

THE CONTROVERSY OF NON-MUSLIM LEADERSHIP: A Critical Analysis of *Bahtsul Masā'il* Nahdhatul Ulama's 1999 Decision

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Abstract

This study examines the controversy over non-Muslim leadership in Indonesia, a Muslim-majority country, through the perspective of decisions made by the *Lajnah Bahtsul Masā'il* (LBM) of Nahdlatul Ulama (NU). Using qualitative analysis of NU congress records from 1926 to 2000 and classical fiqh literature, the study identifies two dominant views. First, there is an absolute prohibition based on Al-Ma'idah (5:51), which emphasizes the prohibition of appointing non-Muslims as leaders. This verse is used as a reference to assert a strict theological position regarding leadership. On the other hand, there is an alternative view permitting non-Muslim leadership in emergency situations, provided that the leader comes from *Ahlul Džimmah* and is under strict supervision. This perspective demonstrates flexibility in the interpretation of Islamic law, especially in the context of urgent social and political needs. In certain cases where a non-Muslim leader is considered more capable of managing public affairs, NU shows a pragmatic stance aligned with the Shafi'i fiqh principles that prioritize the welfare (*maslahah*) of the community. These findings reveal a tension between textual interpretation and contextual necessity, highlighting NU's pragmatic approach to addressing pluralism challenges in Indonesia. Thus, this study contributes to debates on Islamic law and pluralism and encourages dialogue to bridge religious norms with democratic governance.



In conclusion, it is important to develop a more inclusive and adaptive understanding of leadership in diverse societies to create harmony between religious values and modern societal needs.

Keywords: *Lajnah Baitul Masā'il*; Nahdhatul Ulama Council; Controversy; Non-Muslim Leadership

Abstrak

Penelitian ini mengkaji kontroversi kepemimpinan non-Muslim di Indonesia yang mayoritas Muslim melalui perspektif keputusan *Lajnah Baitul Masā'il* (LBM) Nahdhatul Ulama (NU). Dengan menggunakan analisis kualitatif terhadap catatan kongres NU dari tahun 1926 hingga 2000 serta literatur fiqh klasik, penelitian ini mengidentifikasi dua pandangan dominan. Pertama, ada larangan mutlak berdasarkan Al-Ma'idah (5:51) yang menekankan larangan menjadikan non-Muslim sebagai pemimpin. Ayat ini dijadikan rujukan untuk menegaskan posisi teologis yang ketat dalam konteks kepemimpinan. Di sisi lain, terdapat pandangan lain yang membolehkan kepemimpinan non-Muslim dalam keadaan darurat, dengan syarat pemimpin tersebut berasal dari *Ahlul Džimnah* dan di bawah pengawasan ketat. Pandangan ini menunjukkan adanya fleksibilitas dalam interpretasi hukum Islam, terutama dalam konteks kebutuhan sosial dan politik yang mungkin mendesak. Dalam situasi tertentu di mana pemimpin non-Muslim dianggap lebih mampu mengelola urusan publik, NU menunjukkan sikap pragmatis sesuai dengan prinsip-prinsip fiqh Syafi'i yang mengutamakan kemaslahatan umat. Temuan ini mengungkapkan ketegangan antara interpretasi tekstual dan kebutuhan kontekstual, menekankan pendekatan pragmatis NU dalam menghadapi tantangan pluralisme di Indonesia. Dengan demikian, penelitian ini berkontribusi pada perdebatan mengenai hukum Islam dan pluralisme, serta mendorong dialog untuk menjembatani norma-norma agama dengan pemerintahan demokratis. Kesimpulannya, penting untuk mengembangkan pemahaman yang lebih inklusif dan adaptif terhadap kepemimpinan di tengah masyarakat yang beragam, sehingga dapat menciptakan harmoni antara nilai-nilai agama dan kebutuhan masyarakat modern.

Kata Kunci: *Lajnah Baitul Masā'il* Nahdhatul Ulama; Kontroversi Kepemimpinan Non-Muslim

Introduction

Before general elections (*Pilkada*) in Indonesia, issues related to SARA (Ethnicity, Religion, Race, and Intergroup Relations) frequently arise and often become the main focus of attention. These issues not only have the potential to undermine individual democratic rights, but can also damage relationships between different groups in society. When we examine this phenomenon

more closely, we find that SARA issues are not merely political tools used to gain power, but also reflect fundamental challenges in building an inclusive and harmonious society. In the context of elections in Indonesia, SARA issues are often used as tools to mobilize the masses. Although SARA issues are frequently exploited for political interests, society must strive to shift the narrative in a more positive direction. One way to achieve this is by increasing awareness and education among the public.

