

STRATEGIC MANAGEMENT IN FATWA-MAKING PROCESS

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ABSTRACT

Development of community nowadays has brought us into more complicated problems in Islamic laws. To solve the problems, fatwa is one of the important mechanisms for Muslims to resolve the Islamic laws problems whether in upper or lower level of community. Strategic and organised management is needed to obtain solutions to the problems so that it may not go astray from the norms directed by Islam. Islamic scholars have put guidelines and careful details as the execution will go accurately and able to solve the problems. To achieve these goals, two objectives are set up. First, explaining the process of fatwa-making. Second, analysing strategic management contained in fatwa-making process. This study used content analysis method to the data obtained from documentation method. Research results showed that fatwa-making process in Islam has four main processes which are al-Taswir, al-Takyif, al-Hukm, and al-Ifta'. Clearly, fatwa-making process visualises a complete and concrete strategic management to avoid mistakes in the law determination to the problems faced by Muslim community.

Keywords: Strategic Management, Fatwa, Fatwa-Making Process.

INTRODUCTION

To achieve the target of organisation and individual objectively, efficiently and effectively, specific element should be implemented into the management (Ahmad et al., 2013). This is to ensure that a planned program will bring benefits and impacts as expected. According to Pearce & Robinson (2000), strategic management refers to a set of decisions and actions based on planned implementation to achieve the target of a certain organisation.

Actually, the strategic management has already existed in the management of fatwa determination. Since the past, fatwa institution through mufti and his committee has played an important role in helping people especially Muslim community to live according to desires of Islamic laws (Khairuldin, 2016). Nowadays, many new problems arise and must be solved in a short term and members of fatwa committee have played that significant role. The importance of fatwa becomes clear in the life of global humanity as the main mechanism for explanation of Islamic laws and propagation of its teachings including the faith aspect and laws in the people life (Yaacob & Majid, 1998; Khairuldin, 2016).

To ensure a complete solution to the problems, scholars have underlain a specific guideline to academicians who wish to make fatwa. The objective is to prevent mistake in fatwa-

making which will lead to confusion among community on the decided fatwa (Khairuldin & Ibrahim, 2017). This will contradict with the nature of fatwa which functions to solve problems.

LITERATURE REVIEW

This study gathered data related to fatwa-making process and strategic management, and then analyzed through document analysis method. According to Chapman et al. (2005), document analysis method is defined as data that can be read and linked to certain aspect in social world. Among the most suitable data collection methods to be used in doing data collection of document form is the library research (Sedarmayanti & Hidayat, 2011) or archive research (Saunders et al., 2009). Due to written nature of data in documents related to fatwa-making process and strategic management, thus data collection method in the form of documentation method is accurate. Indeed, this study merely focused on the discussion of concept. This study chose content analysis method to obtain accurate textual results. Neuman (2011) stated that content analysis is an examination involving systematic study to the contents of a medium which have been communicated mainly in the document form. Generally, content analysis functions to measure the structure, contents and the sources of writings (Masri, 2005). Referring to Krippendorff (2004), analysis of contents is a technique of research by making conclusion systematically and objectively through data in document form.

RESEARCH METHODOLOGY

Fatwa-Making Process

Fatwa-making process is a process utilised by a mufti (fatwa-maker) to make fatwa when he is posed with a question by a mustafti (asker or fatwa-seeker) (Jum'ah, 2008). Due to the fact that fatwa-making process refers to fatwa which is an essential instrument in determining the law and solution to a problem in Islam, detailed guidelines have been assigned (Khairuldin & Ibrahim, 2017). According to Jum'ah (2008), Rahman (2008), and Khairuldin (2016), fatwa-making process is divided into four levels which are al-taswir (visualisation of problem), al-takyif (adaptation of problem), Al-hukm (original law determination) and al-ifta' (fatwa making). Rough picture of the fatwa-making process is as following in Figure 1.



FIGURE 1
LEVELS OF FATWA-MAKING PROCESS

According to Ibrahim (2010), the first level is known as al-taswir is done by recognising and understanding a problem comprehensively and then linking it with the origin of the matter. Deep contemplation on attributes of the studied problem is performed by evaluating the true and false aspect. In visualising a matter, there are several assigned criteria to be fulfilled to get a clear picture of a problem. According to Al-Bana (2010), criteria of al-taswir are categorised into eight parts. All these criteria are aiming to make easy for a mufti to recognise and visualise the posed problem accurately. Among those criteria are the accuracy of information, experts' inquiry, the

strength of analysis, change of place and time, the examination of factors changing a law, aspect of dire needs, consideration and latest technology facilitation (Khairuldin et al., 2017).

