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Political and Legal Policies in Determining Hijri Calendar among MABIMS Member Countries

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Abstract:

The determination of the beginning of Islamic months constitutes a crucial intersection between religious law, astronomical science, and state authority. In MABIMS Member Countries, variations in political configurations and state-religion relations have produced distinct legal policies governing the Islamic calendar, particularly regarding Ramadan, *Shawwal*, and *Dhu al-Hijjah*. This study aims to examine how legal politics shape state authority in determining the beginning of Islamic months and to analyse the legal consequences of these policies for legal certainty and public compliance among Muslim communities. This research employs a normative juridical method with conceptual and comparative approaches. Data were derived from an analysis of statutory regulations, official fatwas, state religious authority decisions, and regional coordination documents within the MABIMS framework, supported by scholarly perspectives in Islamic law, astronomy (*'ilm al-falak*), and legal politics. The findings demonstrate that the determination of Islamic months is not primarily driven by the methodological choice between *hisab* (astronomical calculation) and *rukyah* (hilal observation), but rather by the political configuration and the degree of centralisation of state religious authority. Indonesia and Singapore, characterised by more pluralistic and participatory political systems, position the state as a coordinator and final legitimising authority while allowing limited pluralism in societal practice. In contrast, Malaysia and Brunei Darussalam adopt a highly centralised model of

state religious authority, where the determination of Islamic months is a binding legal decision enforced through statutory sanctions. This study concludes that stronger state authority in religious governance correlates with higher levels of legal unification and compliance in the Islamic calendrical system. Accordingly, legal politics plays a decisive role in shaping the legal outcomes of determining the Islamic month in Southeast Asia, extending beyond doctrinal or jurisprudential debates alone.

Keywords: beginning of the month; *hisab rukyah*; legal politics; MABIMS.

Introduction

The state often sees the determination of the start of the Islamic month as an administrative matter that requires official decisions and legal processes for its resolution. This approach indirectly subjects the determination of worship times to the logic of state legal certainty, implying that religious legitimacy can be entirely derived from formal procedures. In Southeast Asia, particularly in Indonesia, Malaysia, Brunei Darussalam, and Singapore, members of the Ministry of Religious Affairs of Brunei, Indonesia, Malaysia, Singapore (hereinafter, MABIMS) Forum, this approach has proven to be limited.¹ Instead of producing uniformity, differences in methods of calculation and observation continue to spark conflicts over authority among the state, official religious authorities, and non-state Islamic organisations, each claiming its own scientific legitimacy.²

This tension shows that the institutional design of MABIMS has failed to bridge epistemic and authoritative differences among countries and institutions, rendering regional coordination symbolic rather than normatively binding. In this context, the manner in which the start of the Islamic month is determined indicates the weakness of modern Islamic legal authority, with the state seeking to exert control through positive law. Concurrently, the legitimisation of religion remains diffuse and is produced outside state-sanctioned channels. This situation not only creates legal uncertainty for Muslims but also calls into question the limits and basis of the state's authority in regulating the sphere of worship.³

Indonesia, as the world's most populous Muslim country, relies on the *isbat* (*hilar* sighting) session organised by the Ministry of Religious Affairs. This process combines the *rukayah* (direct observation of the *hilar*) and *hisab* (astronomical calculations) methods. However, disagreements arise between major religious

¹ Fika Nurul Ulya and Bagus Santosa, 'Kemenag Sebut Ada Potensi Perbedaan Hari Raya Idul Fitri 2023', KOMPAS.com, 11 April 2023, <https://nasional.kompas.com/read/2023/04/11/18154221/kemenag-sebut-ada-potensi-perbedaan-hari-raya-idul-fitri-2023>.

² Maskufa Maskufa et al., 'Implementation of the New MABIMS Crescent Visibility Criteria: Efforts to Unite the Hijriyah Calendar in the Southeast Asian Region', *AHKAM: Jurnal Ilmu Syariah* 22, no. 1 (2022), <https://doi.org/10.15408/ajis.v22i1.22275>; Ahmad Wahidi et al., 'The Beginning of Islamic Months Determination in Indonesia and Malaysia: Procedure and Social Condition', *Ulul Albab: Jurnal Studi Islam* 20, no. 2 (2019): 322–45, <https://doi.org/10.18860/ua.v20i2.5913>.

³ A. Jusran Kasim et al., 'Determination of Hijri Calendar in Islamic History and Its Criteria in Southeast Asia', *Journal of Al-Tamaddun* 19, no. 1 (2024): 247, <https://doi.org/10.22452/JAT.vol19no1.18>.



organisations, such as Nahdlatul Ulama (NU) and Muhammadiyah,⁴ which often attract public attention and reflect diverse views within Indonesian Muslim society.

Malaysia, with its federal system of government, has a centralised model for determining the beginning of Islamic months, coordinated by the Department of Islamic Development Malaysia (JAKIM) and administered by state religious authorities.⁵ This approach prioritises uniformity through *rukyah* and *hisab*, which have been agreed upon nationally, thus minimising differences between states. Brunei Darussalam, as a country that formally applies Islamic law, uses sole authority through the Ministry of Religious Affairs.⁶ This system tends to be simpler because the state has full control over determining the beginning of the Islamic month based on the results of *rukyah* conducted by official authorities. Singapore, despite having a minority Muslim population, also has a mechanism for determining the beginning of the Islamic month through the Islamic Religious Council of Singapore (MUIS). Singapore adopts a pragmatic approach, relying on *hisab* (calculation) as the primary method to provide certainty to Muslims in planning their religious activities.⁷

Behind these differing methods and practices for determining the beginning of the Islamic month lies the main issue of how the state produces and distributes religious authority through legal instruments. In this context, legal politics is understood as a process in which the state not only makes policies but also sets the boundaries of authority: who can speak on behalf of religion, which procedures are recognised as valid, and which decisions are considered normal and binding on the public. The determination of the beginning of the Islamic month is a concrete example of how the state transforms religious knowledge, in this case, *hisab* and *rukyah*, into administrative decisions that regulate and streamline the community's religious practices. When the state assumes the role of final arbiter in the name of stability and order, it simultaneously reduces the diversity of Sharia authority to a single official legal framework. This process is not without consequences, as at this point the law functions not only as a regulatory tool but also as a mechanism for establishing legitimacy and eliminating religious views that lie outside the official structure of the state. This tension serves as the analytical foundation for examining the governance of religion and contemporary Islamic law.⁸

Amid globalisation, the determination of the beginning of the Islamic month has transcended national borders, as it directly confronts the mobility of Muslims

⁴ Amirah Himayah Husna et al., 'Penyatuan Kalender Hijriah Nasional Dalam Perspektif Ormas Muhammadiyah Dan Nahdatul Ulama (NU)', *AL - AFAQ: Jurnal Ilmu Falak Dan Astronomi* 3, no. 2 (2021): 172, 2, <https://doi.org/10.20414/afaq.v3i2.4772>.

⁵ Muhammad Fathullah Al Haq Muhamad Asni and Jasni Sulong, 'Penyelarasan Fatwa Antara Negeri-Negeri: Analisis Amalan Dan Kaedah Penyeragamannya Di Malaysia: Fatwa Coordination Between States: Analysis of The Practices of Standardization and Its Method in Malaysia', *Journal of Fatwa Management and Research* 9, no. 1 (2017): 86, <https://doi.org/10.33102/jfatwa.vol9no1.41>.

⁶ Abdurrahman Raden Aji Haqqi, 'Islamic Law in State Life of Brunei Darussalam', *Journal of Malay Islamic Studies* 1, no. 2 (2017): 81–92, <https://doi.org/10.19109/jmis.v1i2.2540>.

⁷ Majelis Ugama Islam Singapura, 'Statement in Response to Queries on Determining of Syawal 2023/1444H', Majelis Ugama Islam Singapura, 4 September 2023, <https://www.muis.gov.sg/resources/media-releases/9-apr-23-statement-in-response-to-queries-on-determining-of-syawal-2023-1444h/>.