In Law no. 39 of 1999 concerning Human Rights as stated in Chapter III, part 8, Article 43 in its points states: (1). Every citizen has the right to be elected and vote in general elections based on equal rights through direct, general, free, secret, honest and fair voting in accordance with statutory provisions. (2). Every citizen has the right to participate in government by directly choosing freely, according to the method specified in statutory regulations. (3). Every citizen can be appointed to any government position.¹ The regulations state that every Indonesian has the same right to be elected and vote in general elections without any restrictions or intervention from anywhere. As long as they have competencies that support the required criteria, anyone has the right to choose/be elected in developing the country.

In the Qur'an, there are several verses that Allah mentions as a guide to strengthen understanding which state that it is not permissible to elect leaders from non-Muslim groups. Allah says in Āli 'Imrān (3:28):

“Let not the believers take for friends or helpers’ unbelievers rather than believers; if any do that in nothing will there be help from God; except by way of precaution that ye may guard yourselves from them. But God cautions you (to remember) Himself for the final goal is to God.”

¹ N.d., <https://www.komnasham.go.id/sites/default/files/dokumen/UU%20NO%2039%20TAHUN%201999%20HAM.pdf>.

This verse, according to narration, was revealed in connection with the actions of Hatib bin Abi Balta'ah and others who made leaders from among Jews and polytheists. They hope to win over the Prophet.² In this context, Muhammad bin Ishaq's explanation regarding 'Ubadah bin Shamit, which had a Jewish leader, shows that this prohibition is related to the bad behavior of non-Muslims towards Muslims. It is important to reflect on the lessons that can be learned from this event. The actions of Hatib bin Abi Balta'ah and the explanation of Muhammad bin Ishaq regarding 'Ubadah bin Shamit provide valuable insights into the importance of loyalty and integrity within the Muslim community. In facing challenges, Muslims must remain steadfast in their principles and not be tempted to form relationships that could compromise their identity. By understanding the historical and social context, we can better appreciate the values taught by Prophet Muhammad and apply them in our daily lives.

The previous relevant studies that have been conducted such as “A Non-Muslim President in a Muslim State: Islamic Political Discourse in Contemporary Indonesia,” written by Mujar Ibnu Syarif³, which discusses the possibility of a non-Muslim becoming president in Indonesia. This research focuses on political issues and their impact on the legitimacy of leadership. The book by M. Abdurrahman titled “Politics in Islam: Historical Lessons from the Perspective of *Ru'yah Waqi'iyah*”⁴ discusses Islamic views on politics from a historical perspective without separating them from current realities. Another article, written by Abu Tholib Khalik, “Non-Muslim Leaders from the Perspective of Ibn Taimiyah,”⁵

² Fakhruddīn Al-Rāzī, ‘Mafātīḥ Al-Ghaib’ (Beirut: Dār al-Kutub al-‘Ilmiyyah, n.d.), 168.

³ Mujar Ibnu Syarif, ‘A Non-Muslim President in a Muslim State: Islamic Political Discourse in Contemporary Indonesia’, *AHKAM: Jurnal Ilmu Syariah* 12, no. 2 (7 August 2012), <https://doi.org/10.15408/ajis.v12i2.971>.

⁴ M. Abdurrahman, ‘Politik Dalam Islam: Ibrah Tarikhiyyah Wal Ru’yah Waqi’iyah, Pelajaran Sejarah Dan Pandangan Realitas’, n.d.

⁵ Abu Tholib Khalik, ‘Pemimpin Non-Muslim Dalam Perspektif Ibnu Taimiyah’, *Analisis: Jurnal Studi Ke-Islaman* 14, no. 1 (2014).

explains the controversy over non-Muslim leadership among Muslims. These various studies show that there are differences between those who permit and those who prohibit it, including Ibn Taimiyah, who argued that it is better for a non-believer to lead than for a Muslim who is unjust.

These views are relevant in addressing the doubts of the Muslim community in choosing a worthy leader; an article written by Dede Rodin entitled “Reinterpretation of the Controversy of Non-Muslim Leadership in the Qur’an” explores various understandings and interpretations regarding the concept of non-Muslim leadership in the Qur’an”.⁶; Another article, titled “Leadership from the Perspective of Islam,” written by Abdul Aziz⁷, focuses on mapping the views of Sunni scholars regarding Islamic leadership philosophy.; There is also a study on Non-Muslim Leadership from the Perspective of Imam al-Mawardi⁸ conducted by Sutisna and Evan, where they specifically focus on Imam al-Mawardi’s perspective regarding non-Muslim leadership as found in his work, *Al-Aḥkām al-Sulṭāniyyah*.

Based on the literature that has been presented, there are differences compared to the current study, namely in the analysis of the opinions of scholars who permit and prohibit non-Muslim leaders, as well as questioning the possibility of Indonesia being led by a non-Muslim. This research will compare classical and contemporary scholarly opinions regarding the law of choosing a non-Muslim leader. The study will analyze the perspective of the *Lajnah Baḥsul Masā’il* Nahdlatul Ulama, which plays a role in addressing the problems of the Muslim community by referring to

⁶ Dede Rodin, ‘Reinterpretasi Kontroversi Kepemimpinan Non-Muslim Dalam Alquran’, *MUTAWATIR* 7, no. 1 (1 June 2017): 24–49, <https://doi.org/10.15642/mutawatir.2017.7.1.24-49>.

