

**CHAPTER 2**

**HISTORY AND ROLE OF THE JOHOR STATE FATWA COMMITTEE IN  
THE ADMINISTRATION OF THE ISLAMIC RELIGION OF THE STATE OF  
JOHOR**

**2.0 INTRODUCTION**

The management and issuance of fatwas in the state of Johor is under the jurisdiction of the Johor Mufti Department. Each fatwa issued is decided by the Johor State Fatwa Committee as a body that is fully qualified to decide and issue official fatwas in the state of Johor (Mohd Faez Mohd Shah, 2012).

The institution of Mufti in Johor has existed since the time of the Malay Sultanate of Johor Riau. In the administration of Modern Johor, Sahibus Samahah Mufti has become an important public official as an Islamic Religious Advisor and Palace Officer to DYMM Sultan of Johor. The involvement of the Mufti in the administration of the Government is the earliest that has been recorded as a witness to the promulgation of the Constitution of the Johor Government on 24 Rabiul Awal 1313 Hijrah equivalent to 14 September 1895. (<http://mufti.johor.gov.my>)

This chapter will discuss the History of Johor Islamic Religious Administration, the role of the Johor State Mufti's office as well as the history of the establishment of Johor State Fatwa Committee Members who take responsibility and decided through *muzakarah* and special meetings held.

## **2.1 HISTORY OF THE ISLAMIC RELIGIOUS ADMINISTRATION OF THE STATE OF JOHOR**

Clause 57 of the Johor Government Constitution 1895 stipulates that Islam is the state religion. In the Administration of the Religion of Islam Enactment 1978 in the state of Johor has also clearly provided in Section 4 on the Establishment of Religious Councils.

(1) There shall be established a Johor State Islamic Religious Council referred to in English as the "Council of the Religion of Islam, Johore" and hereinafter referred to as the "*Majlis*" which shall remain hereditary.

(2) The *Majlis* shall have a seal and may sue and be sued in its name and, subject to this Enactment, may contract and acquire, purchase, take, hold and have any kind of movable and immovable property and may transfer, assign, reassign, transfer or otherwise dispose of or make any dealings in respect of any movable or immovable property or any interest thereon vested in the *Majlis* in accordance with *Hukum Syarak*.

The Islamic administration in the state of Johor is organized systematically with the structure of the Johor Islamic Religious Council. This body consists of ulama and state Islamic religious administrators who are given the mandate to assist the Sultan of Johor to administer and provide advice and views to make the Islamic religious administration system strong. The Religious Council was proclaimed on March 1, 1925 with the appointment of eight members to the Religious Council who were called the Members of the Syura Council (Fadilah & Kamaruzaman, 2016).

In an effort to streamline the administrative system of the Johor Religious Council, the Johor Religious Office has published a document known as 'Order of Conducting the Religious Council Conference 1933' which came into force on 12 November 1933. This document contains methods of performing duties for each party in launching the Religious Council conference.

Chairman of the Religious Department calls the members to a meeting, while the secretary is responsible for issuing a letter of notification to all members. Also mentioned are some other things, namely the method to bring the motion to be debated, the number of members present to enable the conference to be held and the conditions for holding a special conference when there is a very important and orderly matter in the discussion. These matters are clearly stated to help the administration of the Religious Council run smoothly.

The establishment of the Johor Islamic Religious Council is also in line with the Order of the Majlis Raja, Majlis Istana and Agama Bahagian III in clause 2 (5). Chairman of the Religious Department has stated that the existence of the Religious Council before 1947 and the Religious Council is responsible for thinking about issues related to Islam and the Muslim community. In 1947, Chairman of the Johor Islamic Religious Department detailed the functions of the Religious Council to be more efficient in line with the demands of the increasingly complex needs of the Muslim community. The Islamic religious administration of the state of Johor has the strong support of three administrative divisions, namely the Religious Department, the Mufti's Office and the *Kadi Besar's* Office.

The Johor State Mufti's Office is an important organization in the administration of the Johor Islamic Religious Department. The Mufti's office is responsible for answering the problem of Islamic law by issuing the fatwa that covers as faith, worship, *mūāmālāt*, *mūnākāhāt*, crime and all branches of religious knowledge as well as examining people to be appointed as kadi and so on. Fatwa is important part used as a guide to resolve issues or problems involving the Muslim community (Fadilah & Kamaruzaman, 2016).

The institution of the mufti was an important part of the administration of the Johor government since early 20th century. This institution also plays an important role in the administration of the Johor government in terms of religious affairs, including involving the economic and social space. Those who have been appointed is

Dato 'Syed Salim Abdullah al-Attas (1873–1899), Dato' Abdullah Musa (1899–1907), Syed 'Abd Qadir Muhsin al-Attas (1909–1933) and Syed Alwi Tahir al-Haddad (1933– 1941) (Noorilham Ismail, 2021).