⁸ Ahmad Musonnif et al., 'Government Position in Religious Authority Contestation in Indonesia: Reviewing the Government Authority in Determining the Beginning of Islamic Months', *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (2024): 336, <https://doi.org/10.18860/j-fsh.v16i2.27517>.



who live, work, and worship across jurisdictions. For Southeast Asian countries, this situation exacerbates existing legal problems: official state decisions on the start of the Islamic month often lose their binding force when they conflict with religious authorities in other countries, global information platforms, and diaspora networks that follow different references. Differences in determining the start of the Islamic month cause practical confusion, testing the state's legitimacy in claiming authority over its citizens' religious practices in the transnational sphere. In this situation, the demand for harmonisation cannot be understood solely as a global normative necessity, but rather as a response to the limitations of national legal and institutional designs in managing religious plurality. Southeast Asia, with the MABIMS framework, faces the challenge of shifting from symbolic coordination to more coherent regional legal governance to maintain the relevance of state authority amid the globalisation of religious practices.⁹

In addition, technological advances in astronomy and communications have improved the accuracy of determining the beginning of the Islamic month and have also changed the map of authority in Islamic law. High-precision calculation data, digital crescent images, and real-time information dissemination mean that determining the beginning of the Islamic month is no longer monopolised by official state institutions or certain religious authorities. At this point, technology acts as a new source of legitimacy that can both reinforce and challenge state decisions. Countries such as Indonesia, Malaysia, Brunei Darussalam, and Singapore have responded to these developments in different ways. For example, some have integrated technology into official procedures to reinforce state legal decisions.¹⁰

In contrast, others have continued to limit its use to maintain the sole authority of official religious institutions. These differing responses show that technology is not merely a technical tool but a political-legal factor that compels states to renegotiate the relationship among science, Sharia, and their regulatory authority. Thus, utilising it to determine the start of the Islamic month primarily indicates the way states maintain or reorganise their legal legitimacy amid rapid epistemic change.¹¹ Studies on determining the beginning of the Islamic month have so far focused more on debates between *hisab* and *rukyah* or on normative calls for unity among Muslims. Meanwhile, comparative legal analysis across Southeast Asian countries remains rare. Differences in determining the beginning of the Islamic month cannot be understood without examining how countries regulate religious authorities, formalise legal decisions, and determine the binding force of those decisions in society. In this study, legal politics is understood as the relationship between state power, the institutional design of religious authorities, and the decision-making

⁹ Mohd Saiful Anwar Mohd Nawawi et al., 'Hijri Month Determination in Southeast Asia: An Illustration Between Religion, Science, and Cultural Background', *Heliyon* 10, no. 20 (2024): e38668, <https://doi.org/10.1016/j.heliyon.2024.e38668>.

¹⁰ Ahmad Fauzi, 'Negotiating the New Moon: Social Media and the Dynamics of Hijri Calendar Determination among Muslims', *Al-Hilal: Journal of Islamic Astronomy* 7, no. 2 (2025): 167, <https://doi.org/10.21580/al-hilal.2025.7.2.28554>.

¹¹ Sayehu et al., 'Artificial Intelligence and Legal Certainty in Determining Ramadan and Syawal for Muslim Religious Observance', *Hikmatuna: Journal for Integrative Islamic Studies* 11, no. 1 (2025): 17–30, <https://doi.org/10.28918/hikmatuna.v11i1.10428>.



mechanisms that shape the legal legitimacy of determining the beginning of the Islamic month. However, there are no comparative studies examining this relationship, particularly those explaining why countries with relatively similar Islamic backgrounds exhibit different patterns of governance and levels of public compliance. This analytical void underpins the need for this research and positions it as an important contribution to the study of law and Sharia in Southeast Asia.¹²

Based on the explanation above, this research focuses on describing and explaining the government's role in determining the beginning of the Islamic month in Southeast Asia and on analysing government policy using a legal-political approach. The discussion regarding state authority in determining the beginning of the Hijri month serves as the primary foundation for understanding policy dynamics among MABIMS countries. M. Nur Hidayat asserts that, fundamentally, determining the start of Islamic months is the absolute authority of the government.¹³ This authority is binding on citizens, particularly because the issue falls within the realm of *ijtihad*, where a ruler's decision serves to resolve disputes. This view is reinforced by Khaerun Nufus, who positions the Ministry of Religious Affairs as *Ulil Amri*, with the legitimacy to intervene for *maslahat al-'amah* (the public interest).¹⁴

However, sociopolitical challenges in Indonesia indicate that a single authority alone is insufficient without rigid legal standards. Fika Andriana highlights that although the state has the power to reformulate methods for determining the month, this function often fails to operate optimally due to a lack of strict, binding legal sanctions.¹⁵ This aligns with Siti Muslifah's findings that identify the absence of agreed-upon single criteria across various Islamic organisations as a major barrier to harmonisation.¹⁶ In the broader context of calendar unification—such as the MABIMS vision—Siti Tatmainul Qulub offers a vital perspective by comparing it to the success of the Gregorian calendar. She argues that the making of the Hijri calendar must involve political power, rather than relying solely on science and Sharia, through the formation of laws that are global in scope and supported by a single authority.¹⁷ This idea complements Bashori Alwi's, holding that because *hisab*

¹² Achmad Mulyadi et al., 'Dynamics of Implementing the New MABIMS Criteria on the Hijri Calendar (Takwim Hijri) By the Indonesian and Malaysian Governments', *Al-'Adalah* 22, no. 2 (2025): 381–408, <https://doi.org/10.24042/adalah.v22.28543>.

¹³ M. Nur Hidayat, 'Otoritas Pemerintah Dalam Penetapan Awal Bulan Qamariyah Perspektif Fiqh Siyâsah Yusuf Qardhawi.', *Jurisdictie: Jurnal Hukum Dan Syariah* 3, no. 1 (2012), <https://doi.org/10.18860/j.v0i0.2177>.

¹⁴ Khaerun Nufus, 'Sidang Isbat Penentuan Awal Bulan Kamariah Prespektif Hukum Islam (Kajian Terhadap Penetapan Kementerian Agama RI Selaku Ulil Amri)', *INKLUSIF (JURNAL PENGKAJIAN PENELITIAN EKONOMI DAN HUKUM ISLAM)* 3, no. 1 (2018): 1–21, <https://doi.org/10.24235/inklusif.v3i1.2476>.

¹⁵ Fika Andriana, 'Otoritas Negara Dalam Mereformulasi Metode Penentuan Awal Bulan Qamariyah', *Politica: Jurnal Hukum Tata Negara Dan Politik Islam* 6, no. 1 (2019): 112–43, <https://doi.org/10.32505/politica.v6i1.2730>.

¹⁶ Siti Muslifah, 'Upaya Menyikapi Perbedaan Penentuan Awal Bulan Qamariyah Di Indonesia', *Azimuth: Journal of Islamic Astronomy* 1, no. 1 (2025): 74–100, <https://doi.org/10.15642/azimuth.v1i1.788>.

¹⁷ Siti Tatmainul Qulub, 'Pendekatan Politik Sebagai Strategi Unifikasi Kalender Hijriyah Seajar Dengan Kalender Masehi', *Jurnal Bimas Islam* 10, no. 3 (2017): 3, <https://doi.org/10.37302/jbi.v10i3.31>.



(astronomical calculations) yields various versions, the state's political school of thought becomes a crucial instrument for achieving consistency.¹⁸

Despite government efforts toward harmonisation through the *Imkan Rukyah* criteria (as practised within the MABIMS framework), Jayusman notes that these steps have not yet succeeded in achieving full unification. Technical obstacles, such as the differing methods of *hisab* and *rukayah*, also remain a subject of debate.¹⁹ Muhammad Akbar Herman et al. suggest that a meeting point between the mathematical accuracy of *hisab* and the theological aspects of *rukayah* can be achieved through continuous dialogue, where the government plays a critical role as a unifying institution to maintain social harmony.²⁰ The research by Marni and Fatmawati concludes that further astronomical studies regarding the analysis of government authority are highly necessary.²¹ The present study addresses an important gap in the existing literature. Previous research has predominantly focused on debates concerning religious authority within individual states and methodological issues related to crescent observation and astronomical calculation. As a result, the political and legal dimensions of regional cooperation in Hijri calendar determination remain underexplored. This study therefore examines how political and legal policies are formulated, negotiated, and implemented within the MABIMS framework to address persistent disparities in calendrical criteria among its member countries. It aims to analyse the role of state institutions, legal frameworks, and regional collaboration in shaping a common approach to Hijri calendar determination, as well as to assess the prospects and challenges of achieving greater calendar harmonization in Southeast Asia. By adopting a regional political-legal perspective, this research contributes to a more comprehensive understanding of the governance of Hijri calendar unification in the contemporary Muslim world.

Method

This study uses a normative legal method, treating law as the primary object of analysis and focusing on norms, policies, and official state decisions that govern the determination of the beginning of the Islamic month. The legal materials analysed include legislation, decisions of ministries or official religious institutions, fatwas, and policy documents related to the Islamic calendar in Indonesia, Malaysia, Brunei Darussalam, and Singapore. These materials are read not merely as legal texts, but as products of legal politics that reflect how the state constructs religious authority and binds Muslim worship practices. A conceptual approach was used to identify and refine the key concepts of analysis in this study, including state authority, legal

¹⁸ Bashori Alwi, 'Menuju Penyatuan Kalender Hijriyah', *MAQASHID* 3, no. 1 (2020): 115–34, <https://doi.org/10.35897/maqashid.v3i1.410>.

