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The Urgency of Fiqh Rules Regarding Differences in Eid al-Adha Determination in Indonesia

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Abstract

Variations in Eid al-Adha determination is due to the differences in ascertaining the beginning of the Islamic month of Zulhijjah. Furthermore, the discrepancies in establishing the beginning of the Zulhijjah month are due to differences in *maṭla*, which is the location where the new moon appears, as well as variations in the reckoning and ru'yah methods. A qualitative method was used for evaluating, characterizing, and exposing its findings. The method of data collection was literature review, which aims to investigate the origins of differences and discover a compromise solution to decrease or eradicate these variations, or at least to comprehend those that cannot be eliminated. The results showed variations in the location from which the new moon is viewed as well as the methodologies used lead to differences in establishing the beginning of the Zulhijjah month. This leads to differences in the schedule of holidays. Therefore, determining the beginning of the Zulhijjah month needs to be carried out by the leader of the jurisdiction or legal area. There are also disparities in holiday determination due to differences in jurisdictions which cannot be avoided. Hence, the government's decision of one jurisdictional area can remove discrepancies in its territory *ḥukm al-ḥākim yarfa'u al-khilāf*.

Keywords:

Eid al-Adha; *Maṭla'*; Jurisdiction Area; *Ḥukm al-Ḥākim Yarfa'u Al-Khilāf*; Fiqh Rules.

Abstrak

Perbedaan penetapan hari raya Idul Adha disebabkan oleh perbedaan penetapan awal Bulan Zulhijjah. Perbedaan penetapan awal Bulan Zulhijjah disebabkan oleh perbedaan *maṭla'* (tempat terbit hilal) dan perbedaan metode hisab dan metode rukyah. Kajian ini menggunakan pendekatan kualitatif dalam menganalisis, menjelaskan, menguraikan dan mengungkap hasil penelitian.

Teknik pengumpulan data yang digunakan adalah studi kepustakaan. Penelitian ini bertujuan untuk menelusuri penyebab perbedaan dan mencari solusi jalan tengah mengurangi atau bahkan menghilangkan perbedaan, minimal memahami perbedaan yang tidak bisa dihindari. Penelitian ini menemukan bahwa perbedaan posisi tempat melihat hilal dan perbedaan metode menyebabkan perbedaan penentuan awal Bulan Zulhijjah yang menyebabkan perbedaan waktu hari raya. Penentuan awal Bulan Zulhijjah harus dikembalikan kepada pemimpin wilayah yurisdiksi (wilayah hukum) dan Indonesia merupakan satu kesatuan wilayah yurisdiksi yang tidak terpisahkan. Perbedaan penetapan hari raya yang disebabkan oleh perbedaan wilayah yurisdiksi seperti perbedaan antar negara adalah perbedaan yang merupakan keniscayaan yang tidak bisa dihindari. Perbedaan di satu wilayah yurisdiksi dikembalikan kepada keputusan pemerintah, karena keputusan pemerintah satu wilayah yurisdiksi dapat menghilangkan perbedaan dalam wilayahnya, berdasarkan kaidah fikih *ḥukm al-ḥākim yarfa'u al-khilāf*.

Kata Kunci:

Idul Adha; Maṭla'; Wilayah Yurisdiksi; Ḥukm al-Ḥākim Yarfa'u Al-Khilāf; Kaidah Fikih.

1. Introduction

On June 29, 2022, the Indonesian government held an isbat session and determined that the 1st of Zulhijjah 1443 Hijrah will fall on July 1, 2022.¹ This decree says that the government of Indonesia will hold their version of the Eid prayer on July 10, 2023.² In the meantime, Saudi Arabia has set the date of 1 Zulhijjah for June 30, 2022, which means the Eid al-Adha prayer will be celebrated in Saudi Arabia on July 9, 2022. The Indonesian rendition of the Eid al-Adha prayer will take place on July 9, 2022.³

The Indonesian government made this judgment based on the ru'yah approach, where monitoring revealed that the position of the new moon did not satisfy the MABIMS requirements (Ministers of Religion of Brunei Darussalam, Indonesia, Malaysia, and Singapore).⁴ If the position of the new moon reaches a

¹ Benny Andrios, "Pemerintah Tetapkan Iduladha 1443 H Jatuh Pada 10 Juli 2022," Kementerian Agama Republik Indonesia, 2022, <https://kemenag.go.id/read/pemerintah-tetapkan-iduladha-1443-h-jatuh-pada-10-juli-2022>.

² Rahmat Hidayat, "Indonesian Government Sets Eid Al-Adha 1443 H on July 10, 2022," JakartaDaily, accessed June 30, 2022, <https://www.jakartadaily.id/local/pr-1623776105/indonesian-government-sets-eid-al-adha-1443-h-on-july-10-2022>.

³ Islam City, "2022: Hajj & Eid Al-Adha Announcement (1443 AH)," IslamCity, 2022, <https://www.islamicity.org/81360/2022-hajj-eid-al-adha-announcement-1443-ah/>.

⁴ Ahmad Wahidi et al., "Implementation of the Mabims Criteria in Determining the Beginning of Islamic Month in Indonesia and Brunei Darussalam," *Proceedings of the International Conference on Engineering, Technology and Social Science (ICONETOS 2020)* 529, no. Iconetos 2020 (2021): 96–108, <https://doi.org/10.2991/assehr.k.210421.016>.

height of 3 degrees and an elongation angle of 6.40 degrees, the prospect of observing the new moon is deemed admissible by the MABIMS criteria. According to the Unification Team for the Hijri Calendar of the Ministry of Religion (Kemenag), all observations were conducted at 86 sites, with an average deviation of less than 3 degrees and an elongation angle of less than 6,4 degrees.⁵ This state of the new moon does not satisfy the requirements for the beginning of Zulhijjah.