The second level is al-takyif process. Al-Qaradawi stated that al-takyif al-fiqhi is a method of adapting the Islamic sources of evidence (nas of syarie) to every new problem. If the definition is referred, he only specified this method to the usage of evidences from Al-Qur'an and al-Sunnah only. Meanwhile, Rosman considered al-takyif al-fiqhi as a work of determining the relationship between the new rising problem and the existing law in Islamic fiqh.

After a problem posed to the mufti visualised and categorised accurately in the previous two levels, fatwa-making process is continued to the next process which is al-hukm. Al-Takyif process involves relationship between the discussed problem and the decided law of the problem while al-hukm process is the mere explanation of the law. However, if the new problem has never been discussed before or the new law could not be implemented due to any barrier, al-hukm process must be executed according to the original method in Usul al-Fiqh knowledge. Al-Hukm process consists of two entities which are the determination of law sources (dalil) and decision of law through analysis (Rahman, 2008).

Al-Ifta' is a process of fatwa publication after the scrutiny through various previous processes is done to the problem posed to the mufti. Rahman (2008) and Khairuldin (2016) explained that the level of al-ifta' is like an answer of a mufti towards the posed problem according to his understanding of the mustafti's atmosphere. Al-Ifta' is implemented after a qualified mufti has decided a law to the posed problem. Mufti also compares the obtained law to various conditions and environments of mustafti such as mustafti's atmosphere, taking care of maqasid syari'ah, urf, daruriyyat and others (Khairuldin, 2016). According to Jum'ah (2008), if the law that needs to be decided does not compile with the bases in this level of al-ifta', a mufti should refer and reexamine the law. If the law still cannot be adapted to the bases in the process after second revision, the mufti should perform tawaqquf (halt) from resuming the fatwa-making process. When the scrutiny is done, then the fatwa can be resolved and claimed according to the laws.

RESULTS AND DISCUSSION

Strategic Management in Fatwa-Making Process

Process of fatwa-making is a form of systematic and strategic management in the decision of law. Strategic management as a concept is the formulation and implementation of long term strategies by an organization depends on the external and internal surroundings (Beekun, 2006; Mohamed et al., 2010). This paper identified the fatwa-making process as one of the processes that has strategic management. This can be seen in the sequence of fatwa-making process that requires at least four phases as mention before (Table 1).

Firstly, the most important and basic element in the fatwa-making process is the in-charge individual. They are known as muftis. The qualification of the mufti is the basic element assigned by Islam to prevent mistake. This is because; a person who is unqualified and does not follow guidelines of the process will produce a straying fatwa from Islamic laws. Here, we can clarify that mufti as one of the important components in internal surroundings as in strategic management.

Secondly, fatwa-making process should have a good and organised framework to achieve the main objective which is to solve the problems of Islam community. Fatwa is the determination of law related to religious problems (Khairuldin et al., 2018; Al-Harrani, 1984).

Therefore, the process of fatwa-making is compiled according to Islamic epistemology due to the fact that the determination of fatwa must be in the radius of Islamic framework (Hasan, 1998). Hence, fatwa-making process must be done objectively, systematically and accurately. Fatwa-making process integrates empirical and theoretical study method in a specific framework. A studied problem should be referred to the original theory set up by past Islamic scholars. Then, a study should be done by looking from various current aspects such as *urf* (custom) and atmosphere, laws, *maqasid syari'ah* and others. All above consistent to one of the key elements as mentioned by Beekun (2006) provides a framework that allows for internal consistency among all of the decisions and activities of the organization's various sections. With the right framework, fatwa process would allowed a consistency and standard *hukm* despite varies *mufti* or *mustaftis*.

Thirdly, according to *al-taswir* process, the *mufti* will organise a survey and field study to gather as much direct information as possible regarding the problem. The problem picture should be recognized accurately so that no mistake will happen in the determination of fatwa. The *al-taswir* process should be looked deeply as there will be no mistake due to a rush in determining the law. Besides that, with clear picture, a decided law is avoided from carelessness and lustfulness. Hence, *al-taswir* process will allow fatwa get exact external surroundings which will involve politics, economics, socio-culturalism and technology such as in the process of determining fatwa through *al-urf*. Beekun (2006) involves identifying the organization idealized potential and working toward it. Key elements can be achieved through *al-taswir* process.

