⁴ Ahmad Syafii Maarif, *Islam, Humanity and the Indonesian Identity: Reflections on History* (Leiden University Press, 2018), p. 67.

⁴⁵ Michael Buehler, *The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia* (Cambridge University Press, 2016), p. 1.

⁴⁶ Asman Asman and Tamrin Muchsin, "Maqasid Al-Shari'ah in Islamic Law Renewal: The Impact of New Normal Rules on Islamic Law Practices during the Covid-19 Pandemic," *Mazahib*, (2021), p. 78.

⁴⁷ Ahmad Yani and Megawati Barthos, "Transforming Islamic Law in Indonesia from a Legal Political Perspective," *Al-Ahkam* 30, no. 2 (2020), p. 175.

2	Fiqh of Governance	XXVII National Deliberation of Tarjih Muhammadiyah, held on 16 to 19 Rabiulakhir 1431 H/ 1 to 4 April 2010 CE in Malang
3	Fiqh of Water	XXVIII National Deliberation of Tarjih Muhammadiyah, held on 27 to 29 Rabiulakhir 1435 H/ 27 February to 1 March 2014 CE in Palembang
4	Fiqh of Disaster Management	XXIX National Deliberation of Tarjih Muhammadiyah, held on 1 to 4 Sha'ban 1436 H/ 19 to 22 May 2015 CE in Yogyakarta
5	Fiqh of Child Protection and Fiqh of Information	XXX National Deliberation of Tarjih Muhammadiyah, held on 6 to 9 Jumadilawal 1439 H/ 23 to 26 January 2018 CE in Makassar
6	Fiqh of Contemporary Zakat, Fiqh of Disabilities; and Agrarian Fiqh	XXXI National Deliberation of Tarjih Muhammadiyah, held during the Covid-19 pandemic, in a blended format (online and offline), hosted by Muhammadiyah University of Gresik. This XXXI National Deliberation was held in stages every Saturday and Sunday, on 13 to 14 Rabiulakhir 1442 H/28 to 29 November 2020 CE, 20 to 21 Rabiulakhir 1442 H/5 to 6 December 2020 CE, 27 to 28 Rabiulakhir 1442 H/12 to 13 December 2020 CE, 4 to 5 Jumadilawal 1442 H/19 to 20 December 2020 CE
7	Fiqh of Contemporary Waqf	XXXII National Deliberation of Tarjih Muhammadiyah, held at Muhammadiyah University of Pekajangan Pekalongan on 13 to 15 Sha'ban 1445 H/ 23 to 25 February 2024 CE

Data Source: Tarjih and Tajdid Council

The data, when viewed through legal political theory, reveals Muhammadiyah *Fiqh's* active role in shaping a democratic political configuration, aiming for full and equal participation in influencing government policies. A democratic political configuration is a system that empowers active public participation in decision-making, safeguards individual rights, and promotes justice, equality, and social liberty.⁴⁸

⁴⁸ Mahfud, "Moh.(2011) Politik Hukum Di Indonesia."p. 45

Muhammadiyah's *Fiqh of Water*: A Critique of the Water Crisis and Water Resource Management

On March 30, 2013, the Tarjih and Tajdid Council, in collaboration with the Environmental Council of Muhammadiyah Central Leadership, convened a Seminar on the *Fiqh of Water*, themed "Water and the Future of Humanity," at Muhammadiyah University (UMY), Yogyakarta. Muhammadiyah's stance on water issues is detailed in the *Fiqh of Water*, a publication by the Tarjih and Tajdid Council of Muhammadiyah Central Leadership. This book presents a framework for the *Fiqh of Water*, comprising basic standards (*alqiyam-alasasiyah*), universal principles (*alushuul-alkulliyah*), and implementation guidelines (*alahkam-alfar'iyah*), all rooted in Islamic teachings. The *Fiqh of Water* addresses Muhammadiyah's Islamic perspective on water utilization, management, conservation, and preservation, and outlines strategies for ensuring equitable access to clean water for all.⁴⁹

The 28th National Deliberation of Tarjih held from February 27 - March 1, 2014 in Palembang, South Sumatra addressed the *Fiqh of Water*, where the Tarjih and Tajdid Council deliberated on critical issues. The Central Leadership of Muhammadiyah subsequently implemented the deliberation's decision, as documented in decree number 101/KEP/I.0/B/2015.⁵⁰

The emergence of the *Fiqh of Water* is rooted in Muhammadiyah's recognition of the alarming, global water crisis, impacting both quantitative and qualitative aspects. Despite Indonesia possessing substantial water resources, holding 6% of the world's freshwater potential and ranking 5th globally, after Brazil, Russia, China and Canada, the organization acknowledges the pressing need for sustainable water management. The principal challenges arise from demographic expansion and Indonesia's development paradigm, which lacks an orientation toward natural resource conservation. Empirical data confirms the manifestation of water crises in multiple regions throughout Indonesia. Several macro-level issues contributing to the water crisis across Indonesian regions include raw water scarcity, unsafe water consumption, pollution, potential water resource conflicts, and deforestation.⁵¹

Recognizing its role as a *da'wah* movement for *amar ma'ruf nahi munkar* and as an integral part of the Indonesian nation, Muhammadiyah acknowledges its obligation to actively engage in addressing critical global challenges. Muhammadiyah is firmly committed to supporting the government and

⁴⁹ Setiawan, Kurniawan, and Santoso, "The Ecotheological Movement of the Muhammadiyah Environmental Council in Response to the Environmental Governance Crisis., p. 652.