The Central Leadership (PP) of Muhammadiyah has concluded that 1 Zulhijjah 1443 Hijri will occur on June 30, 2022, and Eid al-Adha will occur on July 9, 2022.⁶ This determination was issued in accordance with Decree number 01/MLM/1.0/E/2022 regarding the Determination of Hisab Results, Ramadan, Shawwal, and Zulhijjah 1443 H have set the date of 1 Zulhijjah 1443 H alongside Arafah Day and Eid al-Adha.

In 2022, Eid al-Adha celebrations around the world are various. On July 10, several nations around the world, including Indonesia, Singapore, Malaysia, Brunei Darussalam, Thailand, Hong Kong, Pakistan, and Afghanistan, celebrate Eid al-Adha. On July 9, Saudi Arabia, Egypt, the United Arab Emirates, and the United Kingdom will commemorate Eid al-Adha.⁷

The issue that will develop if Indonesia is located further east than Saudi Arabia. That is, the sun rises sooner in Indonesia than in Saudi Arabia, therefore why does Saudi Arabia celebrate Eid al-Adha before Indonesia? As occurred in 2022 AD, which coincided with the year 1443 H.

Even more unusually, even while other nations have differing perspectives regarding the technique for deciding the initial non-hijri, they tend to speak with one voice when the government has decided on the initial hijri determination. The current opinions now follow the government's opinion, which has evolved into a decision,

⁵ CNN Indonesia, "Pemerintah Tetapkan Iduladha Minggu 10 Juli," CNN Indonesia, 2022, <https://www.cnnindonesia.com/nasional/20220629133429-20-814985/pemerintah-tetapkan-iduladha-minggu-10-juli>.

⁶ Rahmat Dwi Safitri and Mutia Yuantisya, "Muhammadiyah, Govt Declare Different Date of Eid Al-Adha," Tempo.Co, 2022, <https://en.tempo.co/read/1607197/muhammadiyah-govt-declare-different-date-of-eid-al-adha>.

⁷ Georg Rehberger, "Eid Al-Adha 2022: Date Confirmed," timeanddate, 2022, <https://www.timeanddate.com/news/calendar/eid-al-adha-confirmed#:~:text=Eid al-Adha is on,sighting of the crescent Moon.>

rather than his opinion. As a result, the author did not discover instances in other nations when the festival was celebrated multiple times, as was the case in Indonesia.

This disparity raises the question of what exactly accounts for these disparities in determination. And how to resolve these disputes for the sake of the nation's and state's cohesion. This study tries to shed light on the historical context of scholarly disagreements about the identification of the Hijri date. This includes disparities in Eid al-determination Adha's and the search for remedies to these differences.

2. Literature Review

The government has the authority to establish (*išbāt*) the beginning of Qamariyah month. This conclusion was reached after studying numerous factors, including aspects of the government, then the breadth of application of the government's opinion, methods, and decisions affecting the month's beginning. Consequently, the administration has the ability to determine the commencement of Qamariyyah month.⁸ Muslims in Indonesia consistently disagree about the beginning of Ramadan, 1 Shawwal (Eid al-Fitr), and Eid al-Adha. In general, variations in opinion can be viewed as a boon, but there are some variances that are viewed as a curse.⁹

In order to unite the beginning of the month of Qamariyyah in Indonesia, two ways must be taken: the methodological approach and the authoritative approach. To expedite the attainment of the unity of the determination of the beginning of the month of Qamariyyah, the second approach must be favored before the first approach yields scientifically and shar'iyah acceptable conclusions.¹⁰ The distinction between holidays and fasting is attributable to the use of diverse criteria. Both

⁸ M. Nur Hidayat, "Otoritas Pemerintah Dalam Penetapan Awal Bulan Qamariyah Perspektif Fiqh Siyâsah Yusuf Qardhawi.," *Jurisdictie*, no. November (2012): 78–91, <https://doi.org/10.18860/j.v0i0.2177>.

⁹ Abdur Rokim, "Tafsir Kontekstual Dalam Penetapan Awal Bulan Hijriyah Antara Hisab Dan Ruyah," *Mumtaz: Jurnal Studi Al-Qur'an Dan Keislaman* 1, no. 2 (2019): 119–42, <https://doi.org/10.36671/mumtaz.v1i2.14>.

¹⁰ Ahmad Wahidi, "Menyatukan Penetapan 1 Ramadlan, Syawal Dan Dzulhijjah Di Indonesia," *Jurisdictie*, 2012, 85–91, <https://doi.org/10.18860/j.v0i0.2162>.

reckoning and ru'yah devotees utilize the same criterion to determine the month's commencement.¹¹

This disagreement in opinion regarding the number of degrees of the new moon that can be observed is a result of divergent observations and studies conducted by astronomers and astronomers.¹² In addition, according to Djamaluddin, the criterion for crescent visibility is an ongoing astronomical study, not only for establishing the beginning of the lunar month (lunar calendar) for Muslims, but also as a scientific challenge for new moon observers.¹³

3. Research Method

This study employs a qualitative methodology for evaluating, characterizing, and exposing its findings. The method of data collecting employed is a literature review. This study examines scholarly disagreements surrounding the determination of the beginning of the Hijri month, which has implications for the establishment of holidays. Disclosing the causes of scholarly disagreements over the beginning of the month of Zulhijjah, which has implications for the determination of festivals. This study seeks to develop a method to lessen or eradicate differences, or at least to comprehend those that cannot be eliminated. The discovered data will next be evaluated descriptively and analytically in depth.

