

HERMENEUTICS AND DECONSTRUCTION OF *HILÂL* TESTIMONY VERSE: Critical View on Q.S. al-Baqarah 185

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Abstract

This research focuses on the hilâl witness verse contained in Q.S. al-Baqarah [2]:185. Tafsîr scholars such as al-Râzî, al-Marâghî, Ibn Kathîr, and Quraish Shihab have not yet formulated its exegesis comprehensively, especially in these days when many people claim about hilâl witness that is needed to be justified. They only interpreted the verse as limited to the conditions of people who were staying or traveling. Therefore, the author gives other tafsîr styles using hermeneutics and deconstruction methods as well as scientific-astronomical approach; it uses descriptive qualitative research. The result of this research gives legal legitimacy that the accepted hilâl testimony accepted is the one fulfilling fiqh and astronomy criteria. He is not any random person but the one that must have sufficient expertise and ability in rukyat al-hilâl process. This can be seen from the word مَنْ (man) in Q.S. al-Baqarah [2]:185 which is part of isim al-mawṣûl and isim ma'rifat giving the principle of specificity.

Artikel ini fokus tentang ayat kesaksian hilâl yang tertuang dalam Q.S. al-Baqarah [2]: 185. Para pakar tafsir seperti al-Râzî, al-Marâghî, Ibn Kathîr, dan Quraish Shihab belum merumuskan penafsiran ayat tersebut secara komprehensif, khususnya saat ini ketika banyak klaim kesaksian hilâl yang perlu diklarifikasi kebenarannya. Mereka hanya memberikan sisi penafsiran

ayat tersebut sebatas keadaan seseorang sedang mukim atau musafir dalam berpuasa. Oleh karena itu, penulis berupaya memberikan corak tafsir dengan menggunakan kajian hermeneutika dan dekonstruksi serta pendekatan scientific-astronomis dengan menggunakan penelitian deskriptif kualitatif. Hasil dari penelitian ini adalah legitimasi hukum bahwa klaim kesaksian hilâl yang dapat diterima hanya jika memenuhi kriteria fikih dan astronomi. Ia tidak boleh berasal dari sembarang orang, namun harus dari orang yang memiliki keahlian dan keterampilan memadai dalam proses rukyat al-hilâl. Hal tersebut dapat dilihat dari faidah kata مَنْ (man) yang merupakan bagian dari isim mawṣûl dan bagian dari isim ma'rifat yang memberikan faidah kekhususan.

Keywords: deconstruction; hermeneutic; hilâl testimony; al-Baqarah 185

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Introduction

Rukyat al-hilâl (hilâl observation) is a routine activity carried out by observers and activists both from Islamic organizations or other elements. There are worship practices in Islam depending on the sighting of new moon, such as *Eid al-Adha* and *Eid al-Fitr* prayer, Moon and Sun eclipse prayers, Ramadan fasting, hajj, and so on (Badan Hisab dan Rukyat Departemen Agama 1981, 98). *Hilâl* (or so called new moon) is the first crescent seen in sunset after *ijtimâ'* (gathering). Someone said that *hilâl* can be seen directly by *rukyat* (*bi al-fi'li*) and by *hisâb* (*bi al-'ilmî*) (Hamdani 2017, 4). Both methods are the result of comprehending science from the Quran and sunnah related to the determination of the first day of lunar month (Izzuddin 2006, 123-4).

The successfull rate of *rukyat al-hilâl* depends on the condition of the sky and the view in the direction of earth's horizon (*ufuk*) (Khazin 2005, 85). In addition to the data showing the possibility of *hilâl*, there are other things which need to be considered, such as air cleanliness, clouds or fog, and light that can obstruct the view and make the observation process difficult (Dirjen Bimbingan Masyarakat Islam 2009, 26). Another thing that is no less important as a success factor for *rukyat al-hilâl* is the observer himself either he does it with the naked eye or with optical aid. So it is not easy for a *hilâl* observer if he does not know the astronomy or the

calculation. This condition is rarely found during the *rukyyat al-hilâl* process, because there is almost none *hilâl* observer who lack understanding about *rukyyat al-hilâl* both in theory and practice.