¹⁹ Jayusman Jayusman, 'Kebijakan Pemerintah Dalam Penetapan Awal Bulan Kamariah Di Indonesia', *Madania: Jurnal Kajian Keislaman* 18, no. 2 (2014): 185–200, <https://doi.org/10.29300/madania.v18i2.18>.

²⁰ Muhammad Akbar Herman et al., 'Kontroversi Hisab Dan Rukyat Dalam Penentuan Kalender Islam Di Era Modern Pendekatan Fikih Kontemporer', *Media Hukum Indonesia (MHI)* 2, no. 4 (2024): 4, <https://doi.org/10.5281/zenodo.14253182>.

²¹ Marni Marni and Fatmawati Hilal, 'Analisis Otoritas Pemerintah Dalam Penetapan Awal Bulan Qomariah', *HISABUNA: Jurnal Ilmu Falak* 2, no. 3 (2021): 16–32, <https://doi.org/10.24252/hisabuna.v2i3.22189>.



legitimacy, state-religion relations, and religious decision-making mechanisms in modern legal systems. Meanwhile, a comparative approach compares the four countries based on several key aspects, including the position of the state in the structure of determining the beginning of the Islamic month, the level of centralisation of authority, the legal status of the decisions produced (binding or persuasive), and the legal response to differences of opinion in society. With this framework, the comparison is not intended to judge whether a policy is right or wrong, but rather to read the patterns of legal politics that shape the variations in the governance of determining the beginning of the Islamic month in Southeast Asia over the past ten years.

Results and Discussion

Determination of the Beginning of Islamic Months and Legal Politics

The state often presents *rukyah* and *hisab* as neutral, objective scientific choices, when in practice, science is always involved in political and legal decisions. It is when the state chooses them as the basis for officially determining the start of the Islamic month that astronomical precision, digital data, and computational models gain binding power. In Indonesia and Singapore, the integration of *hisab* and *rukyah* is embedded in a framework of deliberation and administrative procedures that allow for differences.²² However, the state's decision remains legally binding. By contrast, in Malaysia and Brunei Darussalam, the state more explicitly uses its authority to determine valid methods and results, ensuring that science serves as justification for a single binding decision. These differences demonstrate that claims of scientific neutrality often mask the state's selective adoption of astronomical knowledge to stabilise its authority. Therefore, the debate over *hisab* and *rukyah* is inextricably linked to the state's legal politics surrounding the interpretation of science, the establishment of laws, and the regulation of Muslim religious practices.²³

In determining the beginning of the Islamic month, legal politics, as understood by Mahfud and Sunaryati Hartono, transcends abstract formulations of law as a tool of the state;²⁴ it is evident in the way the state chooses, determines, and enforces the methods for determining the time of worship. When the state establishes *rukyah*, *hisab*, or a combination of both as the official basis for the Islamic calendar, this decision reflects *ius constituendum* aimed at achieving specific objectives, such as uniformity in religious practice, social stability, and legal certainty for Muslim citizens. The choice of method is not merely technical, but rather the result of a political configuration that determines the extent to which the state opens up space for the participation of non-state religious authorities or instead centralises authority in official institutions.

Mahfud's²⁵ distinction between democratic and authoritarian politics, as well as between responsive and orthodox law, is relevant to understanding the variations in policies governing the beginning of the Islamic month in Southeast Asia. Countries with more democratic political configurations tend to produce responsive policies:

²² Mohd Nawawi et al., 'Hijri Month Determination in Southeast Asia', 2024.

²³ Muhammad Ridzuan Hashim et al., 'Unification of Hijri Calendar Under One Matla': A Case Study of MABIMS Through the Lens of Islamic Jurisprudence and Astronomy', *Jurnal Fiqh* 22, no. 2 (2025): 389, <https://doi.org/10.22452/fiqh.vol22no2.7>.

²⁴ C.F.G. Sunaryati Hartono, *Politik Hukum Menuju Satu Sistem Hukum Nasional* (Alumni, 1991).

²⁵ Moh. Mahfud M. D, *Politik Hukum di Indonesia* (Rajawali Pers, 2011).



state decisions serve as legal references while still allowing room for differences and negotiations at the community level. Conversely, in more centralist political configurations, the determination of the beginning of the Islamic month tends to be codified as orthodox law, in which state decisions are final and binding, accompanied by mechanisms to resolve differences. Thus, legal political theory not only explains the abstract relationship between law and politics but also helps understand how state authority is built, negotiated, and maintained through policies governing the beginning of the Islamic month.

In practice, the differences in these political-legal configurations are clearly evident: Indonesia and Singapore tend to determine the beginning of the Islamic month as a responsive and deliberative legal policy, while Malaysia and Brunei Darussalam treat it as orthodox law that is centralistic, binding, and supported by strong state authority. Politics and law are interconnected. In the process by which political institutions create legal policies, many changes and variables influence the outcome. Legal politics is viewed from a juridical perspective, namely, how laws are enforced through legal means. If a rule is established by a higher authority, it is considered legally valid and binding, thereby demonstrating the relationship between circumstances and their consequences. Furthermore, regulations must be created by an authorised institution in that field.

Political factors construct legal policy, as legal norms are enacted and supported by political power. Although legal norms are supported by society, they must align with the state's philosophical principles and have a strong legal basis. However, they cannot be enacted as law without sufficient political support in parliament. In other words, politics is related to power, which in turn impacts how legal policy is implemented. Legal norms prioritise an empirical approach and entail standards of recognition, acceptance, or factuality of law, while legal politics is viewed from a sociological perspective. These standards can be further explained as follows. First, recognition concerns how strongly the law can compel people to comply with applicable regulations. Second, acceptance is associated with public awareness to accept without coercion and comply with applicable laws. In this case, if the legal subject does not feel bound, then the legal norms in question will not apply to them. Third, the factuality of law concerns whether legal norms actually function in people's daily lives. Therefore, a legal rule can be considered sociological if it meets one of the three conditions above.²⁶

The Role of the Government in Implementing the Determination of the Beginning of Islamic Months in the Southeast Asian Region

The determination of the beginning of the Islamic month in Brunei Darussalam is carried out within the official institutional context of joint membership in MABIMS, a collaboration between Southeast Asian countries to agree on the visibility criteria for the *hilāl* (new *hilal*). On December 8, 2021, MABIMS officially adopted by referendum the new visibility criteria called "Neo-MABIMS": the *hilāl* is

²⁶ Rudi Salam Tarigan et al., 'Influence Political Law in Formation and Enforcement Law in Indonesia', *International Journal of Law, Crime and Justice* 1, no. 4 (2024): 198–205, <https://doi.org/10.62951/ijlcj.v1i4.293>.



considered “possibly visible” if it meets a minimum altitude of 3° and an elongation angle of 6.4°. ²⁷ Despite the common criteria from MABIMS, implementation in the field still involves two main approaches: *hisab* (astronomical calculations) and *rukyah* (*hilāl* observation), or using the “*imkān ar-rukyah*” approach to bridge the two. In the literature review of the practicalities of MABIMS, the *hilāl* visibility criteria (3°, 6.4°) serve as a benchmark for modern reckoning, but the final decision, especially for important months such as Ramadan, Shawwal, and Zulhijjah, often remains in the status of pending *rukyah*/observation confirmation. ²⁸ For months other than Ramadan, Shawwal, and Zulhijjah, Brunei Darussalam uses a *takwim* (calendar) mutually agreed upon by the MABIMS countries. This ensures the uniformity of the Hijri calendar throughout the region. The procedure for determining the beginning of the Islamic month in Brunei relies not only on reckoning but also on *rukyah*/observation as part of the process.

Despite being a signatory to the MABIMS criteria agreement, Brunei Darussalam continues to prioritise the *rukyatul hilal* (physical sighting) method to primarily determine the beginning of Ramadan and Shawwal in practice. This policy indicates that while *hisab* (astronomical criteria) within the MABIMS framework serves as a supportive guide, Brunei’s religious authorities remain committed to the theological tradition of sighting to provide legal certainty for its Muslim population. This reflects a dynamic in which a nation’s political and religious authorities retain full authority to interpret regional agreements in accordance with their prevailing school of law (*madhhab*) or local traditions. ²⁹ MABIMS member states, including Brunei, have institutional mechanisms for collectively managing the Hijri calendar. One article states that Brunei has an official structure that regulates the calendar and determines the *hilal* through coordination between religious institutions and astronomers. ³⁰ The decision regarding the beginning of the month is not merely academic (astronomical) but also institutional (involving the state): when the *rukyah* is conducted, the results are reported to an official committee/team, and then an official calendar is issued that is binding on the community. This demonstrates that legal, administrative, and state legitimacy aspects play a crucial role in determining the beginning of the month. ³¹

The following is the flow of determining the beginning of the Islamic month in Brunei Darussalam:

²⁷ Maskufa Maskufa et al., “Implementation of the New MABIMS Crescent Visibility Criteria: Efforts to Unite the Hijri Calendar in the Southeast Asian Region,” *AHKAM: Jurnal Ilmu Syariah* 22, no. 1 (2022), <https://journal2.uinjkt.ac.id/index.php/ahkam/article/view/22275>.