4. Result and Discussion

4.1. The Derivation of *Maṭla'*

Maṭla' is derived from the Hawaiian term '*ʻāla'a-yaṭla'u*', which means to rise or appear.¹⁴ Therefore, *maṭla'* refers to the location of publication or emergence. *Maṭla'* is the geographical limit of the implementation of ru'yah (observing the new

¹¹ Zufriani, "Hisab Dan Rukyah Serta Pengaruhnya Terhadap Kesatuan Umat Islam; Analisis Dampak Dan Solusi," *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 14, no. 2 (2016): 103–40, <https://doi.org/10.32694/qst.v14i2.1218>.

¹² Hakan Leblebicioglu et al., "Consensus Report: Preventive Measures for Crimean-Congo Hemorrhagic Fever during Eid-Al-Adha Festival," *International Journal of Infectious Diseases* 38 (2015): 9–15, <https://doi.org/10.1016/j.ijid.2015.06.029>.

¹³ Rupi Amri, "Pemikiran Mohammad Ilyas Tentang Penyatuan," *Proferika; Jurnal Studi Islam* 17, no. 1 (2016): 1–15.

¹⁴ Majduddīn Muḥammad Ibnu Ya'qūb al-Fairūz Zabādī, *Al-Qāmūs Al-Muḥīṭ*, VIII (Beirut: Muassasah al-Risaalah, 2005), p. 672.

moon) to define the start of the Hijri month.¹⁵ Regarding the difference in *maṭla'* in calculating the Hijri date, there are, broadly speaking, two schools of fiqh thought.

The first opinion is that the variation in *maṭla'* from one location to another cannot be utilized to explain the discrepancy in the Hijri date. Therefore, if the new moon has been observed by those who meet the conditions in one location, it must be observed in all other locations. For instance, if the new moon of the month of Zulhijjah has been observed in Saudi Arabia, the Indonesian populace must adhere to the Saudi Arabian determination of the beginning of the month of Zulhijjah. This ruling mandates Indonesia and all other Muslim-majority nations to observe Eid concurrently and uniformly on the same day. If Indonesia celebrates Eid al-Adha on Sunday/Sunday, then all Muslims who utilize the ru'yah method will likewise observe the holiday on the same day. This view is shared by the Hanafi, Maliki, and Hanbali madhhabs.¹⁶

According to this view, if the new moon has been observed and fits the requirements in one place, fasting is mandatory for the entire territory. Both regions that are close to the area where the new moon can be seen and regions that are far away. Therefore, if it is reported that the new moon has been spotted, all regions must adhere to this information. If the new moon is the new moon of Ramadan, everyone in the globe is required to fast.¹⁷ If what is observed is the hilal of Shawwal, then the entire human community must observe Eid al-Adha. If the hilal observed is the hilal of Zulhijjah, all residents of the earth must conclude that the entire planet has entered the month of Zulhijjah.

This opinion is based on the general Hadith of the Prophet about ru'yah. According to this view, the Muslim ummah is the *khitāb* (legal object) that is the target of law in the ru'yah Hadiths. Therefore, if a Muslim observes a new moon in any region, it applies to all Muslims worldwide. The relevant Hadiths are as follows:

Meaning:

From 'Abdullah bin Umar r.a.: 'Indeed, Allah's Messenger. He then said, "Do not fast until you see the new moon," referring to the month of Ramadan (the new

¹⁵ Nurul Badriyah and Faisal, "Penetapan Awal Bulan Dengan Metode Ittihadul Mathla' Di Indonesia," *Al-Qadhâ* 5, no. 1 (2018), <https://doi.org/10.32505/qadha.v5i1.960>.

¹⁶ Abdurrahman Al-Jazīrī, *Al-Fiqh 'Ala Al-Mazāhib Al-Arba'Ah* (Cairo: Dār al-Ḥadīṣ, 2015), p. 605.

¹⁷ Sayyid Sābiq, *Fiqh Al-Sunnah*, 1st ed. (Cairo: Al-Fath, 2010), p. 304.

*moon of Ramadan). Also, remember to hold the feast until you see the guest of honor (the new moon of Shawwal). When clouds cover the sky, anticipate precipitation.*¹⁸

Meaning:

*According to Abu Hurairah r.a., the Prophet of Allah said, "Some months are 29 days, and some are 30 days; thus, when you see Hila (Ramadan), fast." Similarly, when you observe the new moon (Shawwal), you celebrate Eid, and when the new moon is obscured by clouds, you extend the duration to thirty days.*¹⁹

The second opinion is that the variation in *maṭla'* from one location to another can be utilized to explain the variation in the Hijri date. Therefore, it is not acceptable to follow the determination of the Hijri date at a location where the new moon was observed by a person who satisfies the conditions but where the location is far apart (more than the distance at which prayers may be performed). For instance, if the month of Zulhijjah has already been observed in Saudi Arabia, Indonesian citizens may not observe the determination of the commencement of the month of Zulhijjah before the new moon is observed and fits the conditions for early entry of Zulhijjah. This is the perspective of the al-Shafi'iyah Madhhab. This viewpoint was likewise chosen by the Indonesian government.