⁷ Abdul Aziz, ‘Kepemimpinan dalam Perspektif Islam’, n.d.

⁸ Sutisna Sutisna, Evan Edo Prasetya, and Yono Yono, ‘KEPEMIMPINAN NON-MUSLIM DALAM PERSPEKTIF IMAM AL-MAWARDI (KAJIAN LITERATUR KITAB AL-AHKAM AS-SULTHANIYYAH)’, *DIKTUM: Jurnal Syariah Dan Hukum* 19, no. 1 (31 July 2021): 43–56, <https://doi.org/10.35905/diktum.v19i1.1984>.

the Qur'an, Hadith, and classical as well as contemporary works from the four schools of thought, with a focus on the methodology of *Ahl al-Sunnah wa al-Jamā'ah*.

This research employs a literature study (library research). The primary sources are taken from the books containing the Decisions of Congresses, National Conferences, and the Nahdlatul Ulama National Conference (1926–2000). These books explain decisions that affirm NU's commitment to Pancasila as the state ideology and confirm NU's position as a moderate and inclusive organization. Secondary sources come from literature relevant to the theme. Data collection was conducted using documentation techniques. This method is highly effective in gathering information from various official documents, including decisions made in NU forums. Meanwhile, data analysis was carried out through qualitative descriptive methods to understand why these decisions were made and their impact on the organization as well as the broader society.

Result and Discussion

Interaction of School of Thoughts *Lajnah Bahtsul Masā'il*

Lajnah Bahtsul Masā'il NU adheres to the opinion of the four school of thought to solve the Muslim problem. The four school of thought are used by the Kiyai in solving a problem on the forum *Bahtsul Masā'il*. In Fiqh, especially deep *Lajnah Bahtsul Masā'il* NU adheres to the school of thought, following one of school of thought imams (Hanafi, Maliki, Syafi'i and Hanbali).⁹ Whatever the problem *fiqh* who appeared and who was involved in *Lajnah Bahtsul Masā'il* must remain and obey the corridors of the four schools of thought.¹⁰ In exploring the breadth of Islamic law,

⁹ M. Muhsin Jamil, *The Reasoning of Islam Nusantara: A Study of Islam in Muhammadiyah, Al-Iryad, Persis, and NU* (Jakarta: Dirdiktis Dirjend Pendis, 2007), 363.

¹⁰ See Ahmad Sahal Mahfudz Jamaluddin Miri, *Abkamul Fuqaha: Solutions to Contemporary Issues in Islamic Law – Decisions of Mukhtar, Munas, and Konbes Nahdlatul Ulama (1926-1999)*, n.d., vii.

it will be discussed *Lajnah Bahtsul Masā'il* NU made these four schools of thought the main reference after the Qur'an, hadith, *ijmā'* and *qiyās*.

M. Muhsin Jamil quoted the opinion of K.H. Hasyim Asy'ari in previous literature, he said that by following the opinion of the four school of thought imams, there will be incalculable benefits for Muslims. It is because Islamic law cannot be understood through taking and transferring laws (*Istinbāṭ al-Abkām*). But *Istinbāṭ Al-Abkām* used to reach a truth by recognizing the opinions of previous scholars so that they do not depart from it *ijmā'* and can be used as a reference or comparison. In practice, NU tends to follow the Imam Syafi'i school of thought compared to the other three school of thoughts and is often inconsistent because it uses the opinions of experts. Fiqh descendants of school of thought imams, not directly from the main source (the opinion of the school of thought imam).¹¹ This happened because of limited references outside the Imam Syafi'i school of thought and the habits of the reviewers, the majority of whom were in the Islamic boarding school environment which was raised by kiyai who taught Shafi'i books such as *Fath al-Qarib*, *Fath al-Mu'min*, *Fath al-Wahhāb*, *Qolyūbi ibn 'Amirah*, *Tuhfah*, and so on.

Hasyim Asy'ari once explained that there are not only four school of thoughts that Muslims follow. Other school of thoughts such as Sufyan al-Tsauri, Sufyan bin Uyainah, Ishaq ibn Rahawaih and Dawud al-Zahiri can also be followed according to their needs.¹² However, because these imams did not have loyal followers who developed their madhhab and there was not much literature containing their thoughts, the chain of their thoughts was broken. Nevertheless, the dominance of the Imam Syāfi'i school of thought remains a central part of NU. But it doesn't mean rejecting opinions (*reasonable*) scholars outside the Syafi'iyah. This was done because NU intellectual figures always expressed their opinions based on a reference or reference, even though it was

¹¹ Abdurrahman Wahid, *The Prism of Gus Dur's Thoughts* (Yogyakarta: LkiS, 2000), 365.