Meanwhile fourthly, *al-takyif* as mentioned by Jum'ah (2008), is an approach of matching the raised problem to the existing problems in authorised sources. This process is also defined as a process categorizing problems into suitable themes and *fiqh* arguments related to them. The significance of utilising this process is due to the fact that mistake in assigning the scope of the problem will produce an inaccurate fatwa and will change the law of a certain problem (Syabir, 2004). This process is similar to what is called internal environmental analysis which determined strengths and weaknesses (Mohamed et al., 2010) but *al-takyif* assessed problems into suitable themes and *fiqh* arguments related to them.

Fifthly, the level of *al-ifta'* proceeds when the study and law determination has been done according to Islamic quotes of evidence or *ijtihad* and the *mufti* must perform the final examination of the awaiting fatwa to be published towards the questioner or local community. The investigation is done look for alignment of fatwa with Islamic laws. Besides that, *mufti* should ensure that the decided fatwa does not ignore the values of *maqasid syari'ah* and does not contradict with the concrete sources of evidence, *nas qat'i* (*Al-Qur'an* and *Hadis*). Should there is any contradiction with the stated matter, *mufti* must re-evaluate the fatwa that needs to be decided until it is perfect and fulfils the needs of Islamic laws. When the scrutiny is done, then the law can be granted or claimed according to laws of nation (Jum'ah, 2008; Rahman, 2008, Khairuldin, 2016). This process will allow the fatwa that encompasses decisions and actions that have a long-term impact as mention by Beekun (2006) in one of his key elements of strategic managements. And all these processes are a process that enables decision makers to be proactive.

S No.	Level	Function	Concept	Strategy
1	Al-Taswir	Understanding problem. Information accuracy. Scrutiny of problem factors. Consideration and current technology usage.	Problem recognition concept	<ul style="list-style-type: none"> • Balanced in observing the problem • Always ready to accept and give positive response
2	Al-Takyif	Method of adapting suitable quotes of Islamic sources (nas of syarak) to the problem. A workforce to recognise the relationship between the problems.	Dalil adaptation concept	<ul style="list-style-type: none"> • Discussion (syura) involving members of council • Organized and holistic in measuring the relationship of problems • Early perception in forming solution
3	Al-Hukm	Mere explanation of the law. Determination of quoted sources of the law (dalil) and determination of law through analysis	Explanation and analysis concept	<ul style="list-style-type: none"> • Gradual analysis • Understanding effect • Application of accurate ijihad method
4	Al-Ifta'	Process of fatwa publication. Comparison of obtained law	Summary and reflection concept	<ul style="list-style-type: none"> • Clear address • Reexamination of the common acceptance • Evaluation of the verdict

CONCLUSION

As a conclusion, this paperwork discusses four important levels in fatwa-making process and they are divided into two sections which are the managerial section and the executional section. Within the four levels which are al-taswir, al-takyif, and al-hukm dan al-ifta', contained in them the flexible and comprehensive objectives, concepts and strategies which are interrelated between each other. The four levels of the process of affairs are in line with four key elements of strategic planning's as stated by Beekun (2006). First, encompasses decisions and actions that have a long-term impact; second, is a process that enables decisions makers to be proactive; third, involves identifying the organizations idealized potential and working toward it, and; fourth, provides a framework that allows for internal consistency among all of the decisions and activities of the organization's various sections. As this paper only discusses this, the process in the fatwa itself is one of the only strategic management processes proposed next stage to see a case study on the fatwa process and its relationship with strategic management either from neither the point of the process itself nor the issuing institution of the fatwa.

Thus, we can prove the application of this fatwa process visualises a methodological strategic management to resolve a certain rising problem and to preserve the elements of maqasid syari'ah (objectives of syariah) and urf (custom). Although the fatwa process is used in making fatwa, in fact it can be applied into other wider contexts in the process of solving problems. Moreover, this strategic management in fatwa also puts the Islamic epistemology as the main axis which is also a part of the management and implementation. Accordingly, this matter shows the firm priority in the fatwa-making process aligned with the management of human nature. Therefore, the strategic management in fatwa through the four processes integrates with each other and conforms to global management standard.

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