This opinion is based on the verse Qur'an surah al-Baqarah verse 185:

Meaning:

*Therefore, whichever of you is there (in the land where he resides) throughout that month must fast.*²⁰

All Muslims agree that this passage indicates that gazing at the moon triggers the obligation to fast. Commenting on this verse, al-Qurtubi remarked, "The term martyrdom in this verse denotes hadara (presence), which indicates that whomever is present in the land where he resides in that month in a state of understanding, good health, and muqim must fast."²¹ This indicates that the sighting

¹⁸ Abu 'Abdillah Ibn al-Mughirah Ibn al-Bardizbah Al-Bukhari, *Shahih Al-Bukhari* (Beirut: Dar al-Fikr, 1992), p. 674.

¹⁹ Jalāl al-Dīn Al-Suyūṭī, *Syarh Sunan Al-Nasā'ī* (Beirut: Dar al-Fikr, 1991), p. 49.

²⁰ Kementerian Agama RI, *Al-Qur'an Dan Terjemahannya* (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an Badan Litbang dan Diklat Kementerian Agama RI, 2019), <https://lajnah.kemenag.go.id/unduhan/category/3-terjemah-al-qur-an-tahun-2019>.

²¹ Abū 'Abdullāh Muhammad Ibnu Ahmad Ibnu Abū Bakr Al-Qurṭubī, *Al-Jāmi' Li Ahkām Al-Qur'ān Wa Al-Mubāyin Limā Tadammanahū Min Al-Sunnah Wa Ayi Al-Furqān*, 1st ed. (Beirut: Muassasah al-Risaalah, 2006), p. 299.

of the new moon in one country has no bearing on the determination of the beginning of the Hijri month in other nations.

In this view, the al-Shafi'iyyah Madhhab also refers to the Hadith given by Kuraib:

Meaning:

According to Kuraib, Umm al-Fadl bint al-Harith sent her to confront Mu'āwiyah in Sham. He said, "While I was in Sham, I completed my business and noticed that the crescent month of Ramadan had begun. We observed the moon on a Friday evening. When I arrived in Medina at the end of Ramadan, Ibn Abbas asked me, "When did you first see the moon?" He then mentioned the new moon. I responded, "We saw him Friday evening." He inquired again "Did you encounter him on Friday evening?" I responded, "The people saw it, therefore they fasted, and so did Mu'awiyah." However, you saw him on Saturday night, and we will continue to fast until he completes thirty days or until we see him. Then, I said. "Is Mu'awiyah's sight and fasting insufficient?" He responded, "No, Rasulullah PBUH and instructed us to do so".²²

This Hadith demonstrates that the population of Sham is not required to have the same date as that of Medina. Ibn 'Abbas states in this Hadith that this was the order of the Prophet of Allah. Therefore, the appearance of the new moon at the beginning of the month in one country does not require other nations to identify the beginning of the Hijri month.

This ruling also considers the variance in prayer hours. If prayer times can vary depending on where the sun rises, then the same is true for the determination of the hijri date, the timing of fasting, and the timing of celebrations.²³ Both the sun and the moon are natural indicators that can be utilized to determine the times of worship. Therefore, during the Asr prayer in Saudi Arabia, Indonesians do not need to pray Asr as well.

Additionally, this viewpoint is consistent with the actions of friends. There is no record in history that Caliph 'Umar and other Khulafaurasyidin sent letters to governors in distant regions when they sighted the new moon of Ramadan. This indicates that those regions where the new moon has not occurred are not required

²² Muhammad Ibnu 'Ālī Al-Syaukānī, *Nail Al-Auṭār*, J. 1. (Beirut: Dar al-Jail, 2007)., p. 266.

²³ Al-Syaukānī., p. 267.

to fast. This indicates that regions that have not witnessed the new moon do not apply local laws that have witnessed the new moon.²⁴

According to the author, the second viewpoint is more rational and in accordance with contemporary theory. Modern theory contradicts the first opinion, which needs the unity of *maṭla'* for all regions of the world. This disparity can be explained by the following:

First, According to modern theory, the earth is round. According to this theory and the hypothesis of time travel based on the rotation of the planet, if one hemisphere is in a state of light (daytime), the other hemisphere will be in a state of darkness (night time). Consequently, it cannot be compelled to correlate the naming of time with a particular time. The Saudi Arabian and Indonesian times cannot be compelled to coincide.

Second, the likelihood of viewing the new moon cannot be compared across locations. The position of the observer will affect whether or not the new moon may be observed. The beachfront is the best site to observe the new moon. The individual who witnessed the new moon was three meters above sea level. When viewed from a hilly region, it is believed that the new moon would be mistaken for the sun's shadow.²⁵

According to the Hijri calendar,²⁶ there is an entity known as the International Islamic Date Line (international date line). Therefore, regions distant from this date line cannot observe Hijri time simultaneously.

Nonetheless, even this second opinion, which still takes distance into account, may encounter difficulties when applying the international date restriction theory. This theory does not take distance into account; what matters is the boundary line. Therefore, according to this hypothesis, the Hijri time will be different even though the two places are close together yet divided by that border line. Consequently, the solution is that the jurisdiction is based on a legal or political

²⁴ Muhammad 'Ālī Al-Sāyis, "Bahs Tauhīdu Bidāyah Al-Syuhūr," *Majallah Majma' Fiqh Al-Islami*, n.d., p. 938.

²⁵ Badriyah and Faisal, "Penetapan Awal Bulan Dengan Metode Ittihadul Mathla' Di Indonesia."