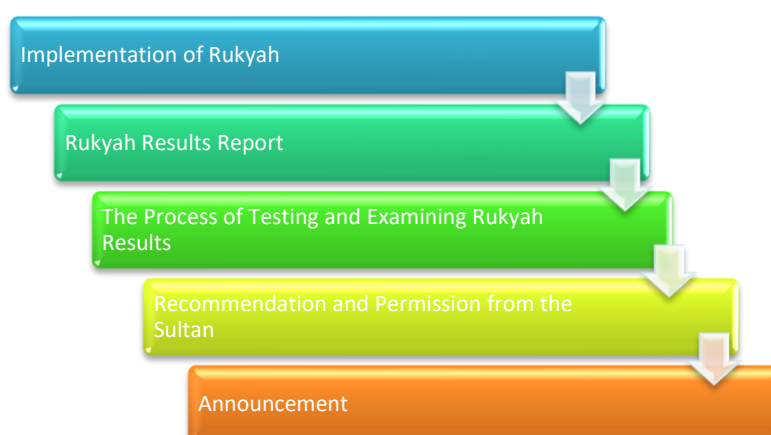
²⁸ Marni and Hilal, ‘Analisis Otoritas Pemerintah Dalam Penetapan Awal Bulan Qomariah’.

²⁹ Marni Marni and Fatmawati Hilal, ‘ANALISIS OTORITAS PEMERINTAH DALAM PENETAPAN AWAL BULAN QOMARIAH’, *HISABUNA: Jurnal Ilmu Falak* 2, no. 3 (2021): 3, <https://doi.org/10.24252/hisabuna.v2i3.22189>.

³⁰ Sharifah Shazwani Syed Mohamed and Ibnor Azli Ibrahim, "Procedures for Determining Hilal and Managing Hijri Takwim Among MABIMS Member Countries," *Journal of Islamic, Social, Economics and Development* 10, no. 74 (2025): 372, <https://academicinspired.com/jised/article/view/3258>.

³¹ Mohd Nawawi et al., “Hijri Month Determination in Southeast Asia.”



Flow Chart 1. The stages of determining the beginning of the Islamic month in Brunei Darussalam**Table 1.** The parties involved in determining the beginning of the Islamic month in Brunei Darussalam³²

Party / Institution	Main Role	Technical Function/ Authority
Sharia Courts of Brunei Darussalam (Sharia judges & Sharia court officials)	Person in charge	Assigning and accompanying the <i>rukayah</i> team in the field, receiving and verifying <i>rukayah</i> reports, then legally validating the observation results; the final decision is submitted to the religious/state authorities.
Ministry of Religious Affairs, Brunei	Technical implementation coordinator	Coordinating the implementation of observations -including site assignments, logistics, and personnel- and facilitating the collection of <i>hisab</i> and <i>rukayah</i> data; being responsible for the administration and announcement of results.
Survey Department Brunei (part of the Ministry of Development)	Supporter and Provider of astronomical and atmospheric data	Providing technical support: determining the coordinates of observation locations, taking care of geographical aspects & field facilities (access, height, visibility), so that observations can be carried out optimally.
District Officers / Local Government (District Offices)	Technical implementation support	Involved as a representative of the local government, helping to ensure the smooth running of <i>rukayah</i> (safe, location access), and sometimes

³² Shahir Akram Hassan and Mohd Shukri Hanapi, *PROSEDUR OPERASI PIAWAI (SOP) DALAM PENENTUAN AWAL SYAWAL DI NEGARA BRUNEI DARUSSALAM*, n.d.

		being present as a witness/local coordinator during observations.
Astronomer and Technical Team	Supporters of science (astronomy/falak)	Preparing astronomical calculations (ephemeris, moon position, geocentric conditions), helping to assess the possibility of <i>hilāl</i> visibility (<i>imkan rukyah</i>), and helping to interpret <i>hisab</i> data as supporting material before or after <i>rukyah</i> .
Brunei Darussalam Astronomical Society (or local astronomers association/ <i>falak</i> community)	Social and educational partners	Sometimes involved in public astronomical observations or activities, for example, in <i>hilal</i> observation events or astronomical/educational exhibitions related to <i>rukyah</i> .
Religious Officials / Legal & State Authenticity (including candidate approval from the head of state/highest authority/Sultan)	Supporters of legitimacy	Following the <i>rukyah</i> report verification, the official decision to determine the month is conveyed at the state/religious level, so that the <i>rukyah</i> results become part of the official calendar that binds the entire community.

Determining the beginning of the Islamic months is a significant religious, scientific, and social issue in Indonesia as the world's most populous Muslim country. This practice has historically been linked to two main approaches: *rukyah* (*hilal* observation) and *hisab* (astronomical calculations). Differences in methodology between the government, astronomical institutions, religious organisations, and community groups have created unique dynamics in determining the beginning of Ramadan, Shawwal, and Zulhijah. This has prompted the Ministry of Religious Affairs to take a central role in unifying views or minimising differences through the *Isbat* meeting mechanism. *Rukyah* is a method of directly observing the *hilal* on the 29th day of the current month after the *ijtimak* (conjunction). Astronomically, the success of *rukyah* is determined by factors such as the moon's altitude, elongation, age (lag time), weather conditions, light pollution, and the quality of optical instruments. Several studies confirm that *rukyah* has a strong theological basis in the hadith of the *ṣūmū li-ru'yatihi*, but it is not independent of atmospheric variability.³³

Hisab is the calculation of the geometric positions of the moon and sun based on modern astronomical models and ephemeris. Research from 2020–2025 demonstrated improvements in *hisab* accuracy using simulation tools such as Stellarium and Accurate Times, as well as NOAA–NASA data.³⁴ This method allows

³³ Taufiqurachman Taufiqurachman et al., Comparative Analysis Between Hisab and Rukyah Methods in Determining the Beginning of the Month of Ramadan in Indonesia | *Jiip - Scientific Journal of Educational Sciences*, tt, accessed December 8, 2025, <http://jiip.stkipyapisdompnu.ac.id/jiip/index.php/Jiip/article/view/6203>.

³⁴ Rudi Hartono and Muhammad Yunus, “Analysis of Determining the Beginning of the Hijri Month Using the Hisab and Rukyah Approach Method,” *Al-Mizan Journal* 12, no. 1 (2025): 17, <https://doi.org/10.54621/jiam.v12i1.997>.



for early prediction of the results and more organised planning of worship schedules. However, it lacks legal validity without empirical data from the field and direct observation, as this method does not require physical observation. The following is the flow of implementation for determining the beginning of the Islamic month in Indonesia:

Flow Chart 2. The stages of determining the beginning of the Islamic month in Indonesia

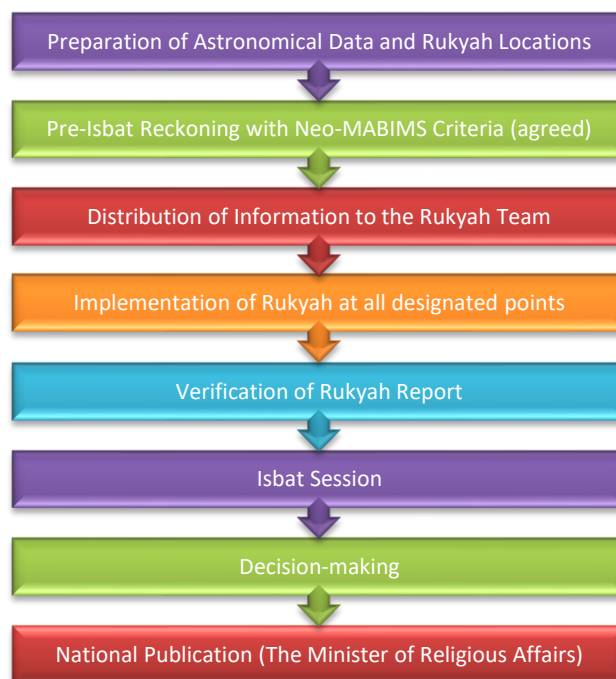


Table 2. The parties involved in determining the beginning of the Islamic month in Indonesia

