

CHAPTER 4

ANALYSIS OF THE JOHOR STATE FATWA COMMITTEE IN THE ISSUES DISCUSSED THROUGH THE NOVEL '*PROFESOR*'

4.0 INTRODUCTION

The internal research method is a fatwa research method that is library in nature after the fatwa application is received by the Johor Mufti Department or the Johor State Fatwa Committee. This method is a must in the fatwa research process because it will determine the fatwa answers generated through the information and findings obtained based on the literature review (Mohd Faez Mohd Shah, 2013).

As informed that some of the issues that exist in the novel 'Professor' is an internal research that should be studied in detail by the Johor State Fatwa Committee so that every decision made is in line with the method used to resolve the issues that arise.

In this chapter, the analysis of the Johor State Fatwa Committee which met on 11 and 12 April 2021 is detailed to see that the issues raised in the novel are contradictory from the Quran and Sunnah as a reference in the issuance of fatwas to enable the

writing of Faisal Tehrani this is prohibited to be published and distributed to the general public specifically in the state of Johor.

4.1 ANALYSIS OF ISSUES IN THE NOVEL '*PROFESOR*'

Based on the discussion highlighted in Chapter 3 of this study, it is found that some issues raised in the novel '*Profesor*' contradict the understanding of Islamic morals and ethics in addition to legal issues in sharia that affect the understanding of Muslims.

The confusion caused by indie novels is a catalyst for thoughts that do not comply with the syariah and affect the morals of Muslims. This coincides with the view that the style of indie book writing is rebellious and aggressive, outside the norms of mainstream literature tied to the ethics of writing and publishing (Muhammad Rashidi Wahab & Siti Nur Hidayah Kusnin, 2016). The direction of Faisal Tehrani's thinking can also be seen towards liberalism or liberal Islam based on the description of the story in the novel '*Profesor*'.

This novel very significantly highlights the liberal thinking of Faisal Tehrani who is worked through the characters in the novel. (Abu Seman Mat Karim, 2019). Therefore, the Johor State Fatwa Committee is of the view that every single issue highlighted by the author seems to cause harm or may be detrimental to public order.

This is an offense based on the Printing Presses and Publications Act 1983 (Act 301) which is the basis of the analysis.

The analysis that guides the Johor State Fatwa Committee is sourced from the Quran and Hadith which are the highest sources in Islamic law. Every dialogue or discourse delivered by the author does not coincide with the concept of a literary writing that is educational but more to propaganda and able to spread elements that contradict the law and the tenets of Ahl Sunnah wal al-Jamā'ah.

Some indie book writers may not be aware that their thinking has been permeated by elements that are deviant and in conflict with the teachings of Islam based on Ahl al-Sunnah wa al-Jamā'ah. They may feel that all their writings and actions are not wrong because their purpose is only to spread creative ideas through the production of indie books (Muhammad Rashidi Wahab & Siti Nur Hidayah Kusnin, 2016).

The openness of writers in producing indie literature caused them to start writing in a way that did not hide behind language toys or use symbolism. Anything that comes out of their minds is so tangible and assertive to be expressed (Nurain bte Khoo Kian Hua & Sim Chee Cheang, 2019). Therefore, it is not surprising that this novel has become a benchmark in the production of indie literary writing in the country.

Through the novel 'Professor' found 33 significant offenses expressed by the author covering issues of faith, sharia and morality. This study categorizes the following based on the findings and findings in the novel as refined in the table below based on Article 3.0 of the Printing Presses and Publications Act 1984 (Act 301).