²⁶ Abdul Mufid et al., "Unification of Global Hijri Calendar in Indonesia: An Effort to Preserve the Maqasid Sunnah of the Prophet (Saw)," *Journal of Islamic Thought and Civilization* 10, no. 2 (2020): 18–36, <https://doi.org/10.32350/jitc.102.02>.

region. If the new moon is observed in the same jurisdiction, it is valid for the entire region. Consequently, official choices in particular jurisdictions play a crucial role in uniting the citizens of certain countries.

The issue that will develop if Indonesia is located further east than Saudi Arabia. That is, the sun rises sooner in Indonesia than in Saudi Arabia, therefore why does Saudi Arabia celebrate Eid al-Adha before Indonesia? As occurred in 2022 AD, which coincided with the year 1443 H.

The solution to this crucial question is provided by scientists. Andi Muhammad Akhyar M.Sc., Director of the Indonesian Islamic Astronomy School, responded to some of them. According to him, Indonesia is geographically exposed to the sun first due to the apparent daily movement of the sun from east to west. Therefore, the basis is the sun's motion. While the presence of the new moon in a region (*imkān al-ru'yah*) serves as the basis for determining the Hijri month and its associated holidays, the appearance of the new moon serves as the basis for determining the hijri month. At Maghrib time, the appearance of the new moon depends on a number of variables, including the height of the new moon, the distance between the moon and the sun, the width and illumination of the new moon, and air conditions. Consequently, there are three distinctions. First, the sun and the new moon serve as different foundations. Second: varied times, evaluated constantly and only at sunset. Third: the apparent motion of the sun is regular, whereas the visibility of the new moon varies with location and time. However, the likelihood of seeing the new moon increases as one travels westward, as the age of the new moon increases and its distance from the sun increases.²⁷

4.2. The Difference between the Hisab Madhhab and the Ru'yah Madhhab of Methods

Hisab derives from the Arabic phrase '*hasiba-yahsibu-hisāban*', which means to count. In the vocabulary of astronomy, reckoning is the science that analyzes the calculation of celestial bodies in their orbits to determine their positions relative to

²⁷ Andi Muh Akhyar, "Penjelasan Ilmiah Mengapa Lebaran Di Saudi Lebih Dahulu Daripada Indonesia," Herald.id, 2022, <https://herald.id/2022/07/03/penjelasan-ilmiah-mengapa-lebaran-di-saudi-lebih-dahulu-daripada-indonesia/3/>.

one another so that the times on earth can be determined. This science of calculation is sometimes referred to as the science of astronomy, astronomy (*al-hisāb al-falākī*), as the subject matter of study is celestial bodies.²⁸

The method of accounting is essentially separated into two categories: 'urfi accounting and haqiqi accounting. Hisab 'urfi is a custom or tradition in the Urdu language. In this instance, the beginning of the Hijri month is determined by the average orbit of the moon around the earth.²⁹ In fact, this system mandates that the number of days per month for 12 months is 30, but for odd-numbered months, the number of days is distributed alternately between odd- and even-numbered Hijri months and is decided normally. This method is identical to the Syamsiyyah method for calculating the month. According to this system, the number of days in each year is the same and constant, with the exception of leap years, in which the number of years is increased by one day. A month with an odd number has 30 days, while a month with an even number has 29 days, with the exception of the 12th month of Zulhaji, which sometimes has 30 days. The following table provides extra information:

Table 1.

Calculation of the number of days in a year according to the method of reckoning 'urfi

Number of Months	Description Odd/Even	Name of Month	Number of Days in One Month	Number of Days Towards One Year
1.	Odd	Muharram	30	30
2.	Even	Safar	29	59
3.	Odd	Rabiul Awal	30	89
4.	Even	Rabiul Akhir	29	119
5.	Odd	Jumadil Awal	30	148
6.	Even	Jumadil Akhir	29	177
7.	Odd	Rajab	30	207
8.	Even	Sya'ban	29	236
9.	Odd	Ramadan	30	266
10.	Even	Syawal	29	295
11.	Odd	Zulqa'dah	30	325
12.	Even	Zuhlaji	29/30	354/355

²⁸ Yahyā Syāmī, *‘Ilm Al-Falak* (Beirut: Dar al-Fikr al-'Arabi, 2000)., p. 46.

²⁹ Alimuddin, "Hisab Hakiki: Metode Ilmiah Penentuan Awal Bulan Kamariyah," *Al-Risalah: Jurnal Ilmu Syariah Dan Hukum* 19, no. 2 (2019): 227–235, <https://doi.org/10.24252/al-risalah.v19i2.12920>.

On the basis of this explanation, it can be deduced that counting *'urfī* is a method for determining the Hijri month by adding all the days between the first day of Muharram in the first Hijri year and the date computed using specific principles.³⁰ Therefore, counting *'urfī* facilitates the preparation of the Hijri calendar, but because it cannot provide a precise depiction of the appearance of the new moon, it is insufficient for determining worship times.³¹

Ultimate reckoning is the way of identifying the beginning of the Hijri month by calculating the real motion of the moon in the sky, so that the beginning and end of the Hijri month refer to the location or voyage of the month by taking certain phases. First, establish the location where *gurūb al-shams* (sunset) occurs. Using the ecliptic coordinates, determine the longitude of the sun and moon and other data. Determine the frequency of occurrences of *ijtimā'*. Determine the position of the sun and moon by projecting the ecliptic coordinates onto the equator using the equator coordinates, so that the angle of the sun and moon trajectory at sunset is known. Fifth: the position of the sun is projected vertically using the equator coordinate system so that the position of the moon at sunset can be established.