¹² Syaifullah Ma'sum, *The Charisma of Ulama: Brief Lives of 26 NU Figures* (Bandung: Mizan, 1998), 80.

outside of Imam Syāfi'i's work.¹³ It's just that the NU organization follows a *Syāfi'īyyah* school of thought is something final and non-negotiable as decided at the 14th NU Congress in Magelang, Central Java on 14 Jumadil Ula 1358 H/1939 AD.

Apart from that, another reason underlying NU attitude in choosing four school of thought is because they have methods *istinbāṭ* separate laws, each of which has the quality of validity not found in other schools of thought. It can be said that NU does not choose schools outside the four schools of thought, because the fourth school of thought is considered the strongest *istinbāṭ al-ahkām*. So, following them mean following most of the Islamic school of thoughts in the world, because they have the qualifications to be absolute mujtahids and have been recognized by world ulama figures.

Problem Solving Mechanism of *Istinbāṭ al-Ahkām* LBM

In this organization, the term *Bahtsul Masa'il* can be understood as a forum that focuses on discussing various problems that develop in people's lives, especially those related to religious, social, economic, cultural and political issues.¹⁴ In *Lajnah Bahtsul Masa'il*, the problems discussed, apart from those related to religious matters, also discuss actual problems that have just emerged in society and for which there are no definite legal provisions. This discussion aims to explore Islamic law and provide various answers to developing problems from a religious perspective by analyzing the views of classical scholars through references from selected books. When discussing religious issues (*Bahtsul Masa'il*) there is a very principal thing in it, *istinbāṭ al-ahkām* (considered as *Ijtihad*).¹⁵ Regarding this, Imam Yahya explained:¹⁶

¹³ Ahmad Sahal Mahfudz in Miri, *Abkamul Fuqaha: Solutions to Contemporary Issues in Islamic Law – Decisions of Mukhtamar, Munas, and Konbes Nabdlatul Ulama (1926-1999)*, vii–viii.

¹⁴ LP. Ma'arif NU, *Basic Materials of Nabdlatul Ulama*, 2nd ed. (Jawa Tengah: LP. Ma'arif NU, 2002), 54.

¹⁵ Ali Hasballah, *Ushūl Al-Tasyrī' al-Islāmī* (Cairo: Dar al-Ma'arif, n.d.), 79; M. Imdadun Rahmat (ed.), *Critique of NU's Fiqh Reasoning: The Transformation of Bahtsul Masa'il Paradigm*, n.d., 14.

¹⁶ Imam Yahya in Rahmat (ed.), *Critique of NU's Fiqh Reasoning: The Transformation of Bahtsul Masa'il Paradigm*, 14.

"Among NU, *istinbāt* Law is defined not as taking law directly from the original source of law, Qur'an and Sunnah, but is done by taking *application* dynamically texts which has been elaborated *on him* to the problem (*wāq'iyyah*) what the law is looking for. *Istinbāt* Law directly from primary sources which tends to understand absolute *Ijtihād*, for NU ulama is still very difficult to do because of the limitations that are recognized, especially in the supporting and complementary sciences that must be mastered by a mujtahid. Meanwhile, *Ijtihād* within the boundaries of the school of thought, in addition to being more practical, can be carried out by all NU ulama who have understood the meaning of the book. Fiqh which is in accordance with standard terminology." "Regarding the legal products produced by PBNU, they are the result of the *Ijtihād* of Muslim Scholars Al-Quran and Sunnah texts which are in accordance with the principles of mujtahids of the past.¹⁷ It is because NU provides a definition *istinbāt* law as an effort to issue with *al-Qawā'id al-Fiqhiyyah* (*The General Principle of The Law*) And (*al-Qawā'id al-Ushūliyyah* (*Islamic Legal Theory*)) *wether from adillah al-Ijmalīyyah, adillah al-Tafsīlīyyah or 'adillah al-Ahkām*."¹⁸

NU, as mandated by the Alim Ulama National Conference in Lampung, has decided that decision making and problem-solving procedures in *Lajnah Bahtsul Masā'il* NU was created within the framework of a school of thought and merged with one of the four school of thoughts with several methods such as: *qauli, ilbāqi*, and *manhaji/istinbāt*.¹⁹ These methods make it easier for Muslim scholars to determine a law. The following is Busyairi Harits' explanation regarding the meaning of this method:

¹⁷ Imam yahya in Rahmat (ed.), 15.

¹⁸ PBNU, *Results of Munas and Konbes NU* (Jakarta: PBNU, Lajnah Ta'lif wa an-Nasyr, 1998), 6.

¹⁹ Busyairi Harits, *NU Islam: Guardian of Indonesia's Sunni Transition* (Surabaya: Khalista, 2010), 59–61.