The Muslim community of Johor is very lucky because the state administration provides a Mufti's Office that is always open and the loyal mufti is ready to answer various questions regarding Islamic jurisdictions. This is important to avoid misunderstandings on the interpretation and application of Islamic issues that can be harmful to life and the most worrying is that it can challenge the faith of the Muslim community. Therefore, the main goal of the Mufti's Office is to ensure the correct implementation of the issues in the Muslim community and in turn be able to produce a community that is truly obedient and understands the teachings of Islam (Fadilah & Kamaruzaman, 2016).

## **2.2 HISTORY OF THE ESTABLISHMENT OF FATWA COMMITTEE MEMBERS**

The establishment of the Johor State Fatwa Committee began on 31 January 1979, after the Johor Islamic Religious Administration Enactment came into force in 1978. At the beginning of its establishment, the Johor State Fatwa Committee was known as Lujnah Fatwa Johor when Dato 'Syed Alwi Bin Abdullah al-Haddad held the position of mufti.

Before the State Islamic Religious Administration Enactment was enacted, the mufti was an individual who had full authority to decide and issue all fatwa decisions according to his assessment based on his knowledge and experience without being referred to a specific committee. This can be seen through the collection of fatwas of the Johor Government Mufti, Dato 'Syed Alwi Bin Tahir al-Haddad which have been recorded by the Johor Mufti Department as a reference to Muslims in the state of Johor.

This collection of fatwas contains the results of fatwas decided by the Johor mufti at that time individually. Then, after the enactment was introduced in 1978 and subsequently created the Lujnah Fatwa, then the legal decision decided by the Lujnah Fatwa alone was considered an official fatwa.

Therefore, the above provision clearly shows that, the mufti no longer has the absolute freedom and full power to issue a fatwa unless it is only in the nature of the mufti's personal answer only to questions put to him.

The enforcement of this enactment also shows that the official fatwa is only a fatwa issued by the Johor State Fatwa Committee. This official fatwa is the guide and reference for Muslims in the state of Johor and is binding if it is gazetted.

The main purpose of establishing the Johor State Fatwa Committee as an official body with full authority in investigating and issuing fatwa decisions is to

strengthen and strengthen the arguments and propositions to decide the fatwa law for any question that occurs based on the knowledge and experience of each committee member with their respective areas of expertise.

Therefore, through the establishment of this Fatwa Committee, the fatwa decided is more in the nature of resolving problems that occur through the different experiences, views and knowledge possessed by each member where they have the same role and right to make suggestions or views on an issue raised.

In the book 'History of the Development of Johor Islamic Religious Administration' it is stated that there are seven main functions of the Mufti institution.

(a) Issuing fatwas and answering religious questions. Fatwas on Islamic law in the Malay state are a need of Muslims in general and the Malay community in particular from time to time.

(b) To give advice to all parties on matters relating to Islamic religious affairs and law as a guide, follow-up and practice. The Mufti will answer questions posed by the general public to be used as a guide in facing a challenging life.

(c) Collect and research fatwas, opinions and views of scholars that have been issued in and outside the country as a guide and reference. This shows that there are many problems that require a fatwa.

(d) Implement sessions for the expansion, dissemination and understanding of Islam through dakwah, tarbiah, ta'lim by holding seminars, symposiums, conferences, workshops and talks as well as through the presentation of papers.

(e) Disseminating Islamic da'wah through publication by publishing scholarly printed materials such as Al-Irshad Magazine, issuing Islamic calendars, prayer times and *imsakiah* schedules.

(f) To observe the crescent moon and be responsible in reporting the results of the crescent appearance to DYMM Sultan and the *Penyimpan Mohor Besar Raja-Raja*

(g) Provide understanding related to syarie astronomy such as the direction of Qibla, prayer time, determination of fasting and Eid, determination of the beginning of the Islamic month and solar and lunar eclipses.

Through this function, the fatwa institute is very important and becomes the highest source of reference in religious affairs in a state.

### **2.3 ROLE AND MEMBERSHIP OF JOHOR STATE FATWA COMMITTEE MEMBERS**

According to the Johor State Islamic Religious Administration Enactment, the membership of the Johor State Fatwa Committee shall not exceed ten members where

apart from the mufti and deputy mufti, other committee members are self -appointed by the Johor State Islamic Religious Council as the executive body with full authority to appoint members Johor State Fatwa Committee in 3 years.

Looking at the membership of the Johor State Fatwa Committee since it was established until today, the committee members are appointed from among those who have expertise in the field of Islamic studies, especially the field of sharia. This can be evidenced through the membership of the Fatwa Committee which consists of academics, government officials and individuals with backgrounds in the field of *syariah*.

The following are the Members of the Johor State Fatwa Committee for the year 2022 to 2024.