We take an example from the case of *hilâl* witness claim in Cakung, East Jakarta about determining the beginning of Shawwal 1432 H. It was identified that the Cakung Team used *Manshûriyah's* parameter of *ḥisâb* which relied on the *Sullam al-Nayyirayn* book which was a category of *taqribî* calculation, even though there were other classifications of *ḥisâb* method. The *ḥisâb taqribî* (classic) gives lower accuracy result than the contemporary *ḥisâb*. Cakung case is not the first time happened in Indonesia and in the world. The data from Saudi Arabia say, during the period 1961-1964 there were 87% of *rukyyat* result that were questioned for their validity. The data from Jordan is even more surprising because during the period 1957-2004 there were 92% which were hard to believe. Likewise from Indonesia during the period 1962-1997, there were 70% categorized as invalid (Faizal 2013).

This case then became the basis for the author to conduct an in-depth study of all decisions of the Indonesian Ministry of Religious Affairs (MoRA) contained in the *Keputusan Menteri Agama* (Decree of the Minister of Religion) focusing on the witness of *hilâl* and classifying it into *ithbât maşlahî* and *ithbât takammulî*. *Ithbât maşlahî* is the decision of MoRA on the determination result of the beginning of Ramadan, Shawwal, and Dhulhijjah emphasizing the benefit value even though it does not meet the requirements of *hilâl* astronomy. Meanwhile *ithbât takammulî* is the decision made after seeing the result that fulfilling the requirement of both fiqh and astronomy. The results were very surprising, that nearly 50% of the total testimony received was not included in the latter category (Nurkhanif 2016, 203).

Then, the questions will be what kind of testimony that has validity and from whom should we trust the *hilâl* testimony. These are answered in one of verses in Quran:

“... So whoever sights (the new moon of) the month, let him fast it; and whoever is ill or on a journey – then an equal number of other days. Allah intends for you to ease and does not intend for you hardship...” (Q.S. al-Baqarah [2]: 185)

However, as far as the author reviews, there are no *tafsîr* scholars who use scientific astronomical approaches in interpreting the verse such as

Ibn Kathîr (d. 1373), Fakhr al-Dîn al-Râzî (d. 1210), Muşţafâ al-Marâghî (d. 1952), and so forth. In fact, *tafsîr* must be combined with knowledge related to verses, including astronomy science to interpret astronomy verses (Afwadzi and Alifah 2017). Then, this study will provide an alternative interpretation to the verse by using the concept of hermeneutics and deconstruction of the *hilâl* witness verse to provide understanding on the verse of *hilâl* witness in applying thematic-comprehensive and linguistic methods.

In this research, the document used is the thematic study of the verse related to the determination of the beginning of Ramadan, Shawwal, and Dhulhijjah, as well as the decree of Minister of Religious of Republic of Indonesia (KMA-RI) in 1962-2015 about the same issue. The approach used by the author in this study is the integration between sharia and science in accordance with the so-called scientific cum-doctrinal approach (Ali et al. 2004, 57).

This article's primary data are obtained directly from the first source i.e. the *tafsîr* (exegesis) of Q.S. al-Baqarah [2] verse 185 and the KMA-RI in 1962 to 2015 related to the beginning of Ramadhan, Shawwal, and Dhulhijjah determination. Meanwhile, the secondary data used as a complement are the results of interviews—the author conducted interview with the astronomers and other parties via face-to-face, email, telephone, and social network—and *hilâl* testimonial documents from other institutions or the ones written in sites such as RHI, ICOP, Moonsighting, and others.

Hermeneutics and Deconstruction to Interpret The Quran

At first, the divine *kalâm*, Quran were not in the form of sound and letter that later it had been codified using Arabic text and language. When it is in the form of text, it will certainly turn into a discourse in a cultural system. Although it originated from the metaphysical, transcendental, and absolute-eternal essence, when it has been touched by human reason, then it loses its sacral and absolute nature. Moreover, when the divine *kalâm* has been read, understood, interpreted, or examined by people, hermeneutics problems could not be avoided (Supena and Fauzi 2002, 256–7; Pukon 2013, 186).