1. *Qauli* (opinion) Method

Method *Qauli* is a way *istinbat* laws used by NU intellectuals in *Lajnah Bahtsul Mas'ail* by studying the problems *wajhd*, then looking for answers in *fiqh* books from the fourth school of thought, by referring directly to the sound of the text. When you find some *Qaul* (opinion) on the same issue, an attempt is made to choose one opinion. Practice madzhab *Qauli* is one of two formulations of the Legal Decision-Making System (SPKH) that have been taken and agreed upon by NU since the momentum of the National Conference (Munas) of Alim Ulama and NU Konbes in Bandar Lampung in 1992.²⁰ So that the decision becomes very clear in madhhab *Qauli*.

2. *Ilhaqi* Method

Ilhaqi Method is equating a problem law that has not been answered by the book with a similar problem. This second procedure is carried out by following the analogical logic method *al-Qiyās*. This procedure is often referred to as a *al-Qiyās* method which is a characteristic of NU. Semantically *attachment* no different from understanding *Qiyās*, equalizing.²¹ To be accepted by the public, explanations are required *attachment* must have strong arguments with the help of references whose validity can be recognized. *Attachment* means *istikhrj al-hukm min al-aqwāl al-ulamā'* (taken issue of the law from scholars' opinion). Imam Subki with a skeleton *the general principle of Law* looks at *attachment* is to establish law on universal issues because the

²⁰ A. Malik Madaniy, 'Ijtihad in the Firmness of Madhhab Adherence (From Halqah in Pesantren to the National Ulama Conference of NU in Bandar Lampung)', *Al-Jami'ah*, no. 51 (1993), <https://doi.org/10.14421/ajis.1993.051.21-33>.

²¹ Afiffuddin Muhajir, 'The Implementation of the Legal Decision-Making System in Bahtsul Mas'ail NU', *Majalah Aula Surabaya: PWNU Jatim*, 1994.

law is established for the majority *juẓ'i* (partial).²² Among NU, *attachment* It is also interpreted as equating the law of a case or problem that has not been answered in the book with the law of a similar problem that has been answered by the text of the book (equating it with an existing answer). Only then is a decision taken using *attachment* which is methodologically almost the same as *Qiyās*.

3. *Manhajī* / *Istinbāt* Method

Istinbāt identical to the *Ijtihād* by the scholars. *Istinbāt* in NU community is not carried out by all groups due to limitations in knowledge and capabilities of a scientific discipline. In terms of terminology, understanding the meaning of madhhab can be interpreted as a way of thinking (*qawā'id al-istinbāt*) which is taken by mujtahid imams in an effort to formulate legal provisions on a problem. Madzhab is defined as a method of thinking in understanding *Islamic law* from its sources, Qur'an and Sunnah. For example, *istinbāt* method, which is used by Hanafiyah, Malikiyah, Syafi'iyah or Hanbaliyah schools. *Istinbāt* is a complex and multifaceted process that heavily relies on an understanding of madhhab and socio-cultural contexts. In the Nahdlatul Ulama (NU) community, the practice of *istinbāt* is not carried out by all groups, reflecting limitations in knowledge and capability. Therefore, it is crucial to continuously educate community members so they can better understand and apply Islamic legal principles. In this way, *istinbāt* can become an effective tool in formulating and implementing Islamic law that is relevant to the challenges of the times.

²² Takuddin Abdul Wahab al-Subuki, *Jam'u al-Jawāmi'*, vol. 2 (Cairo: Mustofa al-Babi al-Halabi wa Auladihi, 1937), 202–3.

Hanafiyah school of thought uses arguments *istibsan* as a source of sharia, while the Shafi'iyah do not use it. This kind of school of thought model is called mazhab *manbaji*.²³ Mazhab *manbaji* follow a mazhab using one's own methodology *mujtabid* in actualizing the messages of the Qur'an and Sunnah.²⁴ On several occasions in NU community, mazhab *manbaji* Its usefulness is put into practice when exploring Islamic laws which are so rich and extensive.

Generally, NU has opinions regarding *istinbat* law that is not used to take a law directly from the original legal source, namely the Qur'an and as-Sunnah. But also do *taṭbiq* (application) dynamically towards texts that have been elaborated by scholars *fiqh* classical and contemporary periods in searching for law based on problems *naq'i'iyah* (casuistry). NU's approach to *istinbat* of Islamic law demonstrates that Islamic law is not only textual but also contextual. By dynamically applying legal texts (*taṭbiq*), NU strives to address the challenges faced by Muslims in the modern era. Through collaboration between scholars and society, as well as an inclusive understanding of various contemporary issues, NU contributes to shaping Islamic law that is both relevant and applicable. This approach provides practical solutions that benefit the wider community.