The criteria for *ijtimā' qabla al-gurūb* and the criteria for *ijtimā'* when the position of the new moon is above the horizon are commonly employed by reckoning experts in Indonesia.³² Consequently, the fundamental components that must be determined are the time of *ijtima'*, at sunset, and the height of the new moon at sunset. When *ijtima'* and the height of the new moon over the horizon are employed as criterion, the height of the new moon at sunset is used. In the meantime, if what is being directed is *ijtimā' qabla al-gurūb*, it is sufficient to determine the time of *ijtimā'* and sunset.³³

³⁰ Ahmad Fauzi, "Pemikiran Kalender Muhammad Basil Ath- Tha ' i Dalam Kitab "Ilm Al -Falak Wa at-Taqaawim," *Al-Marshad: Jurnal Astronomi Islam Dan Ilmu-Ilmu* 3, no. 1 (2017): 78–90, <https://doi.org/10.30596/jam.v3i1.1075>.

³¹ Alimuddin, "Hisab Hakiki: Metode Ilmiah Penentuan Awal Bulan Kamariyah."

³² Suskinan Azhari, "Hisab Hakiki Model Muhammad Wardan(Sebuah Penelusuran Awal)," *Al-Jami'ah: Journal of Islamic Studies* 42, no. 1 (2008), <https://doi.org/10.14421/ajis.2004.421.153-176>.

³³ Ali Imron et al., "DARI 'MUHLAL' HINGGA 'MUHRABI' (Tipologi Pemikiran Hadits Hisab-Rukyat Di Kalangan Muhammadiyah)," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 10, no. 2 (2015), <https://doi.org/10.19105/al-Ihkam.v10i2.733>.

The origin of the word *ru'yah* is the verb '*ra'ā-yarā-ru'yah*', which meaning to see with one's eyes.³⁴ The meaning of this phrase is that *ru'yah al-hilāl* is seeing with your eyes, either without the use of tools or at sunset before the hijri month. In astronomy, this action is known as observation. Therefore, the activity of observing the new moon involves the prospect of observing the new moon for the first time following a conjunction, which occurs when the sun, earth, and moon occupy the same plane.

Even scholars who adhere to the *ru'yah* school have differing opinions. The definition of *ru'yah* is to utilize the sight without or with tools. Similarly, is it sufficient for one person to observe the new moon, or does it require two or more people? Imam al-Shafi'i's old opinion (*qaul qadīm*) and his new opinion (*qaul jadīd*) hold that it is sufficient for one just individual to witness the event. Regarding Imam Malik, Lais bin Sa'ad, and Auzā'ī, at least two individuals must see it. Imam Abu Hanifa permits one individual to see when the weather is cloudy.³⁵

The variation in *maṭla'* and the variation in the procedure for identifying the beginning of the Hijri result in variations in the determination of the commencement of the hijri.³⁶ Therefore, it is understood that there are frequently disparities between nations in the date of the determination of holidays. Several nations will perform Eid al-Adha prayers on July 9, 2022, while others will do so on Zulhijjah 10, 2022. The following table provides extra information:

Table 2.
Eid al-Adha schedule 2022 AD / 1443 H Countries in the World

Country name	Eid al-Adha time
Saudi Arabia	9 July 2022
Egypt	9 July 2022
United Arab Emirates	9 July 2022
English	9 July 2022

³⁴ Ahmad Wahidi, Noer Yasin, and Ali Kadarisman, "THE BEGINNING OF ISLAMIC MONTHS DETERMINATION IN INDONESIA AND MALAYSIA: Procedure and Social Condition," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 20, no. 2 (2019): 322–45, <https://doi.org/10.18860/ua.v20i2.5913>.

³⁵ Al-Jazā'ī, *Al-Fiqh 'Ala Al-Mazāhib Al-Arba'Ah*.

³⁶ Izza Nur Fitrotun Nisa' and Mochamad Ulinnuha, "Ittihad and Ikhtilaf Al Mathla' (Discourse and Its Implementation)," *Al-Hilal: Journal of Islamic Astronomy* 3, no. 2 (2021): 19–42, <https://doi.org/10.21580/al-hilal.2021.3.2.8120>.

Indonesia	10 July 2022
Singapore	10 July 2022
Malaysia	10 July 2022
Brunei Darussalam	10 July 2022
Thailand	10 July 2022
Hong Kong	10 July 2022
Pakistan	10 July 2022
Afghanistan	10 July 2022

Regarding the author's investigation, countries other than Indonesia rarely deviate from the government's judgment. The Indonesian government has made efforts to merge the reckoning method and the ru'yah method into a single approach termed *imkān al-ru'yah* for identifying the beginning of the hijri month. This approach takes into account not only the existence of the new moon above the horizon, but also other circumstances that permit the visibility of the new moon. Not only its being above the horizon, but also its height and distance from the sun's sphere of influence. The criteria are based on the outcomes of long-term ru'yah that are computed by reckoning in order to accommodate the two methods of reckoning and ru'yah. This criterion is used to avoid questionable ru'yah and to calculate the beginning of the month. Consequently, it is hoped that the outcomes of reckoning and ru'yah will always be consistent.