Hermeneutics in etymological term derived from Greek, “*hermenia*” which was equated with exegesis or interpretation (Zuhri 2003, 84). Hermeneutics in the Quranic studies has manifested itself in the *asbâb al-*

nuzûl science (Musahadi HAM 2009, 129). Hermeneutics in a simple meaning is a philosophical discipline focusing on the issue of text understanding. In short, Hermeneutics is the process of changing unknown thing or situation to be understood (Jauhari 1999, 1; Sumaryono 1993, 24).

The word hermeneutic originally referred to the name of the ancient Greek God, Hermes, who delivers the news (messages) from God to humans being. Another version states that Hermes was a messenger in charge of delivering Jupiter's message to humans. Hermes's main task is to translate messages from Mount Olympus into languages that can be understood by people. Hermes is very important because if there is a misunderstanding about God's messages then it will be dangerous for all humans. Hermes must be able to interpret the message into language understood by human. Since then, Hermes had become the symbol of a particular mission that the success of the mission depends on the mean he used to convey messages (Hidayat 1996, 124).

The hermeneutics in terminological term is the interpretation of expressions and assumptions of others, especially those that differ greatly from the span of history. Thus, hermeneutics study is expected to lead to understand the text so that it has meaning and leads openly to the current atmosphere (Musahadi HAM 2009, 127; Darmawan 2016b,13-14). It is called as a new pulley which gives more freedom to the world of interpretation where to understand the text, it only needs a few points of intent and purpose of the author, if necessary. Because in the study of hermeneutics, besides the author's horizon, there are two other important horizons involved, namely the text itself and the reader. From here, hermeneutics deals with three things as the main objective and component in the interpretation effort, namely text, context, and contextualization (Musahadi HAM 2009, 130; Umar 2014, 70).

In the discourse of the contemporary Islamic studies, especially in the field of Quranic studies, hermeneutics does not get the attention and focus of Muslim scholars and academics especially in the determination of the beginning of *hijriyah* calendar. It is really different from the conditions after the emergence of works on hermeneutics and their application by Arab scholars, such as Ḥassan Ḥanafî, Naşr Ḥâmid Abû Zayd, M. Shaḥrûr, and so on. At least they have given a very striking impression to Islamic scholars in Indonesia in Islamic discourse with the emergence of a new mindset in hermeneutics as a new alternative in understanding the revelation texts of the Quran (Umar 2014, 64-65; Darmawan 2016a, 3-5).

A discussion on texts such as Quran which have been codified is inseparable from a discourse because the text itself is a fixation or institutionalization of an oral discourse in written form. Discourse is an activity of sharing opinions or thoughts and a medium for the process of dialogue between various individuals to enrich their insights and thoughts in order to obtain a higher truth. To explain briefly on how it works, a discourse, before it is expressed orally, is first arranged in the reader so that the relationship among mind, language, and discourse is not separated. This is absolutely the stressing point in hermeneutics which examines the thoughts and feelings of people who have been institutionalized in written language, while the speaker is no longer in place (Hidayat 1996, 130; Zainol, Majid, and Saad 2018, 682-4).

One product of oral institutionalization in the form of text is the word of Allah delivered through the Prophet Muhammad related to Islamic law. Hermeneutics in understanding and interpreting verses of the Quran can be understood as a science reflecting the text as a vehicle that records past events that is still relevant in the current situation. Quranic hermeneutics requires an intensive dialogue between the Quran text as a legacy from the past and its present interpreters and audience. To communicate between the interpreter and the audience accompanied by the setting of present and past situation is not easy and requires several methods or principles (Musahadi HAM 2009,133).

These methods are Confirmative (confirming between the text and other texts such as the confirmation of the text of Quran with the hadith), Thematic-Comprehensive (looking for allied texts and one relevant theme to become an integral discussion), Linguistics (understanding the origin language of the text itself comprehensively, such as to understand the Quran and hadith must be proficient in Arabic), Historic (knowing the background of the text emergence and the situation that occurred at that time radically, such as the necessity of knowing the cause of the decline in the verses of the Quran and hadith), Realistic (connecting the past reality of the text emergence with the present reality), Ethical and Legal Distinction (exploring the ethical values contained in a Quran text and hadith because both do not only contain Islamic law), and Instrumental and Intentional Distinction methods (understanding comprehensively that there are two dimensions of the text, namely instrumental "intermediary" and intentional "purpose", it means that the text emergence may appear with a variety of causes but with similar purpose) (Musahadi HAM 2009,133-7).