⁵⁰ Majelis Tarjih Pimpinan Pusat Muhammadiyah, "Tanfidz Keputusan Musyawarah Nasional Tarjih XXVIII" (Yogyakarta: Pimpinan Pusat Muhammadiyah, 2014).

⁵¹ Muhammadiyah. p. 4-5.

collaborating with all segments of the nation to preserve and develop the country, aiming for a just and prosperous society that is pleasing to Allah.^{52,53}

Muhammadiyah, grounded in its *Fiqh of Water* framework, pursued a Judicial Review of Law No. 7/2004 concerning Water Resources, contending that the law's provisions granted unchecked water management to private entities, thereby constituting a violation of the 1945 Constitution. Consequently, on February 18, 2015, the Constitutional Court (Mahkamah Konstitusi/MK) ruled that Law No. 7 of 2004 concerning Water Resources was to be annulled, as it was found to be in contravention of the 1945 Constitution of the Republic of Indonesia. Furthermore, the Court reinstated the implementation of Law No. 11 of 1974 concerning Irrigation.⁵⁴

The findings of this study, within the framework of responsive *fiqh*, reveal that Muhammadiyah's *Fiqh of Water* has engaged with the prevailing legal political landscape in Indonesia regarding water resources. Conversely, legal politics has also incorporated principles of the *Fiqh of Water*, as evidenced by the Constitutional Court's decision No. 85/PUU-XI/2013.

Fiqh of Disaster Management: Societal Social Response and the Spirit of al-Ma'un

The rationale behind the development of Muhammadiyah's *Fiqh of Disaster Management* lies in the acknowledgement that disasters, irrespective of their nature (i.e., natural, non-natural, or social), inflict widespread community suffering and inevitably increase the number of impoverished and orphaned individuals. Consequently, these issues necessitate a simultaneous and holistic approach to mitigation and resolution. Based on this rationale, the Tarjih and Tajdid Council of Muhammadiyah Central Leadership developed the *Fiqh of Disaster Management*. The process commenced with a workshop to gather discussions and solutions on disaster management, ultimately leading to the compilation of these insights into a comprehensive guide.

Despite its strategic geographical positioning as a center of civilization, Indonesia is susceptible to a range of devastating natural phenomena. The nation's fertility, prosperity, and strategic significance are inherently intertwined with the potential for earthquakes, tsunamis, storms, volcanic activity, floods, and landslides. Indonesia's geographical location places it at the intersection of three tectonic plates: Eurasian, Pacific, and Indo-Australian. Furthermore, the country

⁵² Maslahul Falah, 'Fresh Ijtihad Muhammadiyah Tentang Sumber Daya Air Dalam Kajian Politik Islam: Fresh Ijtihad Muhammadiyah Tentang Sumber Daya Air Dalam Kajian Politik Islam', *Jurnal Staika: Jurnal Penelitian Dan Pendidikan*, 5.1 (2022), p. 20.

⁵³ Kepribadian Muhammadiyah, Sifat Muhammadiyah Butir 7 dan 9.

⁵⁴ David Efendi, Nanang Indra Kurniawan, and Purwo Santoso, "From Fiqh to Political Advocacy: Muhammadiyah's Ecological Movement in the Post New Order Indonesia.," *Studia Islamika* 28, no. 2 (2021), p. 369.

lies within the volcanic “Ring of Fire,” characterized by a chain of 127 active volcanoes extending from west to east.

In addition to the inherent risks posed by natural factors, Indonesia’s complex demographic and economic conditions, including high population density and persistent poverty, significantly contribute to its heightened vulnerability to natural disasters. Indonesia currently holds the highest global risk for tsunamis (out of 265 countries) and landslides (out of 162), ranks third for earthquake risk (out of 153), and sixth for flood risk (out of 162).⁵⁵

The *Fiqh of Disaster Management* formalizes principles already inherent in Muhammadiyah’s long-standing tradition, given its establishment and growth into a leading socio-community organization.⁵⁶ Muhammadiyah’s significant contributions to disaster and humanitarian assistance in Indonesia have garnered it recognition within international political dialogues on humanitarian aid.⁵⁷ From its inception, Muhammadiyah’s founder, K.H. Ahmad Dahlan, embodied the principle of al-Ma’un, a belief manifested in diverse social initiatives. Kyai Dahlan’s interpretation of al-Ma’un, meaning “Small Kindness,” directly influenced his actions towards impoverished, marginalized, and oppressed communities.⁵⁸ Hence, the *Fiqh of Disaster Management* adopts an integrated approach, addressing socio-community concerns in conjunction with their ecological dimensions within disaster contexts.