Type of Error	Debate Error	Total Error
3.1 Publication Results that are detrimental or likely to be detrimental to public order	Contains elements that promote violence against people or property. <i>Mengandungi unsur yang menggalak keganasan terhadap orang atau harta.</i>	2
3.1 Hasil Penerbitan yang memudaratkan atau mungkin memudaratkan ketenteraman awam	Encourages feelings of malice, enmity, enmity, hatred and prejudice against other people and races <i>Menggalakkan perasaan niat jahat, perseteruan, permusuhan, kebencian dan prasangka buruk terhadap orang dan kaum lain</i>	3
	Propaganda or disseminating teachings or containing elements that contradict the beliefs, laws and tenets of Ahl Sunnah wa Al-Jamaah <i>Mempropaganda atau menyebarkan ajaran atau mengandungi unsur-unsur yang bercanggah dengan akidah, hukum dan pegangan Ahl Sunnah wa Al-Jamaah</i>	5
	Ridiculing or questioning the authenticity or making a distortion of the main sources of Islamic law, namely the Quran, al-Hadith, Ijma	

	'and Qiyas. <i>Mempersenda atau mempersoal kewibaaan atau membuat penyelewengan ke atas sumber-sumber hukum Islam yang utama iaitu al-Quran, al-Hadith, Ijma' dan Qiyas.</i>	4
3.2 Publication Results That Are Harmful or Potentially Harmful to Morality <i>3.2 Hasil Penerbitan Yang Memudaratkan atau Mungkin Memudaratkan Kemoralan</i>	Contains anything in appearance, form and conduct or in any manner which may imply obscene, provocative or otherwise indecent words or ideas contrary to public decency, moral values, societal morals and religious beliefs. <i>Mengandungi apa-apa jua perkara yang mengikut rupa, bentuk dan perlakuan atau dengan apa-apa cara yang boleh membayangkan kata-kata atau idea-idea yang lucah, mengghairahkan atau selainnya yang bertentangan dengan kesopanan awam, nilai-nilai murni, tata Susila masyarakat dan pegangan agama.</i>	2
3.3 Publication Results that are detrimental or may be prejudicial to security <i>3.3 Hasil Penerbitan yang memudaratkan atau mungkin memudaratkan keselamatan</i>	Inciting dissatisfaction with the sovereignty and institutions of the monarchy in Malaysia or contrary to the Rukun Negara and national security <i>Menghasut ketidakpuasan terhadap kedaulatan dan institusi beraja di Malaysia atau bertentangan dengan Rukun Negara dan keselamatan negara</i>	1
3.4 Publications That May Shock the Public <i>3.4 Hasil Penerbitan yang Mungkin Menggemparkan</i>	Contains any news, articles or information that is exaggerated, hyped or that is misleading and misleading <i>Mengandungi apa-apa berita,</i>	

<i>Fikiran Orang Ramai</i>	<i>rencana atau maklumat yang diperbesar-besarkan, digembar-gemburkan atau yang mengelirukan dan menimbulkan salah faham</i>	6
3.5 Publication Results that are contrary to or may be contrary to any law <i>3.5 Hasil Penerbitan yang berlawanan atau mungkin berlawanan dengan mana-mana undang-undang</i>	Contains matters contrary to official fatwas issued by the authorities <i>Mengandungi perkara-perkara yang bertentangan dengan fatwa rasmi yang dikeluarkan oleh pihak berkuasa</i>	1
3.6 Publication Results that are detrimental or likely to be detrimental to the public interest <i>3.6 Hasil Penerbitan yang memudaratkan atau mungkin memudaratkan kepentingan awam</i>	Contains any form of report, article, article, photograph, illustration or statement contrary to the interests of the community or religious beliefs <i>Mengandungi apa-apa bentuk laporan, artikel, rencana, gambar, ilustrasi atau kenyataan yang bertentangan dengan kepentingan masyarakat atau kepercayaan agama</i>	6
3.7 Publication Results that are detrimental or likely to be detrimental to the national interest <i>3.7 Hasil Penerbitan yang memudaratkan atau mungkin memudaratkan kepentingan negara</i>	Contains elements that can be detrimental to the country politically, economically and socially <i>Mengandungi unsur yang boleh memudaratkan negara dari segi politik, ekonomi dan sosial</i>	3

Table 1: Types of Offenses in the Publication of Novel 'Profesor'

The table above gives an idea that there are 6 issues that are wrong in the writing of the novel 'Profesor' which is detected through Item 3.4 which is the

Results of the Publication that May Shock the Minds of the Public. Among the issues discussed were the issue of gender reassignment, the issue of freedom in religion, the issue of sexual orientation, the issue of support for same-sex marriage, the issue of promoting the liberal ideology of Sheikh Yusuf al-Makasari and the issue of belittling the position of the Prophet Muhammad SAW.