Talking about textual criticism study, it is not only using hermeneutics as an alternative, but also using the deconstruction paradigm as a method adopted to be synergized with hermeneutics. The purpose of that combination is replacing the old method of interpretation from *Ulama* which was considered "out of date" by some scholars. For example, Mohammed Arkoun and Naşr Hâmid, as contemporary Muslim scholars, are figures who allegedly adopted the hermeneutics and deconstruction method in the study of text interpretation and understanding (Umar 2014, 72-74).

Deconstruction in Indonesian means "demolition". This was first introduced by Jaques Derrida in the 1960s which was inspired by Heidegger's work and ideas which in the tradition of western philosophy are known as destruction. There is a special pattern proposed by Derrida in his textual critique method, namely discovering, recognizing, and understanding various unspoken assumptions or ideas. Derrida's method then penetrated into the area of Islamic studies, especially in the study of interpretation (Umar 2014, 73).

Derrida is known for deconstruction ideas. Deconstruction is a combination of the description process (portrayal) and transformations (change). Deconstruction basically is a way to shake up things that were already established. The main thing is to change the interpretation established from a text based on what is owned by the text itself. The contradiction gap can be found from the small sentence, word inserts, or the real condition of a text or incident. Derrida views that every text has potential to self-deconstruct, so the text can always be read and understood in a different way. Therefore there is no interpretation authoritative since the truth claim is deferred (difference) that only traces of truth is known. Every text has its potential to be continuously interpreted in different context (iterability). Hence, through Derrida's hermeneutics, the well-established comprehension of hadith can be criticized by delivering strong and accountable arguments (Darmawan 2016, 3-5).

The Concept of the *Hilâl* Witness Verse in *Tafsîr* Books

Allah states specifically in the criteria of people whose testimony are valid to accept in Surah al-Baqarah [2] verse 185. The verse explains the obligation to do *şawm* (fasting) for *hilâl* observer.

فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ
أَيَّامٍ أُخَرَ يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ

“... So whoever sights (the new moon of) the month, let him fast it; and whoever is ill or on a journey – then an equal number of other days. Allah intends for you to ease and does not intend for you hardship...” (Q.S. al Baqarah [2]: 185)

Muslim scholars had different ideas in interpreting that verse. Muṣṭafâ al-Marâghî says that people who have succeeded in observing *hilâl* without any traveling, then he should fast. Likewise, it is obligatory to fast for people who listen to valid information about the sighting of *hilâl* (al-Marâghî 1946, vol. 2, 73). Meanwhile, there is also an argument that there are several problems in the verse, one of which is in the meaning of the word شهد. There are two opinions; first, that the object of the verb شهد is hidden that is the word البلد or البيت, while the word الشهر is positioned as an adverb of time which means people claiming to see *hilâl* with *hisâb* (calculation) and *rukyyat* methods are obliged to do fasting (al-Râzî 1981, vol. 5, 95-96).

Ibn Kathîr adds that the verse 185 indicates the obligation of fasting Ramadan for anyone in a settled condition and place (or state). On the contrary, they are not obliged to do fasting when they are in long-distance travel (Ibn Kathîr n.d., vol. 2, 503). Muḥammad ‘Alî al-Şâbûnî in *Tafsîr Ayât al-Aḥkâm* states that what it means by فَمَنْ شَهِدَ is a time of witnessing, not about the testimony of *rukyyat al-hilâl*. moreover, the word شهد means حضر, not traveling and not sick (al-Şâbûnî 1980, 198).

Mentioned in *al-Baḥr al-Muḥîṭ fi al-Tafsîr*, Abû Ḥayyân argues that the verse uses the same concept between traveler and settled condition when Ramadan comes. In Abû Al-Baqâ’s opinion says that the word من in the word of فَمَنْ شَهِدَ basically is part of number of conditions (*shartiyah*) and may also be referred to as the number of *isim mauṣûl* (al-Ghurnâṭî 2010, vol. 2, 197-8).

Quraish Shihab states that the purpose of the verse is that the Ramadhan fasting is obliged for people who have known the beginning of Ramadan either with the results of their own *rukyyat al-hilâl* or from others who are fair and valid. The way to find out *hilâl* can be achieved by *hisâb* so that it can be seen if there are no inhibiting factors such as clouds or thick clouds (Shihab 2000, 379).