Agrarian Fiqh: Critique of Agrarian Legal Politics in Indonesia

The *Agrarian Fiqh*, a product of the XXXI National Deliberation of Tarjih Muhammadiyah in 2020, addresses the urgent need for solutions to persistent agrarian conflicts, inequitable land distribution, land disputes, uncontrolled agricultural land conversion, and environmental degradation stemming from inadequate agrarian governance. These circumstances motivated Muhammadiyah to develop the *Agrarian Fiqh* guidelines, a framework for agrarian governance rooted in Islamic principles.

⁵⁵ Pimpinan Pusat Muhammadiyah, “Tanfidz Keputusan Musyawarah Nasional Tarjih XXIX (Executive Decree of the National Congress of the Department of Fatwa XXIX), 2018, p. 9.

⁵⁶ Mutmainni Rodhiyah et al., “Theology of Al-Maun in Muhammadiyah Philanthropy (Study of Living Qur’an at Kartasura LAZISMU),” in *Proceedings of the International Conference on Islamic and Muhammadiyah Studies (ICIMS 2022)*, vol. 676 (Atlantis Press, 2022), p. 139.

⁵⁷ Robin Bush, “Muhammadiyah and Disaster Response: Innovation and Change in Humanitarian Assistance,” *Natural Disaster Management in the Asia-Pacific: Policy and Governance*, (2015), p. 33–48.

⁵⁸ Zakiyuddin Baidhawiy and Azaki Khoirudin, “The Core Ethos and the Progressive Spirit of Muhammadiyah Socio-Religious Movement,” *Journal of Al-Tamaddun* 13, no. 2 (2018), p. 33.

During the Tarjih Council of Muhammadiyah Central Leadership's religious study session on January 6, 2021, six primary issues were identified as the foundation for the formulation of *Agrarian Fiqh*:⁵⁹

Main Issues	Evidence
Unachieved food self-sufficiency and agricultural development	Self-sufficiency (<i>swasembada</i>) was only in 1984 through the "green revolution" which had many problems. Every year, 150,000-200,000 hectares of rice fields are converted into non-rice fields.
Environmental damage	Damaged ecosystems and environmental problems. Indonesia included as one of the 10 largest destroyers of tropical forests.
Agrarian conflicts	In 2015-2018, 1769 cases, and 35% of them involved corporations.
Indigenous people and culture	Local wisdom (ecocentric ethics) is threatened; marginalization of indigenous communities along with the cultural values of the nation
Rural crisis	Urbanization, land conversion, fading economic activity, urban-biased development
Housing and public space access	Minimal public access to decent housing and adequate public space

Drawing from this data, Muhammadiyah's *Agrarian Fiqh* addresses diverse agrarian challenges in Indonesia, fundamentally aiming to achieve societal well-being. Moreover, the urgency of *Agrarian Fiqh* is highlighted by its advocacy for widespread livelihoods and its endeavor to harmonize national law, governmental policies, and Islamic principles, ultimately promoting public welfare.

These central concerns serve as a direct critique of the current agrarian political policies in Indonesia. Muhammadiyah's rejection of the drafting process of Job Creation Law clearly illustrates this critical engagement. Muhammadiyah's *Agrarian Fiqh* extends beyond criticism, incorporating constructive recommendations for agrarian governance reform, demonstrating its commitment to be a progressive movement.⁶⁰

⁵⁹ Tim Penyusun, Divisi Publikasi dan Kerjasama, and Majelis Tarjih dan Tajdid PP Muhammadiyah, "Materi Pengajian Tarjih PP Muhammadiyah, 06 Januari 2021" (Yogyakarta, 2021).

⁶⁰ Arifin, Mughni, and Nurhakim, "The Idea of Progress: Meaning and Implications of Islam Berkemajuan in Muhammadiyah."p. 548

Conclusion

Muhammadiyah's critical *fiqh*, a paradigm for responsive *fiqh*, addresses ecological legal-political issues in Indonesia. Muhammadiyah's *fiqh* plays a significant role in fostering a democratic political configuration, aiming for comprehensive and egalitarian participation in influencing governmental policy. Among the Tarjih Council's numerous *fiqh* outputs, this research focused on three ecological *fiqh* products. Firstly, the *Fiqh of Water* addresses the alarming, global water crisis. The *Fiqh of Water* served as the legal basis for Muhammadiyah's judicial review of Law No. 7/2004 concerning Water Resources, which the Constitutional Court upheld, signifying the incorporation of this *fiqh* into Indonesia's ecological political landscape. Secondly, the *Fiqh of Disaster Management*, addressing socio-community issues linked with ecological problems in disaster contexts, has not resulted in contestation or accommodation within ecological politics. Thirdly, *Agrarian Fiqh* addresses varied agrarian challenges in Indonesia, including food self-sufficiency, environmental degradation, agrarian conflicts, indigenous community rights, and housing and public space access. Consequently, this *fiqh* engages in contestation with state policies within the realm of ecological politics.

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