Legal Decision Basis Used *Lajnah Bahtsul Masā'il*

In determining a law, *Lajnah Bahtsul Masā'il* NU involves ulama figures from various scientific disciplines so that it will produce a decision that has a reliable scientific basis. One of the legal discussions discussed in *Lajnah Bahtsul Masā'il* NU is how

²³ Qadri Azizy, 'No Reason to Avoid', *Jawa Pos*, 1989, 8 Desember edition, 8; Qadri Azizy, 'NU Redefining the Concept of Madhhab Adherence', *Suara Merdeka*, 1990, 23 November edition, 23; A. Aziz Masyhuri, *Methodological Mazhab-Based Citations from the Decisions of Munas Alim Ulama: "Religious Issues from the Results of Mukhtamar and Munas Ulama Nabdlatul Ulama: First (1926) to 29th (1994)* (Surabaya: Dinamika Press, 1997), 364–65.

²⁴ Rahmat (ed.), *Critique of NU's Fiqh Reasoning: The Transformation of Bahtsul Masa'il Paradigm*, 14.

legal for Muslims to control state affairs over non-Muslims? As in the answer mentioned above, of course there is a basis used *Lajnah Bahtsul Masā'il* NU as the basis for legal determination regarding this matter is as follows:²⁵

A. An-Nisa' (4:141)

الَّذِينَ يَتَّبِعُونَ بِكُمْ فَإِنْ كَانَ لَكُمْ فَتْحٌ مِّنَ اللَّهِ قَالُوا أَلَمْ نَكُنْ مَعَكُمْ
وَإِنْ كَانَ لِلْكَافِرِينَ نَصِيبٌ قَالُوا أَلَمْ نَسْتَحِذْ عَلَيْكُمْ وَنَمْنَعُكُم مِّنَ
الْمُؤْمِنِينَ فَاللَّهُ يَحْكُمُ بَيْنَكُمْ يَوْمَ الْقِيَمَةِ وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى
الْمُؤْمِنِينَ سَبِيلًا

“(They are) those who wait and watch for what befalls you. If you are granted victory by Allah, they say, “Were we not with you?” But if the disbelievers gain success, they say, “Did we not support you and protect you from the believers?” Allah will judge between you on the Day of Resurrection. And never will Allah grant the disbelievers a way to prevail over the believers.”

B. *Tuhfat al-Muhtāj* And *Hawāsyi al-Syarwani*²⁶

(ولا يستعان عليهم بكافر) ذمي أو غيره إلا إن اضطررنا لذلك (قول
المتن ولا يستعان إلخ) أي يحرم ذلك إن القاسم العباد. عبارة
المغني والنهاية تنبيه ظاهر كلامهم أن ذلك لا يجوز ولو دعت

²⁵ Tim Lajnah Ta'lif Wan Nasyr (LTN) PBNU, *Abkamul Fuqaha: Solutions to Contemporary Issues in Islamic Law, Decisions of Mukhtamar, Munas, and Kombes Nahdlatul Ulama (1926-2000 AD)* (Surabaya: Khalista, 2011), 579–581.

²⁶ Ibnu Hajar al-Haitsami in Ibnu Hajar al-Haitsami, *Abdul Hamid Al-Syirwani, Hawasyi al-Syirwani Towards Hawasyi al-Syarwani Wa al-Ubbadi*, vol. 9 (Beirut: Dar Ihya' al-Turats al-'Arabi, n.d.), 72.

الضرورة إليه لكنّه في التتمة صرح بجواز الاستعانة به أيّ الكافر

عند الضرورة

And it is not permissible to ask for help from infidels in fighting rebels, whether infidels *ḍẓimmi* or anything else, unless we are required to do so. This means that it is haram, according to Ibn Qasim al-'Abbadi. Meanwhile the text of the book *Mughni al-Muhtaj* And *Nihāyah al-Muhtāj* is, “warning”. According to *ẓhahir* according to the scholars, asking for help from the infidel is not allowed even in an emergency. However, Abu Sa'id al-Mutawalli in the book *al-Tatimmah* explicitly explains the ability to ask non-Muslims for help in an emergency.

C. *Ḥawāsyī al-Syirvanī*²⁷

نعم إنقتضت المصلحة توليته في شيء لا يقوم به غيره من المسلمين أو
ظهر من المسلمين خيانة و أمنت في ذمّي. فلا يبعد جواز توليته
ضرورة القيام بمصلحة ما ولى فيه، و مع ذلك يجب على من ينصبه
مراقبته و منعه من التعرّض لأحد من المسلمين

“If an interest requires the submission of something that cannot be carried out by other people from among the Muslims or there appears to be betrayal on the part of those who run from among the Muslims and are safe in the infidels *ḍẓimmi*, then can hand over to him due to emergency. However, for the surrendering party, there must be supervision over the infidel and be able to prevent him from interfering with anyone from among the Muslims.”