4.1.1 Gender Surgery Issues

Islamic Fiqh has agreed that it is *haram* to perform gender reassignment surgery solely out of desire and according to lust. This is because this act is futile as it changes the structure of the human body without any desire. The 4th *Muzakarah* of the Fatwa Committee of the National Council for Islamic Affairs of Malaysia which convened on 13-14 April 1982 also decided that the change of gender from man to woman or vice versa is *haram* in terms of *syara'*. This is because a person who is born a man, his law remains a man even if he succeeds in changing his gender. The same goes for women. (Refer: www.e-fatwa.gov.my)

“Iran menerima secara terbuka kelompok transgender sehingga ke peringkat kerajaan Iran mendanai pembedahan jantina kelompok ini. Malah sebahagian besar ulama Syiah membenarkan pembedahan jantina. Namun demikian komuniti lain dalam kumpulan besar LGBTIQA masih mengalami diskriminasi bahkan hukuman yang keras.”

(Profesor, 2017, p. 58)

In this statement, it is clearly contrary to verse 119 in the Qur'an in Surah an-Nisa which forbids changing gender as well as the act of changing God's creation including changing gender is the instigation of satan alone.

﴿وَلَا ضَلَالَتُهُمْ وَلَا مُنِيَّتُهُمْ وَلَا مَرْيَمَ فَلْيَبْتَكَرْ ءَاذَانَ الْأَنْعَمِ وَلَا مَرْيَمَ فَلْيَعْبِرْ خَلْقَ اللَّهِ وَمَنْ يَتَّخِذِ الشَّيْطَانَ وَلِيًّا مِّنْ

دُونِ اللَّهِ فَقَدْ خَسِرَ خُسْرَانًا مُّبِينًا﴾

119. And I will mislead them, and I will arouse in them [sinful] desires, and I will command them so they will slit the ears of cattle, and I will command them so they will change the creation of Allah." And whoever takes Satan as an ally instead of Allah has certainly sustained a clear loss.

4.1.2 Issues of Freedom in Religion

Freedom of religion means the right to change one's religious beliefs as one chooses; or the right to express one's religious beliefs openly without fear of action; or the right to declare a belief through practice, teaching and dissemination (L.B Curzon 2006). Freedom of religion also means that everyone is free to choose, change, practice and publish their religion in accordance with their beliefs. (Tri Yuliana 2016). According to Amad F. Yousif (1999), in the Western liberal system, religion is a private affair. It should be separated altogether from church affairs or state affairs. The right to freedom of religion or freedom to choose a religion can only be defended through the division of people's lives into two areas, namely objective and subjective.

Objective refers to national affairs, while subjective refers to private affairs (Ahmad Munawar Ismail & Wan Kamal Mujani, 2020).

As a country where the majority of the people are Malays who are Muslims, Malaysia's stance on the right to freedom of religion is seen in line with the principles and teachings of Islam, namely conditional freedom. Islam, in fact, gives freedom of religion to every individual which is considered by today's thinkers as a human right. (Ahmad Munawar Ismail & Wan Kamal Mujani, 2020).

Suliza tidak faham. Mitra menulis tesis tentang pandangan para ulama terkenal mengenai hak asasi manusia, dan berusaha mewacanakannya. Kata Mitra, "Islam bukanlah sebuah agama mengekang. Ayatollah Taleqani, dalam khutbah Jumaat terakhir beliau pada November 1979, iaitu sebelum meninggal dunia menjelaskan bahawa Islam adalah agama yang memberikan ruang kebebasan, malahan matlamat Islam adalah untuk memerdekakan manusia. Justeru, Islam yang bersifat membebaskan itu tidak seharusnya mengikat dan merantai manusia. Islam tidak harus menggunakan apa-apa bentuk perhambaan untuk menngurung manusia. Malahan, Taleqani menegaskan atas nama Islam, ulama tidak seharusnya meletakkan kepentingan kelas mereka dan mengeksploit rantai-rantai atau gari-gari perhambaan ini.