4.3. The Urgency of the Rule *Hukm al-Ḥākim Yarfa'u al-Khilāf*

Sadiq Ibrahim explained that the term "judge" in this rule can refer to either the government or a court judge. This rule covers disputes between people, disagreements between spouses, and problems between groups.³⁷

This law derives its legitimacy from the words of Allah swt in Qur'an Surah al-Nisa verse 59:

Meaning:

O you who have faith, obey Allah and His Messenger, as well as the ulil amri among you. If you sincerely believe in Allah and the Last Day, then if you

³⁷ Ṣadīq Ibrāhīm Al-Fakkī, "Hukm Al-Ḥākim Yarfa'u Al-Khilāf," *Majallah Jāmi'ah Al-Qur'ān Al-Karīm Wa 'Ulūm Al-Islāmiyyah*, 2010, <https://down.ketabpedia.com/files/bkb/bkb-fi15071-ketabpedia.com.pdf>.

*disagree about something, you must return it to Allah (the Quran) and the Messenger (his Sunnah). This is more essential (to you) and thus superior.*³⁸

In this verse, Allah SWT commands obedience to the government so long as it does not contradict with the commandments of Allah SWT and His Messenger, and so long as the decision or rule is intended to preserve the welfare of the people. Consequently, if there is a dispute amongst the people, the government assumes the role of a decision-maker who can soothe the disputing parties.

The fact that Caliph 'Uthman bin 'Affan decided to unite the ummah in the manner of reading the Qur'an in one of the seven existent languages and ordered the burning of other manuscripts that were different from the imam's manuscripts is further proof of the soundness of this regulation.³⁹

Sadiq Ibrahim also mentions an instance involving Asy'ats Bin Qais during the time of the Prophet in which Asy'ats Bin Qais had a conflict with someone regarding a piece of land in Yemen.⁴⁰ The Prophet was also informed of the situation. The Prophet also chose to request proof against the complaint, and when it became apparent that the complainant lacked evidence, he asked the complainant to swear an oath. This demonstrates that the judge's ruling can settle the disagreement.

According to al-Qarāfī, the goal of this law is to allow the government's choice regarding *ijtihad* to settle disagreements. People who disagree with the government's viewpoint are able to conform to the government's line of thought.⁴¹ The government's judgment about *ijtihad* should not be overturned and annulled. Al-Qarafi cites the example of a guy who tells a woman, "If I marry you, you will be divorced." Then, it turns out that he actually married her, and the government ruled that the marriage was valid. Therefore, the person who previously believed that this marriage was invalid must follow the government's ruling that this marriage is legal, and he must not issue a fatwa stating that a divorce took place. Al-Qarāfī also cited the topic of zakat as an illustration of why the government's judgment about zakat should not be rejected and reversed. Al-Qarāfī provided the example that if two

³⁸ Kementerian Agama RI, *Al-Qur'an Dan Terjemahannya*.

³⁹ 'Abdullāh Ibnu Muhammad Al-Mazrū', *Ilzām Waliyyi Al-Amri Wa Aṣaruhū Fī Al-Masā'il Al-Khilāfiyyah* (Riyadh: Makatabah Mālik Fahd al-Waṭaniyyah, 2011), p. 67.

⁴⁰ Al-Fakkī, "Hukm Al-Hākim Yarfa'u Al-Khilāf."

⁴¹ Syihāb al-Dīn Abū al-'Abbās Ahmad Ibnu Idrīs Ibnu 'Abd al-Rahmān al-Ṣanhājī Al-Qarāfī, *Kitāb Al-Furūq: Anwār Al-Burūq Fī Anwā'i Al-Furūq*, 1st ed. (Kairo: Dār al-Salām, 2001), p. 192-193.

individuals share a goat business and own forty goats, the government will determine the zakat obligation.

However, this rule does not apply to every problem. Sadiq Ibrahim provides a summary of the conditions for applying this rule.⁴² First, a government that is able to make decisions is one that is competent (skilled) in conducting *ijtihad*. Second, the government's judgment does not contradict the texts (Qur'an and Hadith), *Ijmak*, or *Qiyās*. Thirdly, the government's decision looks to be justified. When government decisions are based on unlawful grounds, they cannot be accepted. As it is based on fraudulent testimony, it cannot be utilized to reduce discrepancies. This rule is confined to matters that are contested by the same judge and excludes issues and rulings that are contested by other judges. This regulation pertains only to matters of *muamalah* and does not interfere with matters of worship, even issues that are the cause of worship. Sadiq Ibrahim provides an illustration for the fifth condition relevant to the issue of determining the holiday: if the government of the al-Shafi'i Madhhab determines that the new moon has been sighted because it has been seen by one witness, and then announces that they are fasting, the announcement does not apply to members of the Maliki Madhhab.

Based on the fifth requirement, we can deduce that this rule can only be applied to government decisions that adhere to the same philosophical school. This regulation applies to those who adhere to the *ru'yah* school when the government uses the *ru'yah* school and vice versa if the question of holidays is raised. However, the author believes that if there is a shared advantage to be attained, namely the unity of the *ummah* and the nation, it would be preferable for all factions to accept the government's choice about the determination of the holiday. Moreover, if the disparity in the schedule of the holiday can make a stir in the community, it should be eliminated.