Party/Institution	Main Role	Technical Function/ Authority
The Ministry of Religious Affairs (Kemenag RI)	National coordinator for determining the beginning of the Islamic month	Developing national reckoning and <i>rukayah</i> guidelines (including the adoption of Neo-MABIMS criteria); coordinating new moon observations throughout Indonesia.
BRIN, BMKG, and Astronomy Institute/Observatory	Supporter and Provider of astronomical and atmospheric data	Providing data on the position of the Sun and Moon, refraction, weather, and visibility; providing an atmospheric model to predict <i>rukayah</i> conditions; conducting professional <i>hisab</i> using modern astronomical equipment; conducting <i>rukayah</i> using



		telescopes and CCDs; providing a scientific analysis to be tested at the <i>Isbat</i> session.
MUI	Strengthening legitimacy in terms of jurisprudence and social aspects	Providing recommendations or explanations of Islamic jurisprudence regarding the use of <i>hisab/rukyah</i> and criteria; bridging the legal-jurisprudential and social dimensions
Islamic mass organisations	Participants, study partners, and <i>rukyah</i> implementers	Contributing <i>hisab</i> data and <i>rukyah</i> reports from internal networks; attending <i>isbat</i> sessions as a consultative party; providing respective fiqh views regarding the determination criteria.
Religious Courts	Witness and validator of the <i>rukyah</i> report	Validating the <i>rukyah</i> reports from witnesses in the field; signing the <i>rukyah</i> minutes as formal evidence.
Independent <i>Rukyah</i> Team (<i>Falak</i> community, amateur astronomers, etc.)	Empirical data contributors	Conducting direct observations using optical instruments; submitting reports and documentation for verification by the Ministry of Religion.
National Media & Public Relations of the Ministry of Religion	Official publication of the decision	Delivering announcements of the results of the <i>isbat</i> session to the public; distributing calendars and announcements on the results of determining the start of the Islamic month.

Determining the beginning of the month in Malaysia is based on a combination of *rukyah* (seeing the *hilal*) and *hisab* (calculation of the celestial sphere/astronomy), which refers to the criteria of *imkanur rukyah* / visibility of the *hilal* (the possibility of seeing the *hilal*). The criteria used at this time were updated based on the agreement of MABIMS (Ministries of Religious Affairs of Brunei, Indonesia, Malaysia, and Singapore) in 2021: the altitude of the *hilal* must be at least 3 degrees, and the angular distance between the moon and the sun (elongation) must be at least 6.4 degrees.³⁵ However, the final decision remains reliant on *hilal* observations (*rukyah*) coordinated by JAKIM and state religious officials.³⁶ An intensive meeting held by the Southeast Asian member countries of the MABIMS (Islamic New Year's Calendar) resulted in several changes or reformulations regarding the criteria for the beginning of the Islamic month. The new agreed-upon criteria replace the old ones used since 1992: a minimum altitude of 2 degrees, a minimum age of 8 hours, and a minimum elongation of 3 degrees from the sun. The new criteria are based on the 2021

³⁵ Maskufa et al., "Implementation of the New MABIMS Crescent Visibility Criteria."

³⁶ Mohd Nawawi et al., "Hijri Month Determination in Southeast Asia."



MABIMS agreement, which resulted from deliberations and was reinforced by regional and international scientific meetings.³⁷ This new criterion is used to determine the start of the main months, such as Ramadan, Shawwal, and Zulhijjah. This method is applied throughout Malaysia and MABIMS member countries to reduce differences in determining the start of the month.³⁸

The following is the flow of determining the beginning of the Islamic month in Malaysia:

Flow Chart 3. The stages of determining the beginning of the Islamic month in Malaysia

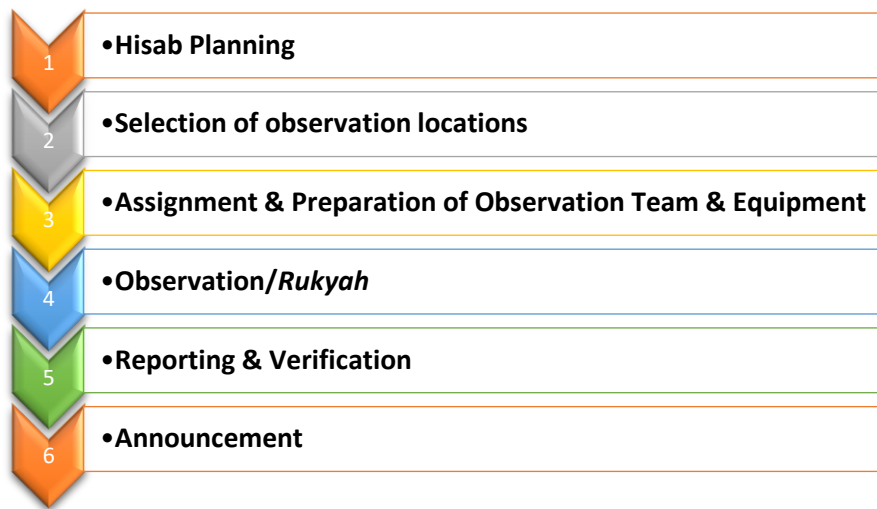


Table 3. The Parties involved in determining the beginning of the Islamic month in Malaysia

Party/Institution	Main Role	Technical Authority	Function /
Jabatan Kemajuan Islam Malaysia (JAKIM)	National coordination	Harmonising <i>rukayah</i> & reckoning data throughout the country; developing a national Hijri takwim; establishing <i>rukayah</i> SOPs and visibility criteria; providing technical reports to the Majlis Raja-Raja	
Jabatan Ukur dan Pemetaan Malaysia (JUPEM)	Supporter and Provider of astronomical and atmospheric data	Providing data on the position of the Sun and Moon, refraction, weather, and visibility; providing an atmospheric model to predict <i>rukayah</i> conditions; conducting	

³⁷ Mohd Nawawi et al., “Hijri Month Determination in Southeast Asia.”

³⁸ Mualimin Mochammad Sahid et al., ‘Lunar Crescent Visibility Criteria in Determining the New Islamic Month in Malaysia’, *Al-Hisab: Journal of Islamic Astronomy* 1, no. 4 (2024): 197–209, <https://doi.org/10.33096/jah.v1i4.21764>.



		professional <i>hisab</i> using modern astronomical equipment.
State Mufti Official	Determiners of Islamic law at the national level	Managing local reports; appointing <i>rukyah</i> experts ; ratifying <i>rukyah</i> reports before sending them to JAKIM; determining legal decisions per country (before being taken to MRR)
State <i>Rukyah</i> Hilal Observation Center	<i>Rukyah</i> executor	Conducting direct <i>hilal</i> observations; operating instruments (theodolite, CCD telescope); providing <i>rukyah</i> report forms; sending reports to the Mufti & JAKIM
Falak Expert / State <i>Rukyah</i> Team	Technical implementer	Assessing the initial month's calculation data; conducting field observations; compiling technical reports for the Mufti of the country
Majlis Raja-Raja (MRR)	The highest authority in matters of the Islamic religion at the national level	Examining and enforcing the report on the determination of the beginning of the month from JAKIM and the state Muftis; issuing a collective decision regarding the start date of Ramadhan, Shawwal, and Zulhijjah.
Penyimpan Mohor Besar Raja-Raja (PMBRR)	Official announcement of the decision	Reading the announcement of the beginning of the Islamic month in the national media; conveying the MRR decision to all Malaysian citizens.
Ministry of Communications/Broadcasting (RTM)	Dissemination of information	Publishing live broadcast announcements; delivering information through all national platforms
Malaysian National Space Agency (MYSA)	Scientific supporters	Providing a national <i>hilal</i> visibility model, high precision astronomical data analysis, and verification of <i>hisab</i> data to JAKIM & Mufti

The determination of the beginning of the Hijri month in Singapore is carried out in a structured and coordinated manner, in accordance with the *imkanur rukyah* criteria of MABIMS. The Islamic Religious Council of Singapore (MUIS), specifically the Office of the Mufti, is authorised to make the final decision. Singapore determines the beginning of the Hijri month using a combined approach of *hisab*



(astronomical calculations) and *rukyah* (*hilar* observation) based on the *imkanur rukyah* criteria agreed upon in the MABIMS region (Brunei, Indonesia, Malaysia, and Singapore). In practice, the Office of the Mufti / Islamic Religious Council of Singapore (MUIS) combines *hisab* data, local/regional observations, and recommendations from astronomers before announcing the determination of major holidays such as the start of Ramadan, Shawwal, and Zulhijjah.³⁹

Singapore, like other MABIMS countries, combines historical records of *hilar* sightings with modern astronomical models to develop visibility parameters. Official MUIS documents indicate the use of past empirical data to refine visibility parameters.⁴⁰ Additional methods used to determine the start of Islamic months in Singapore include statistical/predictive models, image processing to detect the *hilar* in photographs, and optical/atmospheric models to estimate the imkan (*imkân*) for *rukyah*. This combination of approaches improves the accuracy of predicting the start of Islamic months.⁴¹ Singapore is categorised as one of the countries with the most severe light pollution in the world. This causes the 'night sky' in Singapore never to be truly dark, a phenomenon technically known as urban skyglow.⁴² In the context of Islamic astronomy, a newly born crescent moon (*hilar*) is extremely faint. Artificial light from buildings and city infrastructure in Singapore drowns out the faint light of the *hilar*, making it impossible for the human eye or ordinary optical telescopes to verify its presence on the western horizon consistently. Consequently, the religious authority in Singapore (MUIS) relies more on the *imkanur rukyah* criteria (astronomical calculations based on the possibility of sighting the *hilar*) than on physical sighting (*rukyat*).