(Profesor, 2017, p. 351)

In this description it can be concluded that the principle of religious freedom is not properly understood by the author. Through the verses of the Qur'an, Allah SWT has explained that Islam as a religion that is comprehensive and the teachings of Islam should not be doubted its truth on the grounds of human rights and ideology that is purely liberal.

Allah SWT's in Surah al-Baqarah verse 208,

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا ادْخُلُوا فِي السِّلْمِ كَآفَّةً وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ﴾

208. O you who have believed, enter into Islam completely [and perfectly] and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy.

4.1.3 Sexual Orientation Issues

Indeed, Allah SWT makes creatures in pairs and their nature will be attracted to different genders. These rules and natures are not only imposed on humans, but also on animals and plants. Never in history have animals come across the same sex as well as plants. But human history sketches this immoral act and violates nature as happened in the time of Prophet Luth a.s so that Allah SWT has sent down a terrible plague due to the damage and vices committed by humans at that time. Today, history repeats itself in which such treatment is considered very normal and accepted by society. In fact, some countries allow this act legally and same-sex couples are given permission to marry (Mahfudzah Mohamad, 2015).

“Kenapa seseorang menjadi lesbian?” soalku, sengaja memprovokasi. Aku sendiri tidak mengingat, mengapa aku memilih orientasi sedemikian suatu masa dahulu. Teja mencelah, “Mengapa tiada orang bertanya kepada mereka yang heteroseksual, mengapa mereka memilih menjadi lurus atau straight. Siapakah yang meletakkan kayu ukur bahawa

*yang ini bengkok atau senget, manakala yang itu lurus?
Seseorang tidak perlu memberi sebab untuk hal seumpama ini.”
(Profesor, 2017, p. 312)*

Based on the text above, it is clear that the issues regarding sexual orientation are used as the underlying conversation of this novel. Meanwhile, through the verses of the Qur'an, Allah curses homosexuals and lesbians because the act is a heinous act and contrary to nature. In the Qur'an, Allah explains in Surah Al-A'raf verses 80-81,

﴿وَلُوطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفَحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ إِنَّكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ الْبَنَاءِ بَلْ أَنْتُمْ قَوْمٌ مُّسْرِفُونَ﴾

80. And [We had sent] Lot when he said to his people, "Do you commit such immorality as no one has preceded you with from among the worlds?

81. Indeed, you approach men with desire, instead of women. Rather, you are a transgressing people."

4.1.4 Issues of Support for Same -Sex Marriage

Islam is a religion of instinct that encourages for the marriage to be performed when the conditions are sufficient. However, in the development of this increasingly challenging world, the impetus for same-sex marriage taking place in Western countries is becoming a cancer in the institution of marriage which inhibits the development of family relationships in building a household. It is also a debate in this novel that gives recognition and support to same -sex marriage based on the text.

“Jadi, perkahwinan sejenis yang bukan merupakan masalah kita di Malaysia usahlah difikirkan sangat. Kita perlu menyelesaikan isu-isu yang muncul daripada perkahwinan lain jenis atau perkahwinan kelamin. Kita hidup dan menerima demokrasi sebagai gaya hidup dan sistem politik kita. Dalam sistem demokrasi, satu ajaran yang pasti adalah ‘Kita memperjuangkan hak semua orang, atau anda tidak akan beroleh apa-apa pun untuk diri sendiri.’ Demokrasi menyantuni semua orang dan menawarkan hak sivil yang terpakai untuk orang lain. Hak sivil dalam ajaran demokrasi mengajarkan kita semua setara.”

(Profesor, 2017, p. 110)

Based on Islamic law or Islamic law it is clear that this LGBT act is completely banned. Islam sees the act of making changes to the self and the body as something that contradicts its teachings. The act of changing the gender regardless of man to woman or woman to man is clearly illegal and contrary to Islamic law. The Islamic prohibition on the homosexual lifestyle shows that LGBT is in fact not just a moral issue, rather in the Islamic balance sheet as al-Dīn, it has a direct bearing on the religious practices of Muslims. LGBT is a practice that is explicitly forbidden either in the Quran or Hadith. Recognition of LGBT groups and allowing same -sex marriage will cause confusion in the social life of Muslims (Mohamad Afandi Md Ismail & Mohd Sabree Nasri, 2019)