From the explanation above, can be concluded that Allah SWT prohibited Muslims from asking unbelievers for help and assistance, let alone making them leaders or trusted people who will control affairs in Muslim-majority areas. However, several

²⁷ al-Haitsami, 9:73.

scholars who were chosen by LBM NU as the basis for determining the law regarding this matter have stated their opinion above that in an emergency situation, selecting non-Muslim leaders may be done provided that there must be a strict and effective control mechanism. Although there is a clear prohibition from Allah SWT regarding seeking assistance from non-Muslims and appointing them as leaders, emergency situations may require a more flexible approach. However, it is crucial to ensure that strict oversight mechanisms are in place to protect the interests of Muslims. In facing these challenges, Muslims must remain committed to the fundamental principles of their faith while also considering the complex realities around them. Thus, this approach helps maintain a balance between staying faithful to Islamic teachings and addressing real-life challenges in everyday life.

LBM NU in establishing the law on the ability to choose leaders in an emergency is sourced from An-Nisā' (4:141). Al-Qurthubi explained this verse, when Ali bin Abi Talib was asked about the meaning of Allah's words above, how could Allah not give them the opportunity to defeat us, while they fight us and defeat us in battle? He replied that the victory in question is victory in the afterlife on the day of retribution. Al-Qurthubi then added that the context of this verse as a whole concerns the threat of the hypocrites and the infidels against the believers in the world and their ambition to defeat and destroy the position of the believers.²⁸ This verse does not indicate an emergency situation so that it is permissible to elect non-Muslim leaders.

If LBM NU argues by using this verse as one of the arguments for enacting the law regarding electing non-Muslim leaders in an emergency, it lacks force without other verses as support. Because this verse explains God's promise to protect believers. Thus, Allah's promise can be realized not without

²⁸ Imam Al-Qurthubi, *Al-Jâmi' Li Ahkâmi al-Qurân*, vol. 3 (Cairo: Dâr el-Hadîts, 2002), 363.

human effort, on the contrary, calling on Muslims to maintain the integrity of the Ummah, starting from maintaining leadership so that it does not fall to non-Muslims. LBM NU argument regarding the election of a non-Muslim leader in emergency situations indeed requires support from other Quranic verses to strengthen its position. Allah's promise to protect the believers must be balanced with human efforts to maintain leadership aligned with Islamic values. Moreover, it is essential to consider the long-term impact of such decisions on the integrity of the Ummah. By engaging in constructive dialogue and in-depth analysis, Muslims can make wise decisions in facing challenges, thereby preserving the unity and integrity of the community.

After stating the arguments from the Qur'an, LBM NU immediately stated the arguments from quoted words and opinions of several scholars which were then used as arguments to defend their argument. In this case, there is an irregularity that causes this decision to be weak because it bypasses the sequence of sources of Islamic law that have been agreed upon by the four schools of fiqh scholars, namely the Qur'an, Sunnah, *Ijmā'* and *Ijtihād/Qiyās*.

From the review above, LBM NU does not mention other verses which clearly explain that it is forbidden to make non-Muslims leaders for Muslims. LBM NU also does not mention related hadiths to explain the state of emergency so that it is possible to elect non-Muslim leaders, and also does not mention *atsar ṣahābah* (sayings or actions of the companion of the Prophet) as an alternative to the sunnah. In Islam, the sources of law have an order that has been agreed upon by all scholars, Al-Qur'an, Sunnah, *Ijmā'* and *Ijtihād/Qiyās*. Meanwhile, in this decision LBM NU only used verses from the Qur'an without explaining the interpretation and relationship with other verses, then LBM NU directly quoted the opinion of *Ijtihād* ulama without including arguments from hadith and *atsar ṣahābah*.

From all the problems and descriptions above regarding the law on selecting non-Muslim leaders which includes the views of ulama, analysis of LBM NU decisions, the basis for making laws, the researcher concludes that the basic problem of this problem does not lie in the differences of opinion of the ulama alone, but rather in the mass introspection that must be carried out by Muslims from various communities, academics and laypeople as a whole so as to renew their viewpoints about the role of Islam in leadership matters and then voluntarily open the eyes of the heart and conscience so that it is agreed that in order to achieve Allah's approval in a nation, of course one must fulfil the criteria for the basic characteristics of a prospective leader, namely faith and be devoted to Allah SWT in accordance with the provisions of the Qur'an and Hadith. In this way, the polemic about electing non-Muslim leaders in Muslim-majority areas will not be a significant problem.

The most important part of overcoming this polemic lies in the role of Muslims involved in politics so that they lower their egos and political ambitions and begin to open their hearts to the benefits of Islam. Because the main task of all Muslims is to unite to strive for the birth of future leaders who believe in Allah SWT, are devout, fair, comply with the Sharia, and are able to carry out their responsibilities as a leader to protect and protect all elements of society led by any group. The role of Muslims in politics is crucial in creating positive change. Setting aside ego and personal political ambitions, unifying to elect righteous and just leaders, and protecting all elements of society are strategic steps that must be taken. Every action, whether as an individual or as part of a community, will impact future generations. Therefore, it is essential to commit to being part of the solution, not part of the problem.