Consequently, the government has the ability to determine the day of the holiday based on the decision of the beginning of the Hijri month by government

⁴² Al-Fakkī, "Hukm Al-Hākim Yarfa'u Al-Khilāf."

representatives who are specialists in their respective professions.⁴³ In making decisions to unite the people, the government is a representative of the Prophet Muhammad SAW. The selection of the beginning of the hijri month falls under the purview of the *ijti Prize*, thus it is normal for disagreements to arise. The government has the ability to establish the beginning of the Hijri month, according to Yusuf Qaradawi, hence the government's choice must be respected when there is a disagreement of opinion. Outside of the government's decision, opinions must adhere to the government's decision. Only opinions from outside the government are permitted to express (*ikhbār*) their views. Has no voting rights.⁴⁴ However, Yusuf al-Qaradawi outlined certain requirements for people to follow the government's opinion-based decision. Initially, the decision lacks a clear text. Second: there are numerous perspectives on the determined topic. Thirdly, the decision does not contradict the principles of sharia. The decision may be subject to revision as circumstances, customary law, and tradition evolve. Fifth, the government's choices must differentiate between those concerning concerns of religion and those concerning traditions. In terms of habit, it is sufficient to be guided by the substance and its objectives. This differs from the problem of worship, which is still conducted in accordance with direction.

In truth, this rule can be applied not just to matters of muamalah, but also to matters of worship, as explained by 'Ali Melodi in his dissertation:⁴⁵

First, an additional second Friday call to prayer. At the time of the Prophet PBUH, Abu Bakr al-Siddiq ra., and 'Umar bin Khattab, the Friday call to prayer was only uttered once, when the preacher seated in the pulpit after greeting. At the time of Usman bin 'Affan r.a., as a sovereign government, Caliph Usman chose, based on the results of his *ijtihād*, to add one more call to prayer prior to the sermon, in consideration of the growing number of Muslims and their geographical dispersion.

⁴³ M. Raharto et al., "New Approach on Study of New Young Crescent (Hilal) Visibility and New Month of Hijri Calendar," *Journal of Physics: Conference Series* 1170, no. 1 (2019), <https://doi.org/10.1088/1742-6596/1170/1/012080>.

⁴⁴ Hafijur Rahman, "Toward a Wise Political Fiqh: The Perception of State in the Political Thought of Yusuf Al-Qaradawi," *Akademi Sosial Bilimler Dergisi* 7, no. 21 (2020): 6–22, <https://doi.org/10.34189/asbd.7.21.001>.

⁴⁵ Ālī Milūdī, "Qā'idah Ḥukm Al-Ḥākīm Yarfa'u Al-Khilāf: Dirāsah Ta'şīliyyah Taṭbīqiyyah" (Universitas Syahid Hama Lakhdar, 2017), p. 49.

Second, there is the issue of adhan and iqamah on two holidays. At the time of the Prophet and during the Khulafā al-Rāsyidīn era, the call to prayer was never recited on two holidays simultaneously. The sermon is also always delivered after the 'id prayer; but, during the reign of Mu'āwiyah bin Abū Sufyān, the call to prayer and iqamah were performed before to the two-day prayers, depending on the outcomes of his ijtiḥad. Azan served to summon the crowd to the prayer site immediately, whereas iqamah served as a sign of prayer commencing immediately, given that many pilgrims reside far from the prayer site. During the reign of Caliph Marwan, he opted to prioritize the sermon over the Eid prayer for the purpose of inconvenience, as many worshippers departed the prayer room after the Eid prayer and did not hear the speech. As a result, Caliph Marwan chose to prioritize the lecture so that the assembly would listen to it.

Third: the restriction against paying zakat to converts. Converts got zakat at the time of the Prophet and during the reign of Abu Bakr r.a. At the period of 'Umar, the government made the ijtiḥad decision not to distribute zakat to converts. As the Muslim Ummah is already robust, there is no longer a need for support from converts, as there was during the time of the Prophet and Abu Bakr r.a. Caliph 'Umar therefore revoked their zakat rights.

Fourth, finish praying at Mina. During the period of the Prophet During the pilgrimage season, the prayers of Abu Bakr r.a. and 'Umar bin Khattāb at the Mina were separated into two rak'ahs. At the time of 'Usman bin 'Affan, as a sovereign government, he opted to pray four raka'at depending on the outcomes of his ijtiḥad (not rough). The consideration is based on the fact that at that time a large number of people made it simple to pray in Mina. Some of them, in fact, simply pray in their tents.

Consequently, if in matters of worship, as shown above, the government is permitted to do ijtiḥad and make choices after considering the concerns, then in choosing the beginning of the Hijri month, the government has the ability to determine and the people must obey its decision. As far as the author's research goes, neither Eid al-Adha nor Eid al-Fitr, which are celebrated twice, are observed

anywhere other than Indonesia. The reason for this is that the urgency of the laws of *ḥukm al-ḥākim yarfa'u al-khilāf* have not been optimally applied in Indonesia.

5. Conclusion

Differences in the original determination of hijri will have an effect on the holiday determination. Variations in the first determination of Hijri are caused by variations in the location where the new moon is issued and also by variations in the procedures used. Changes in the location of sunrise and differences in methodologies necessitate variations in the determination of holidays in some circumstances. Consequently, in accordance with the practice of fiqh norms, a legally binding government decision is required to combine the population of a single jurisdiction *ḥukm al-ḥākim yarfa'u al-khilāf*.

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Author Contributions

This research arose from the Harwis Alimuddin's idea which was motivated by an actual problem that did occur when this article was written, namely the occurrence of differences in the timing of the Eid al-Adha prayer. This idea was then conveyed to the second author Khaeril Anwar and responded enthusiastically so that they collected data together. The existing data were then elaborated and analyzed according to the method such us described in this article.

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