Due to the combined method of *hisab* and *rukyah*, official announcements in Singapore tend to align with those of other MABIMS countries when the Neo-MABIMS criteria indicate a possible sighting in the surrounding area; however, minor discrepancies may still occur in marginal cases. An official MUIS release explains that the process of determining the beginning of the month is based on a combination of *hisab* and *rukyah*, with adjustments for Singapore's local astronomical and weather conditions. The following is the process for determining the beginning of the Islamic month in Singapore:

Flow Chart 4. The stages of determining the beginning of the Islamic month
in
Singapore

³⁹ "Clarification Regarding the Announcement of Syawal 2022 for Singapore," Majlis Ugama Islam Singapura, accessed December 9, 2025, https://www.muis.gov.sg/resources/media-releases/2-may-22-syawal-clarification-by-the-office-of-the-mufti_eng/.

⁴⁰ *Navigating Tradition and Science: Singapore's Approach in Determining the Hijri Calendar*, First edition, with Muhammad Haziq Zainal et al. (Islamic Religious Council of Singapore (MUIS), 2023).

⁴¹ AN Zulkeflee et al., "Detection of a new *hilar* using the Maximally Stable Extreme Regions (MSER) technique," *Astronomy and Computing* 41 (October 2022): 100651, <https://doi.org/10.1016/j.ascom.2022.100651>.

⁴² 'The New World Atlas of Artificial Night Sky Brightness', <https://doi.org/10.1126/sciadv.1600377>.



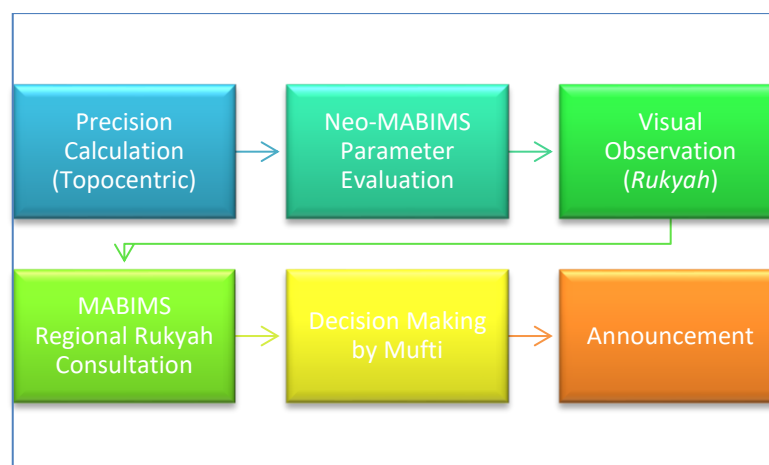


Table 4. The parties involved in determining the beginning of the Islamic month in Singapore

Party/Institution	Main Role	Technical Function / Authority
MUIS (Singapore Islamic Religious Council)	The official authority for determining the beginning of the month	Making final decisions at the beginning of the Hijriah month; issuing official announcements and explanations; coordinating all input for reckoning, <i>rukayah</i> , and MABIMS criteria
Office of the Mufti	Holder of authority over fatwas and Sharia decisions	Assessing the recommendations of the Falak Committee; determining the Sharia basis for decisions; preparing public clarification regarding the determination of the beginning of the month.
MUIS Falak Committee	Astronomy & Jurisprudence Technical Team	Compiling topocentric precision calculations; analysing altitude, elongation, age of the moon, and visibility of the hilal; providing scientific recommendations to the Mufti
Internal & external astronomers	Scientific consultant	Verifying <i>hisab</i> data; providing hilal visibility models; providing independent scientific input to MUIS
Local <i>rukayah</i> team	Direct hilal observation	Conducting <i>hilal</i> observations in the field; sending reports, photo/optical evidence to MUIS; and assisting in field verification when conditions permit
MABIMS Network (Brunei, Indonesia, Malaysia)	Regional partners for observation verification	Sending regional <i>rukayah</i> reports; providing observation data support when local <i>rukayah</i> is not possible; strengthening the validity of collective decisions
Academic & research institutions	External scientific support	Providing scientific studies related to <i>hilal</i> visibility; producing scientific publications as a basis for policy; developing evaluation methods & visibility models

Mosque Community	Social and educational partners	Assisting with hilal observations; conveying official MUIS information to the congregation; conducting public education regarding the determination of the date
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State Policy in Determining the Beginning of Islamic Months in the Southeast Asian Region from a Legal Politics Perspective

The guidelines for determining the start of the Hijri month in Brunei Darussalam formally combine *rukyah* and *hisab* by referring to the MABIMS *imkan rukyah* criteria.⁴³ However, this policy choice is not a neutral technical preference; it rather reflects the country's political-legal configuration, which places religious authority entirely within the structure of monarchical power. The empirical emphasis on physical *rukyah*, particularly during Ramadan, Shawwal, and Zulhijjah, demonstrates the state's caution in managing public religious legitimacy: legal decisions are issued only when they can be presented as observable facts validated by official authorities. In this context, *hisab* functions not as an autonomous source of law, but as a supporting administrative instrument to reinforce the state's claim to certainty.

This legal legitimacy is produced through a strict institutional mechanism as stipulated in Article 184 of the Sharia Court Act. The role of the Chief Sharia Judge is not merely technical-procedural; it is political in a legal sense, meaning that the judge serves as the connecting authority bridging science, sharia, and state power. The signature and endorsement of the Chief Sharia Judge transform the results of *rukyah* from mere observations into binding legal decisions, while reporting them to the *Majlis* and ultimately to the Sultan confirms that the final source of legitimacy lies with the head of state. Thus, the determination of the beginning of the Islamic month in Brunei results from a closed, controlled chain of vertical authority.⁴⁴

In Brunei's absolute monarchy, the Sultan's decisions have strong, direct legal force. Consequently, public compliance with the determination of the beginning of the month is based not solely on religious persuasion but also on the potential for law enforcement. Publicly expressed opposition can be framed as a violation of both religious and state authority, with implications ranging from administrative sanctions to legal proceedings if deemed to disturb public order. Therefore, it is clear how the law is used as an instrument of political and social stabilisation, not just as a regulator of worship. Furthermore, control over information channels through RTB and the Ministry of Religious Affairs as the sole legitimate sources reinforces the effectiveness of this policy.⁴⁵ The state not only determines methods and decisions, but also manages the discourse space, making it difficult for differing opinions to develop into

⁴³ Abdul Mufid and Thomas Djamaluddin, "The Implementation of New Minister of Religion of Brunei, Indonesia, Malaysia, and Singapore Criteria towards the Hijri Calendar Unification," *HTS Theological Studies* 79, no. 1 (2023): 1–8, <https://doi.org/10.4102/hts.v79i1.8774>.

⁴⁴ Hashim et al., 'Unification of Hijri Calendar Under One Matla', 416.

⁴⁵ Anonimous, 'Penentuan Awal Bulan Kamariah Di Brunei Darussalam (DOA Ke-35)', *Berita, OIF UMSU*, 28 September 2024, <https://oif.umsu.ac.id/penentuan-awal-bulan-kamariah-di-brunei-darussalam-doa-ke-35/>.



open opposition. The combination of the Sultan's symbolic legitimacy, the threat of legal sanctions, and social pressure results in high compliance and minimises pluralism in practice. Thus, the case of Brunei shows that the uniformity of the Hijri calendar is not primarily the result of scientific consensus but rather a direct consequence of the law's political design and the centralised structure of state authority.