Several interpretations of the aforementioned verse do not yet lead to the quality of the *hilâl* testimony which affects the quality and validity of the testimony. This article offers a new interpretation complementing these deficiencies.

The Fiqh Concept of *Hilâl* Testimony

It is clear that the beginning of Ramadhan, Shawwal, Dhulhijjah or other *hijri* months is determined through the sighting of *hilâl*. This was agreed by the *Ulama* of the four schools (*madhhab*), but they do not reach the agreement on the number of witness.

According to Ḥanafiyah, Ramadan *hilâl* must be witnessed by a group of experienced and knowledgeable witnesses in clear sky condition. However, if the sky is cloudy or thick cloud then it is enough to believe in the testimony from those who are fair, honest, and *bâligh* (mature) (al-Jazîrî, 1999, vol. 1, 499). The number of personnel is determined by local ruler (*uli al-amri*). Bakhîr al-Muṭî'î says that the number of *hilâl* observers must be decided so that there is no possibility for them to agree on false decision (al-Muṭî'î 1329 H, 19).

Mâlikiyah argues that the certainty of beginning of Ramadan must be witnessed by two fair witnesses in a clear sky without any obstructions (al-'Azarî n.d., 140). Another option is by hearing the testimony of a group of experienced and knowledgeable experts who are impossible to lie (al-Jazîrî 1999, vol. 1, 499). Shâfi'iyah states that Ramadan *hilâl* testimony can be accepted if there are two similar testimonies (al-Nashritî n.d., vol. 3, 534). Meanwhile, Ḥanâbilah believes that Ramadan *hilâl* testimony can be received from one testimony as long as the witness fulfills the criteria i.e. Muslim, fair, male or female, and independent or slave (al-Zuhaylî 2005, 1654).

For Shawwal, Ḥanafiyah states that the beginning of Shawwal in clear sky condition must be witnessed by two fair testimonies from both men and women. However, if the sky is cloudy then there requires lots of testimonies (al-Jazîrî 1999, vol. 1, 502). Mâlikiyah argues that Shawwal's *hilâl* testimony could not be received except by two fair testimonies (al-Jazîrî 1999, vol. 1, 502). Shâfi'iyah believes that the testimony cannot be accepted except from two or more fair people (al-Nashritî n.d., vol. 3, 534). Last, Ḥanâbilah states that there must be two fair testimonies, not only one, and it can be from either male or female (al-Nashritî n.d., vol. 3, 517).

For Dhulhijjah, the four schools agree that it was not enough to just one witness but must be observed by two fair witnesses (al-Bassâm n.d., vol. 3, 462). The term “fair” in the *hilâl* testimony is indicated by someone clean and there are others supporting the testimony (al-Nashritî n.d., vol. 3, 530). The indicator of being fair can also be assessed if they meet four conditions i.e. physically healthy (especially the eyes), spiritually healthy (intellect), maintaining self-esteem, and comprehending the time and position of *hilâl* (al-Wahhâb 2002, vol. 2, 75-90).

Imam al-Subkî states that not every testimony from the observer was acceptable. Some observers have weak credibility due to incompatible astronomical parameters and thus can be rejected in *ijmâ‘* (consensus or agreement). He also suggests that a judge examines the *hilâl* claim based on the aspects of observers—in both physical (health, especially eyes) and religious (the one with positive behavior) factors— and nature i.e. the horizon condition in doing *rukyât al-hilâl*, the position and the possibility of sight to *hilâl* (*imkân al-rukyât*) (Ḥusayn 2005, 375-6). Moreover, *uli al-amri* (the ruler/leader) must strictly clarify every claim of the *hilâl* testimony based on science and nature (Muḥammad 2011, 80).

Hermeneutics and Deconstruction of Q.S. al-Baqarah [2]: 185

1. Thematic-Comprehensive Principle

It has been mentioned that one of principles of hermeneutics of Quran is the Thematic-Comprehensive that the texts cannot be separated from other texts. So, in this study, the author definitely displays several verses and hadiths related to the testimony of *rukyât al-hilâl*.