This also coincides with the words of Allah SWT who sent down punishment for those who commit heinous acts such as LGBT and support such acts as stated in Surah al-A’raf verse 84

﴿وَأَمْطَرْنَا عَلَيْهِمْ مَطَرًا فَأَنْظُرْ كَيْفَ كَانَ عَذَابُهُ الْمُجْرِمِينَ﴾

84. And We rained upon them a rain [of stones]. Then see how was the end of the criminals.

4.1.5 Issues of Lowering the Position of the Prophet Muhammad SAW

In the Fourth Edition Council Dictionary defines contempt as a subject of contempt. While insulting is with the intention of treating people like contempt, low position and others. It is also meant to offend people (swear etc.), tarnish people's names and insult.

Al-Qādhī Iyādh in the book *al-Syifa bi Tārīf Huqūq al-Mustāfa* states, “Whoever curses and mocks and insults the Prophet SAW-whether on his lineage, himself, his religion, or one of the attributes of his nature or mocks or equates him by something by way of denouncing or diminishing or belittling his position, or turning away from him, or disgracing him, as well as whoever curses him, or makes an accusation against him, or intends to harm him, or attributes to him things unworthy of his position by rebuking or flirting on his part by insulting in terms of speech or insulting him because of a test happening to him, or insulting him with some of the human qualities that happened to him-then he is considered an infidel. This is an *ijmak* (agreement) among the scholars and the fatwa imams since the time of the Companions.”

The act of insulting Rasulullah SAW is something that is forbidden in Islam. This is clearly evidenced by the glory of the Prophet who is a noble man whom Allah SWT protects his position. This statement refers to the novel 'Professor' which consciously states,

Kemudian Rasulullah SAW sendiri tidak dapat dikatakan sebagai pemberi syafaat bagi orang-orang yang berdosa. Dan syafaat Nabi Muhammad SAW itu, sebagaimana yang telah diketahui sebelumnya, adalah disimpan untuk umatnya pada hari kiamat.
(Profesor, 2017, p. 242)

This statement clearly belittles the position of Rasulullah SAW while in Surah ad-Dhuha verse 5 Allah SWT tells,

﴿وَلَسَوْفَ يُعْطِيكَ رَبُّكَ فَتَرْضَىٰ﴾

5. And your Lord is going to give you, and you will be satisfied.

Based on the above analyzes, the tendency of the Johor State Fatwa Committee to decide to evaluate Faisal Tehrani's writing is important because the writer's tendency to show an atmosphere that will harm the public interest and cause misconceptions about Islam will continue to grow without control.

4.2 DECISION OF JOHOR STATE FATWA COMMITTEE MEMBERS ON 'PROFESOR' NOVEL

Based on the decision agreed in the Special Meeting held to discuss the Publication of Indie Novel specifically regarding the novel 'Professor', the meeting agreed to present the findings and findings in this research to the Research Committee of the Department of Islamic Development Malaysia (JAKIM) for refinement, discussion and decision. into the National Fatwa Committee Meeting.

However, until this study is written, the presentation to the National Fatwa Committee Meeting is still not feasible because the state is waiting from JAKIM to evaluate and include in the meeting order. Accordingly, if this presentation cannot be implemented, the Special Meeting of the Johor State Fatwa Committee will make a decision at the state level so that distribution and sales can be restricted specifically in the state of Johor.

4.3 CONCLUSION

Faisal Tehrani's courage and his outspoken attitude towards human rights, LGBT, liberalism and so on is seen as something that goes against the flow in the understanding of the world of *da'wah* writing and literature. Including matters related to religion as well as uniting between right and wrong is something that is considered serious and should be prohibited. It is feared that this will affect his free thinking to

the reader because a society that is realistically conservative and bound by high religious values and cultural norms will have major implications for Islam so that it is possible to ban his writing as happened before. The writing stated in this novel must be very hard because the nature of the indie novel itself which stands on the thoughts and ideology of the author which causes the author's thought pattern is not suitable to be practiced in this country and even contradicts the demands in religion.