In Indonesia, The Ministry of Religious Affairs serves as both a policymaker and the central hub of state authority in determining the start of the Islamic month, coordinating technical sightings, consolidating calculation data, and leading the *isbat* session to determine the start of Ramadan, Shawwal, and Zulhijjah. However, this position does not reflect the state's claim to religious truth, but rather a political strategy that calculates the limits of legitimacy. The state positions itself as the administrator of religion and guarantor of public order, not as the sole arbiter of religious interpretation. Government decisions are binding in the context of national administration, especially for state apparatus and public services, but are deliberately left flexible at the level of community worship practices. This flexibility is not a regulatory weakness, but rather a form of self-restraint by the state to prevent the delegitimisation of its own authority amid the plurality of religious actors.⁴⁶

The legitimacy of the state's decision is reinforced by the Religious Court's involvement in validating the *rukyahul hilal* report, as stipulated in Law No. 3 of 2006. The involvement of judicial institutions gives legal-formal weight and places the results of the *isbat* hearing as a valid and final administrative decision. However, the state consistently limits its legal implications to ratification and announcement, without extending them to coercive enforcement. This choice shows that the state prioritises social acceptance of legal decisions over compliance enforced by imposing sanctions.⁴⁷ The absence of criminal or administrative sanctions against citizens who practice worship in ways that do not conform to government regulations does not reflect a legal loophole; rather, it represents a deliberate expression of legal politics. The state refuses to criminalise diverse worship practices because doing so could undermine its moral and political legitimacy. By treating the determination of the beginning of the month as a national administrative decision rather than a criminal norm, the state shifts the mechanism of compliance from law enforcement to social pressure, communal ethics, and symbolic authority.

In this context, the 2004 MUI Fatwa serves as an authority that reinforces normative legitimacy. The fatwa expands the reach of state decisions through religious moral authority, but it still lacks public sanctions. This relationship reveals a fragile symbiosis: the state needs religious legitimacy to ensure its policies are obeyed. In contrast, religious authorities need the state to provide a national framework for their views. When compliance is not achieved, the state chooses not to escalate the conflict into a legal issue.⁴⁸ This legal policy choice is increasingly

⁴⁶ Holis et al., 'The Role of Public Law in Determining the Islamic Calendar in Indonesia', *Al-Hilal: Journal of Islamic Astronomy* 7, no. 1 (2025): 1–18, <https://doi.org/10.21580/a1-hilal.2025.7.1.25485>.

⁴⁷ Annisa Nurfadilah et al., 'Fiqh Principles and the Legitimacy of Indonesia's Isbat Session System', *Astroislamika: Journal of Islamic Astronomy* 4, no. 2 (2025): 341, <https://doi.org/10.47766/astroislamika.v4i2.6890>.

⁴⁸ Fuad Luthfi et al., 'Pendekatan Sosio-Legal Terhadap Fatwa: Analisis Kedudukan Dan Peran Fatwa MUI Di Indonesia', *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): 2237, <https://doi.org/10.62976/ijjel.v2i4.824>.



evident in the latest policy, as reflected in the Minister of Religious Affairs Circular Letter Number 1 of 2024, which affirms Muslims' freedom to follow their beliefs while maintaining tolerance and social order. This policy marks the final limit of state intervention: the state is present to manage differences, not eliminate them. Thus, in determining the start of the Islamic month, public compliance in Indonesia is more the result of ongoing negotiations between state authorities, religious legitimacy, and social awareness than a direct consequence of coercive law enforcement.

Malaysia recognises Islam as the state religion, but the implementation of Islamic law, including religious administration, is primarily under the authority of each state and Islamic kingdom. This federal-monarchical configuration creates a strong distribution of authority at the state level, while narrowing the space for religious interpretation outside the official structure.⁴⁹ As a result, the National Religious Council and the Mufti hold central positions as extensions of state authority in religious affairs, not only normatively but also coercively. The role of JAKIM (Malaysian Islamic Development Department), particularly through its Falak Studies Division, is primarily to provide technocratic legitimacy by compiling the national Islamic calendar and coordinating technical meetings. However, final legal legitimacy does not arise solely from scientific data, but from political-religious approval through palace mechanisms and the Majlis Raja-Raja (Council of Kings). The official announcement of holiday dates by the Keeper of the Royal Seal confirms that Islamic calendar decisions are produced as state decisions laden with symbols of sovereignty, not merely the result of scientific consultation.⁵⁰

In this context, Sarawak and Sabah strictly enforce Sharia law through their respective Sharia institutions, which directly link religious authority to law-enforcement instruments. Differences of opinion in determining the start of Ramadan, Shawwal, and Zulhijjah are not treated as variations of *ijtihad*, but as violations of the Sultan's decision, who also serves as Chairman of the Islamic Religious Affairs Council. Thus, compliance is not only expected morally but also ensured through the threat of legal sanctions. The states have a legal basis to prosecute individuals or groups who reject official rulings for charges of insulting religious authority. The threat of fines of RM1,000-3,000, imprisonment for 1-2 years, or a combination of the two reflects a conscious political choice to criminalise deviation to maintain uniformity and public order.⁵¹

This approach is evident in the regulations of the State of Perlis, which explicitly equates rejection of the initial determination of Ramadan, Shawwal, and Zulhijjah with rejection of the king's orders. Article 28 of Law No. 4 of 1993 on Jinayah Law in Sharia 1991, Part II, places decisions on the Islamic calendar within the government's authority, requiring compliance and imposing penalties, including

⁴⁹ Mohamad Afandi Ismail et al., 'The Role of the Sultan/Ruler in Islamic Religious Affairs Under Malaysian Law: Peranan Sultan/Raja Terhadap Hal Ehwal Agama Islam Menurut Perundangan Di Malaysia', *Al-Qanatir: International Journal of Islamic Studies* 35, no. 01 (2026): 1–10, <https://doi.org/10.64757/alqanatir.2026.3501/1292>.

⁵⁰ Mohd Saiful Anwar Mohd Nawawi et al., 'Hijri Month Determination in Southeast Asia: An Illustration Between Religion, Science, and Cultural Background', *Heliyon* 10, no. 20 (2024): e38668, <https://doi.org/10.1016/j.heliyon.2024.e38668>.

⁵¹ Wahidi et al., 'The Beginning of Islamic Months Determination in Indonesia and Malaysia'.



finer or imprisonment.⁵² This regulation shows that legal legitimacy is not built through social consensus but through the affirmation of power hierarchies. Within this framework, public obedience is more a result of strict law enforcement than deliberative acceptance. Cases reported in the media, including Sharia court rulings imposing fines on individuals who celebrate holidays earlier than the official date, show how the law is actually enforced to maintain compliance. This practice confirms that, in the Malaysian context, determining the start of the Islamic month serves as a political instrument of law to maintain state authority and symbolise religious unity, even at the cost of narrowing the space for religious diversity.

The official determination of the start date of the Islamic month in Singapore is carried out by the Office of the Mufti and the Islamic Religious Council of Singapore (MUIS), based on a combination of *hisāb* (astronomical calculations) and the principle of visual testimony (*imkān rukyah*), as agreed upon regionally. MUIS's decision to prioritise *hisāb* since 1974 was driven not only by Singapore's geographical and climatic limitations that made local *rukyah* difficult, but also by the city-state's orientation towards administrative rationality and regulatory certainty. The decision announced by the Mufti/MUIS is issued as an official religious authority but is not intended as a coercive state legal order; rather, it is a standard of practice expected to be voluntarily accepted by the Muslim community.

Singapore refers to criteria aligned with MABIMS, but MUIS consistently emphasises that each country is sovereign in determining its Islamic calendar. This affirmation demonstrates a loose form of harmonisation, in which regional scientific agreements are not converted into legal obligations. In Singapore's political configuration, which emphasises the management of religious diversity, the state consciously maintains distance from enforcing cross-border uniformity in worship to preserve its legitimacy as a neutral and stable manager of public space. Thus, MUIS's authority is built through institutional trust and technical credibility, not through the enforcement of criminal law. Unlike some states in Malaysia, Singapore does not have a Sharia legal mechanism that criminalises the rejection of official statements at the start of the Islamic month. MUIS functions as a religious body that issues fatwas and normative guidelines. Meanwhile, compliance by the faithful is moral and organisational, not a legal obligation subject to state sanctions. If individuals or groups choose to follow other criteria, whether the calendars of other countries or specific communities, the consequences are more social and administrative in nature, such as discrepancies in mosque schedules, work leave, or family coordination, rather than enforcement by state authorities.