One of the verses related to surah al-Baqarah verse 185 is the one in similar surah verse 189 which directly mentions the word *hilâl* as a marker of time. There are also hadiths that explain clearly about *hilâl* as a reference to determine the beginning and the ending of Ramadhan.

يَسْأَلُونَكَ عَنِ الْأَيَّامِ ۗ قُلْ هِيَ مَوَاقِيتُ لِلنَّاسِ وَالْحَجِّ

“They ask thee, (O Muhammad), of new moons, say: They are fixed seasons for mankind and for the pilgrimage” (Q.S. al Baqarah [2]: 189).

عن عبد الله بن عمر: أن رسول الله صلى الله عليه وسلم قال: لا تصوموا حتى تروا الهلال، ولا تفطروا حتى تروه فإن غم عليكم فاقدروا له.

“From ‘Abd Allāh son of ‘Umar that the Prophet Muhammad said do not fast without seeing the new moon and do not break from fast without seeing it, and if the new moon is obstructedor blocked, so estimate it” (Mâlik 2001, 230).

عن أبي هريرة رضي الله عنه يقول، قال النبي صلى الله عليه وسلم:
صوموا لرؤيته، وأفطروا لرؤيته فإن غبي عليكم فأكملوا عدة شعبان
ثلاثين

“From Abû Hurayrah said, the Messenger of Allah said fasting because of seeing the new moon and be open because of seeing it, and if it is blocked then complete - day of sha’ban number 30 days” (al-‘Aynî 2001, vol. 10, 401).

One interpretation of Surah al-Baqarah verse 185 that the meaning of sentence *فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ* is seeing the *hilâl* of Ramadan based on relating some verses and hadith above. The reason is that hermeneutics deals with three things as the main objective and component in the interpretation effort, namely text, context, and contextualization. It is also necessary to classify the interpretation and explanation of the word *شَهِدَ* and the word *الشَّهْرَ / الهلال*.

The word *شَهِدَ*, as discussed in *al-Mu‘jam al-Mufahras li Ma‘âni al-Qur‘ân*, is meaningfully mentioned in the Quran approximately 161 times in various verses with several classifications. Some are in the verses of testimony in general, verses of testimony related to Allah, verses on prohibition of hiding testimony, verses of testimony in cases of adultery, verses of *jihâd fi sabil Allâh* (striving in the path of Allah), verses of testimony of angels, verses of testimony in the field of *mu‘âmalat* (transaction), verses of testimony to the previous *ummah*, and verses of the Prophet Muhammad’s testimony to his people (al-Malibârî 2004, 645-9).

2. Linguistic Principle

Analyzing the verses, the author found that all testimony verses involve the five senses. The meaning of the word *شَهِدَ* is similar with the word *رأى* (Wahibah n.d., 71). The word '*rakyat*' comes from the word *رأى* - *رأى*, which means to see, think, suspect, and guess (Munawwir 1997, 494). Then, *ترى الهلال* means trying to see the *hilâl* (new moon). The word '*rakyat*' in terms of epistemology has two meanings. First, the word is a

maşdar form of the word *ra'â* which literally means seeing with the naked eye. Second, the word means outward-inward vision (Habibie 1994, 14).

In the *hilâl* witness verse, the word شهر, according to most of *tafsîr* scholars, has similar meaning with the word الهلال. According to an Arabic linguist, al-Khalîl ibn Aḥmad, the new moon is defined by the meaning of the first moonlight when some observer could see the crescent clearly in the beginning of a month. The word *hilâl* in Arabic has its roots in the active sentence هَلَّ which means emergence or the passive sentence اَهْلَّ. It seems that both involve the process of witnessing (Tono 2001, 83). In Astronomy, *hilâl* is called crescent. It is the part of the Moon that looks bright from Earth as a result of the sun's light reflection on the day of *ijtimâ'* shortly after sunset. If after the sun sets, the new moon appears, then that night and the next day is the date of the following month (Khazin 2005, 30).

If the meaning of *rukyat* and *hilâl* are combined, then it becomes the term for eye observation of the appearance of the new moon shortly after sunset on the day of *ijtimâ'*. To add the explanation into the term, it is the activity done right before the beginning of Ramadan, Shawwal, and Dhulhijjah (Khazin 2005, 173).