	Name	Position
1	Yang Berhormat Dato' Haji Yahya bin Ahmad	<i>Mufti</i>
2	Yang Berhormat Dato' Haji Ahmad Faisal bin Mohamad	<i>Deputy Mufti</i>
3	YB Dato' Mohd Tahrir bin Dato' Hj Shamsuddin	Member
4	Sahibul Fadhilah Tuan Haji Anoar bin Sarimin	Member
5	Sahibul Fadhilah Tuan Haji Halid bin Sono Al-Hafiz	Member
6	Sahibul Fadhilah Prof. Dr Arief bin Rosman	Member
7	Sahibul Fadhilah Prof. Madya Dr Hussin bin Salamon	Member
8	Sahibul Fadhilah Tuan Haji Ramly bin Jusoh	Member
9	Sahibul Fadhilah Tuan Haji Yazid bin Bahrin	Member
10	Sahibul Fadhilah Tuan Haji Bahrin bin Jalal	Secretary

The list of fatwa committee members above is a combination of those who are in the academic such as from Universiti Teknologi Malaysia (UTM) and Kolej Pengajian Islam Johor (MARSAH). Upon appointment of Rector of MARSAH in the fatwa council, thus MARSAH were given a task to investigate and study the rise of indie novel that would have a potential to cause misunderstanding on Islamic teaching among the list on the novel '*Profesor*' wrote by Faisal Tehrani.

Therefore, the selection of the MARSAH research committee to be the secretariat for the review and research of the novel '*Profesor*' is a recognition of the state executive body which is very important in ensuring that MARSAH also plays a role in conducting studies and research on matters related to *syariah*, law, economics, zakat, and so on.

#### **2.4 FATWA REGARDING THE PUBLICATION OF PROHIBITED BOOKS**

The banning of publications including book in state of Johor is not under the purview of Johor Mufti Office. Johor Mufti Office only responsible on religious affairs and sharia matters in the state of Johor only. Maskiah Masrom (2016) explained that almost all indie works were found to belong to unwanted publication results according to the Publication Guidelines under the Printing Presses and Publications Act 1984 (Act 301) related to publication results.

The Ministry of Home Affairs is given the responsibility to coordinate, manage, issue decisions on books that are banned for sale and distribution throughout the country. Based on the Publication Guidelines under the Printing Presses and Publications Act 1984 (Act 301) there are several things that are taken into account in any publication of books regarding the results of unwanted publications, namely,

- (a) Harmful or likely to be prejudicial to public order
- (b) Harmful or likely to be detrimental to morals
- (c) Harmful or likely to be detrimental to safety
- (d) May shock the public
- (e) Contrary to or may be contrary to any law
- (f) Harmful or likely to be detrimental to the public interest
- (g) Harmful or likely to be detrimental to the national interest

For this reason, any religious authority including the office of the State Mufti did not involve in the process of banning. However, in the 73rd Special Meeting of the Johor State Fatwa Committee, No. 2/2021 on 11 and 12 April 2021 also discusses the publication of books that violate the guidelines issued by the Ministry of Home Affairs.

Through the Special Meeting, it was found that apart from the book written by Faisal Tehrani, there are four other books that contradict the understanding of the beliefs of *Ahli Sunnah Wal Jamaah*. The book is prohibited and not allowed to be

distributed, sold, stored, published and reprinted in any form in the state of Johor Darul Takzim.

The four books are, '*Tatacara Solat Rasulullah SAW Berpandukan Mazhab As-Syafii*' by Syihabuddin Ahmad, '*Akidah Ahli Sunnah Wa al-Jamaah berdasarkan Manhaj Asyairah*' written by Prof. Dr. Basri bin Ibrahim Al-Hasani Al-Azhari, '*Ambil Tahu Tentang Umrah : Panduan Lengkap Menurut Sunnah*' by Mohamad Abdul Kadir bin Sahak and '*Amalan-Amalan Sunnah Rasulullah Seharian*' by Siti Sujinah Sarnap.

Through the decision of the Johor state fatwa, the book entitled '*Tatacara Solat Rasulullah SAW Berpandukan Mazhab As-Syafii*' by Syihabuddin Ahmad confuses and deceives the reader. This is because the content does not match the title of the book and even some of the contents are against and contrary to the prayer procedure in *Mazhab Syafie* as a school that is held and followed by Muslims in the state of Johor which has been set by the government. Apart from that, the book '*Amalan-Amalan Sunnah Rasulullah Seharian*' by Siti Sujinah Sarnap uses reference sources taken from Muhammad Nasiruddin Al-Bani and rejects the concept of *Bida'ah Hasanah*. Apart from that, this book rejects practices in prayer such as wiping the face after *salam*, praying and reciting *zikr* using tasbeih and so on. Through an offense seen by the Johor State Fatwa Committee, on 15 September 2021 the book was barred from being distributed, purchased and used in all places in the state of Johor.

## 2.5 CONCLUSION

The role given to the Johor State Fatwa Committee Members is not focused on problems and issues related to the law alone. The Fatwa Committee also takes into account the need for *maslahah* and *mafsadah* in each fatwa decision decided by looking at the issue and taking views from academics to help research, receive reports and any form of matter deemed appropriate to be discussed in the Johor State Fatwa Committee Meeting.

Therefore, the role of identifying a problem that occurs around the community is not focused on issues raised in the field of sharia alone but matters related to elements that deviate and contradict the teachings of Islam based on *Ahli Sunnah Wal Jamaah*, including the publication of books.

This revelation proves that indie novels have the potential to damage the minds of teenagers or adults who still do not have a firm understanding of their beliefs and the development of good moral values also for the sake of national security.