The absence of specific criminal sanctions reflects Singapore's legal policy choice to refrain from criminalising different religious practices. Compliance with the Mufti/MUIS announcement is enforced by social and institutional authorities, mosques, Islamic institutions, and community structures, which rely on persuasion and coordination rather than punishment. The consequences tend to take the form of administrative confusion, social pressure, or denial of certain community services, but never criminal prosecution. Within the framework of the AMLA, Singapore's Islamic legal system is deliberately designed to separate religious authority from the coercive power of the state, so that the legitimacy of decisions on determining the

⁵² Wahidi et al., 'The Beginning of Islamic Months Determination in Indonesia and Malaysia'.



Islamic month depends more on social acceptance and public trust than on the threat of legal sanctions.

Comparison of Determination of Prayer Times as a Product of Legal Politics in Singapore, Indonesia, Malaysia, and Brunei Darussalam

When viewed through Mahfud MD's legal-political framework, the determination of the beginning of the Islamic month in Singapore, Indonesia, Malaysia, and Brunei Darussalam clearly shows that different legal outcomes do not stem solely from differences in astronomy or calculation or observation methods, but rather from the political choices of countries in managing religious authority. Law, in this context, appears as a product of the configuration of power, not as a neutral result of scientific knowledge or theological agreement. Singapore occupies a unique position. The country is politically and administratively strong, while consciously limiting itself in matters of religious norms. The determination of the beginning of the Islamic month by MUIS is based on technocratic rationality and stable, consistent calculations, but is not translated into binding legal commands. In Mahfud's terms, the law here tends to be responsive and persuasive, as the state chooses to build legitimacy through trust and social coordination, rather than through sanctions. As a consequence, the compliance of Muslims is voluntary and based on community institutions. The downside is that uniformity is never fully achieved, and the state has no legal instruments to enforce compliance regarding such differences.

Indonesia operates on a different spectrum but remains within the family of responsive legal politics. The state is actively involved through the Ministry of Religious Affairs and *isbat* (confirmation) hearings, producing official decisions that apply nationally. However, in a democratic and pluralistic political configuration, the state chooses not to enforce these decisions through legal sanctions.⁵³ This choice reflects a political awareness that enforcement can undermine the state's legitimacy amid the strong authority of non-state religious organisations. Law in Indonesia operates through negotiation, not command. Its advantage lies in a relatively high level of social acceptance, while its weakness lies in legal certainty and the recurring fragmentation of practice each year.

In sharp contrast to both, Malaysia presents a more orthodox face of political law. In a federal-monarchical structure, religious authority is directly attached to the power of the king and state Sharia institutions. The determination of the beginning of the Islamic month is positioned as a binding legal command, and refusal to comply can result in criminal sanctions.⁵⁴ Within Mahfud's framework, this kind of political configuration logically gives rise to orthodox and coercive laws. The state achieves high compliance and uniformity of practice, but legal legitimacy depends more on power than on consensus. The space for theological differences is narrowed in the interests of stability and order.

Brunei Darussalam takes this logic to its extreme. In an absolute monarchy, the Sultan's decision on the beginning of the Islamic month is the highest law and a symbol of religious and state sovereignty. There is no separation between political

⁵³ Siska Wati Ningsi, 'Penentuan Hari Raya Islam Dan Implikasinya Terhadap Persatuan Umat', *HISABUNA: Jurnal Ilmu Falak* 2, no. 2 (2021): 33–47, <https://doi.org/10.24252/hisabuna.v2i2.15974>.

⁵⁴ Wahidi et al., 'The Beginning of Islamic Months Determination in Indonesia and Malaysia'.



and religious authority. Public compliance is almost absolute, not because of deliberation, but because of the integrated power structure.⁵⁵ From Mahfud's perspective on non-political law, Brunei represents orthodox law in its purest form: practical and stable, but with almost no room for participation or social correction. It is this difference in configuration that explains why harmonisation of the determination of the month's beginning through MABIMS is often stalled. The main problem is not astronomical criteria, but political-legal incompatibility. Countries with orthodox law require certainty and clear hierarchies, while countries with responsive law require flexibility and social acceptance. In this context, MABIMS can only realistically function as a provider of regional scientific legitimacy, not as a creator of binding legal norms.

Thus, through the perspective of Mahfud MD⁵⁶ and Sunaryati Hartono,⁵⁷ based on the data and findings in this study, the determination of the beginning of the Islamic month in Southeast Asia confirms one fundamental point: differences in religious laws reflect a country's political choices in balancing legitimacy, compliance, and control, not merely the result of differences in calculation or observation methods. The following table summarises the characteristics of four countries in the legal politics framework and their implications in determining the beginning of the Islamic month:

Table 5. The characteristics of four countries in the legal politics framework

Country	Political Configuration	Method	State Role in Religious Authority	Legal Politics Impact
Brunei	Absolute monarchy and complete centralisation	prioritising <i>rukayah</i> even though it follows the MABIMS criteria agreement	Full state control; the Sultan is the supreme leader of religious affairs	Total compliance; almost no difference
Indonesia	Pluralistic, many influential actors	<i>Isbat</i> (Council) session integrating <i>rukayatul hilal</i> and <i>hisab</i>	State as a facilitator accommodating the role of major Islamic organisations	Reasonable differences; potential legitimacy disputes

⁵⁵ Ann Black, 'Ideology and Law: The Impact of the MIB Ideology on Law and Dispute Resolution in the Sultanate of Brunei Darussalam.', SSRN Scholarly Paper no. 2611431 (Social Science Research Network, 2008), <https://papers.ssrn.com/abstract=2611431>; Ezra Kalyla et al., 'The Concept of Melayu Islam Beraja (MIB) as a Political Ideology and System of Governance in Brunei Darussalam', *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 3, no. 4 (2025): 124–30, <https://doi.org/10.5281/zenodo.17545469>.

⁵⁶ Moh. Mahfud M. D, *Politik Hukum di Indonesia*.

⁵⁷ C.F.G. Sunaryati Hartono, *Politik Hukum Menuju Satu Sistem Hukum Nasional*.



		<i>imkanur rukyah.</i>		
Malaysia	Federal, but centralised through the King	Integrated <i>hisab</i> and <i>ruk yah</i> ; <i>hisab</i> as the determinant, <i>ruk yah</i> as confirmation.	State-led through the Mufti Departments and the Rulers with strong legal authority.	High compliance; little room for dispute (almost none)
Singapore	Secular but centralised via MUIS	Fully <i>hisab imkanur rukyah</i> /MAB IMS criteria (due to light pollution and geographical constraints).	Centrally managed by the state through MUIS for administrative religious affairs.	There is a slight difference; little room for dispute (minor dissent)

Conclusion

This study shows that determining the beginning of the Islamic month in MABIMS countries, including Brunei Darussalam, Indonesia, Malaysia, and Singapore, is a legal-political arena in which state authority, legal legitimacy, and religion-state relations are negotiated concretely. Comparative findings show that centralised and hierarchical models of authority, such as those in Brunei Darussalam and Malaysia, enable the state to convert astronomical science into binding, relatively uniform laws. In contrast, more pluralistic and deliberative models in Indonesia and Singapore yield legal legitimacy that is continuously negotiated in the public sphere. This difference confirms that the effectiveness of regional harmonisation through Neo-MABIMS is not determined solely by scientific agreement, but by the institutional capacity of states to build and maintain religious legal legitimacy.

Theoretically, this article contributes by showing that legal politics in determining prayer times not only regulates norms, but also produces religious authority and defines the legitimate boundaries between sharia, science, and state power. In a global context, these findings are relevant to the study of law and religion in various Muslim regions, as they show how modern states respond to the plurality of religious authorities amid cross-border mobility and technological developments. Therefore, harmonising the determination of the Islamic month requires strengthening legal and institutional governance, both nationally and regionally, that can sustainably bridge science, religious legitimacy, and public compliance.

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Conflict of Interest Statement

The authors declare that there is no conflict of interest regarding the publication of this article. The research was conducted independently without any commercial, financial, or personal relationships that could be construed as influencing the objectivity, integrity, or interpretation of the research findings.

Declaration of the use of AI

The authors declare that artificial intelligence (AI)-assisted tools were used solely to support language refinement, grammar checking, and improvement of manuscript readability during the preparation of this article. All conceptual development, data analysis, interpretation of findings, and final academic decisions remain entirely the responsibility of the authors. The authors have carefully reviewed and validated all contents to ensure the accuracy, originality, and academic integrity of the manuscript.

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Credit of Author Statement

Ahmad Wahidi: Conceptualization, Methodology, and Writing. **Mochammad Agus Rachmatulloh and Muhammad Syazwan Faid:** Data curation, Writing- Original draft preparation. **Musataklima:** Writing-Reviewing and Editing.

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