The understanding of *rukyat al-hilâl* in the perspective of *shara'* is the witness of the new moon with the naked-eyes after the sun sets on the twenty-ninth day before the new *Hijri* month from people whose news and information are reliable and acceptable (Dirjen Bimbingan Masyarakat Islam 2009, 1). The person's testimony is used as a guide to determine the entry of the new month. In the Dictionary of Falak Science, it is mentioned that *rukyat al-hilâl* is an effort to see or observe *hilâl* in the opened place with naked eyes or with the help of equipment in the sunset moment before the new *hijri* month (Khazin 2005, 69).

One of the unspoken points in the interpretation of the verse mentioned above is only limited to the conditions of people seeing the *hilâl* in traveling or staying in a place or country. It does not mention the meaning of specificity on the word فَمَنْ which is only limited to the choice of observer condition. The sentence is more on the *mawşûliyah* sentence type than the conditional sentence (*shartîyyah*).

3. Witnesses of *Hilâl* in the Perspective of Islamic Astronomy

In Arabic, the testimony is called “*shahâdah*” (الشهادة), while the witness is called “*shâhid*” (الشاهد). Etymologically, in al Munawwir's dictionary, *shahâdah* means evidence, whereas terminologically, Ibn Qâḍî

Shuhbah defines it as an information from someone who is present (or witnessing directly the occurrence) and then gives the testimony because it is needed by others (Shuhbah 2010, 177). Moreover, in *Fatḥ al-Mu'īn*, *shahādah* is explained as one's information stated in certain *lafaz* aiming at ensuring others about the commencement of Ramadan fasting obligation (al-Malibārī 2004, 645).

In Islamic law, witnesses are also called as “*shāhid*” (for male) and “*shāhidah*” (for female) taken from the word “*mushāhadah*” which means witnessing allegedly with one's own eyes and they must be living human (Roihan 1991, 156). *Shahādah* is a *maṣḍar* of the word *shahida* which is the same word as *shuhūd*. *Shahādah* also means information (*i'lām*) and being present (*khudūr*). So, it is the information from an honest person by using the word to witness (*al-shahāda*) in front of the panel of judges in a trial (Zuhaylī 1985, 556). Most of *fiqh* experts equates the notion of *shahādah* with *bayyinah*. However, according to Ibn al-Qayyim, the understanding of *bayyinah* is broader because it includes anything that can express and explain the truth of a disputed case (Riḍā 1976, vol. 3, 123).

There are some requirements for the *hilāl* witness in terms of formal requirement which emphasizes on the *fiqh* and material requirement which focuses on the astronomical equipment. *Fiqh* wise, the witness must be ‘*āqil baligh* (adult), Muslim (no restriction on gender), having capability in doing *rukyyat*, having more than one seamanship, stating the oath for giving *hilāl* testimony in front of the Religious Court attended by two witnesses, and other specific characteristics such as healthy, intellect, honest, fair, and trustworthy (Wahidi, Yasin, and Kadarisman 2019, 326).

Meanwhile, astronomy wise, the observer explains that he sees *hilāl* with his own eyes using a tool. He must comprehend the process of *rukyyat al-hilāl* e.g. the time, the location, the position, the direction, and the condition of horizon when doing the *rukyyat*. The information gathered during the process must be reported by the observer himself so there will be no conflict (Ruskanda 1996, 44–46). The witness of *hilāl* must have the eligibility in the process of seeing the crescent and what should be done such as astronomical calculations, to exactly understand everything about the crescent, or at least he has experiences in giving testimony (Muḥammad 2011, 84).

Al-Subkī added what the witness should necessarily have in the process of seeing the crescent is justice and innocence from suspicion and

the integrity of the senses, knowing the location of the crescent and condition of the horizon as well as knowing what requires to see and not (al-Subkî 1329 H, 23).

For accepting the testimony and the result of the vision, there are several conditions which must be fulfilled i.e. 1) being fair in terms of justice; 2) sufficient skill and safety so that the result can be obtained from one-time witnessing and do not need repetition; and 3) stable psychological factor so that the crescent seen is not a part of visual hallucination (Husayn 2015, 33).