Robert Hefner, through his concept of Civil Islam, which has been adopted by many academics and policymakers, has become the main framework for understanding and interpreting

the development of Islam in Indonesia in the post-Reformasi era. According to Hefner, Civil Islam refers to "a variety of public ethics developed by Muslim thinkers, activists, and organizations in Indonesia and other Muslim-majority countries, who strive to harmonize Islamic values and traditions with democratic principles".²⁹ This concept was later articulated by leading Indonesian Muslim intellectuals such as Nurcholish Madjid, Dawam Rahardjo, and Abdurrahman Wahid. Their narrative successfully combined classical Islamic theology with Western social theory to describe Indonesian society during the New Order and Reformasi periods. These narratives were designed to reform Indonesian Islam, distancing it from the idea of Indonesia as an Islamic state a notion offered by their more conservative predecessors and to renew classical Islamic thought to demonstrate its compatibility with modern ideas such as democracy, pluralism, and tolerance.

The case of the Bela Islam campaign against Ahok is a concrete example of how conservative Islamic groups are able to mobilize the masses and influence the national political agenda. This phenomenon is an important entry point for academics, researchers, and policymakers to further expand their perspectives and develop more comprehensive and critical studies on the dynamics of Islamism in Indonesia. Going forward, studies on Islam in Indonesia should not only focus on the values of Civil Islam and the dynamics of democratic transition, but also provide a more complete picture of the real conditions on the ground. Such studies can become a basic reference for building a more democratic Indonesian society amid the ever-evolving political dynamics.

In determining attitudes, parties involved in politics should actually use conscience to accompany logic in order to bring about goodness and peace for society as a whole and eliminate blind

²⁹ Robert W. Hefner, 'Civil Islam: Muslims and Democratization in Indonesia' (Princeton University Press, 2000), 12–13.

political ambitions based on the desires and interests of certain groups. Because in Islam, all matters that must be carried out cannot escape the guidance of sharia and the issue of Aqedah as its basis is something absolute and cannot be changed for any reason. So that the dream of creating an environment that upholds Islamic values will be realized from the hands of leaders who meet normative qualifications. In politics, it is essential for leaders to integrate conscience and logic in decision-making. By adhering to Sharia and Aqedah principles, they can create a better environment for society. Leaders who meet normative qualifications will become agents of change, capable of bringing goodness and peace while upholding Islamic values in every aspect of political life. Thus, the hope of building a better society can be realized through the hands of responsible and integrity-driven leaders.

Conclusion

This study identifies several important findings regarding LBM NU's perspectives on non-Muslim leadership. First, there exists a dualism of views that demonstrates the complexity of thought within the NU organization, namely absolute prohibition based on the interpretation of Al-Māidah (5:51) and conditional permissibility in emergency situations. The decision of the 30th Congress at Pesantren Lirboyo Kediri in November 1999 established three criteria for emergency situations that allow non-Muslim leadership: incompetence of Muslim candidates, indications of betrayal from Muslim candidates, and clear benefits for public interest. Another interesting finding is the specific requirement that the non-Muslims in question must come from among the *Ahlul Džimmah* with effective control mechanisms. Muhammad Abduh's approach in this research demonstrates contextual interpretation that links the prohibition to bad behavior of non-Muslims toward Muslims, rather than as an absolute prohibition. However, the study also found methodological argumentative incompleteness in LBM NU, which did not refer to hadith, Atsar Sahabah, or provide detailed explanations regarding the definition of emergency situations in the context of *Maqāṣid al-Shari'ah*.

This study has limitations from the analytical aspect, as the research lacks exploration of the influence of Indonesia's socio-political context on LBM NU's decisions, particularly the political dynamics of the Reform era that greatly influenced religious discourse. The absence of analysis on the implementation of LBM NU fatwas in Indonesian political practice or their impact on Muslim voter behavior also constitutes a significant limitation. The lack of integration with interdisciplinary approaches such as political science, sociology of religion, or democracy studies makes the analysis not yet comprehensive in understanding the complexity of non-Muslim leadership issues in Indonesia's plural context. Based on the identified limitations, future research needs to conduct temporal and methodological expansion by extending the time frame to the contemporary era and using mixed-methods methodology that combines documentary study with in-depth interviews. Longitudinal analysis is needed to understand the evolution of LBM NU's thinking in responding to Indonesia's socio-political changes. Additionally, interdisciplinary approaches must be integrated to understand the impact of fatwas on Indonesian democracy, analyze the reception of the community towards LBM NU fatwas, and use constitutional law frameworks to analyze the relationship between fatwas and the Indonesian constitution.

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