4. Interpretation of Q.S. al-Baqarah [9]: 185

From the thematic-comprehensive and linguistic principles above and the concept of *hilâl* testimony offered by *fiqh* experts, the author views that they have not yet provided a scientific-astromonic style in interpreting the *hilâl* witness verse. The verse clearly signals the obligation to do fasting by looking at the *hilâl* even though there are different opinion in the meaning of the word "شهد".

However, in the author's opinion that deconstruction theory is needed to fully understand the verse and used as a complement to the hermeneutics theory. As Derrida said that the deconstruction is a combination of the description process (portrayal) and transformations (change) (Darmawan 2016a, 3-5).

The application of hermeneutics and deconstruction theories on that verse indicates the obligation of *rukyyat al-hilâl* imposed with various traditions of the Prophet. It also gives signal about the specificity of expertise in the field of *rukyyat al-hilâl* both theoretically and practically. This indicator is contained in word *من* in the sentence *فمن شهد*. In *al-Baḥr al-Muḥîṭ*, there are two parts of word interpretation, namely the terms and *maṣṣūlî*. However, according to the author, it would be more appropriate if *lafaz من* is referred to the *maṣṣūliyah* form. In Arabic grammar, *isim maṣṣūl* is part of *isim ma'rifat* which gives a specific type of principle (al-Ghalayîni 1993, vol. 1, 129). So, the legal implication from new side of interpretation based on hermeneutics and deconstruction theories is that not all Muslims can claim to see and witness *hilâl* unless they can prove their testimony with special expertise or understanding in the field of *rukyyat al-hilâl* theoretically and practically.

There are some displeased cases in Indonesia and several countries related to *hilâl* claim which is considered "doubtful". This is because the

witness does not fully comprehend the *rukyat al-hilâl* theory in his practice. They just do it for seeking fame and other less important reasons. Especially if the astronomical data of visible-part *hilâl* is still very weak which is below 3 degrees. Until now, Indonesia is the follower of *Mabims* 2 degrees, 3 degrees, and 8 hours even though the *imkân* or *hilâl* visibility is no longer relevant and feasible. So, during the process, when the *hilâl*, elongation, and moon age data are no more than 2-3-8, it can be assumed that the new moon is most likely can be seen.

Therefore, the author argues that there are two categories of *hilâl* astronomical data, namely strong and weak data. It is said “strong” when the *hilâl* altitude, elongation, and moon age are sufficient to see (by naked eyes and/or using optical device e.g. telescopes) in accordance with the belief; whereas it is said “weak” when the data is still insufficient according to the *imkân al-rukyat*. For the judges or *uli al-amri*, the testimony must be valid and clarified especially when the astronomical data is considered weak.

The Example of the clarification process and the *hilâl* claim validation were mentioned in *Wafiyat al-A'yân wa Abnâ' Abna' al-Zamân*. It is presented in a story told by a historian Ibn Khallikân about Iyâs ibn Mu'âwiyah. To explain briefly, the story was about a group of Ramadan *hilâl* observers. Among them was Anas ibn Mâlik whose age was almost a hundred that said, he saw the *hilâl* and pointed at it. Iyâs looked at Anas and realized that there was a strand of hair on Anas' eyebrows. Iyâs then stroked it and agreed what Anas said. Then, Anas revised that he did not see the *hilâl* (Ibn Khallikân 1978, 150).

The case gives several additional conditions for those who are considered reliable in giving *hilâl* testimony. The conditions are healthy (especially eyes) and fair besides their expertise in *rukyat al-hilâl*. The psychological factor includes hallucination.

Conclusion

Verses of *hilâl* testimony contained in Q.S. al-Baqarah verse 185 gives a complete signal about the specificity of the person in terms of knowledge and skills in the process of *rukyat al-hilâl*. Quran and sunnah mention that the basis for determining the beginning of Ramadan, Shawwal, and Dhulhijjah is by the visibility of new moon (*hilâl*). Inaccurate testimony claims originating from people who do not have adequate knowledge and skills can mislead the public. *Mufassir* such as al-Râzî, al-

Marâghî, Ibn Kathîr, and Quraish Shihab interpreted the verse as limited to the conditions of people who were staying or traveling. Therefore it is necessary to comprehend and study deeply the verse in a comprehensive and up-to-date manner through hermeneutics and deconstruction with a scientific-astronomical approach so that no one can easily and randomly claim witnessing the *hilâl*.

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