

# BUKTI KORESPONDENSI ARTIKEL MUCHLIS BAHAR

## JUDUL

### DONATION FOR CHURCH CONSTRUCTION VIEWED FROM SAYYID THANTHAWI'S PERSPECTIVES

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Authors: Muchlis Bahar  
Title: DONATION FOR CHURCH CONSTRUCTION VIEWED FROM SAYYID THANTHAWI'S PERSPECTIVES  
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### Submission Metadata

#### Authors

Name Muchlis Bahar  
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 Bio Statement —  
 Principal contact for editorial correspondence.

#### Title and Abstract

Title DONATION FOR CHURCH CONSTRUCTION VIEWED FROM SAYYID THANTHAWIS PERSPECTIVES

Abstract This research aimed at investigating Sayyid Thantawi's ijihad pattern and methodology for deciding the law on making donations for church construction. As stated by Islamic teachings, Christians do not regard God to be One since they believe in the Trinity (the Father, the Son, and the Holy Spirit). Within the national state, however, Muslims and Christians coexist, work together, and assist one another. Conflicts of interest in coexistence might emerge as a result of religious differences. This current study is library research using qualitative descriptive analysis. The data used were secondary data in the form of books written by Sheikh Sayyid Thantawi, Mufti of the Arab Republic of Egypt, as well as other relevant books. This research found that from Sayyid Thantawi's viewpoint, a Muslim is permitted to donate to the construction of a church. Sayyid Thantawi's ijihad is moderate since it considers the greater benefit and fosters harmony among religious communities, without ignoring the demands of the Qur'anic text. The ijihad approach employed is the maslahah theory, which takes into account the benefits and harm that would be caused by the Fatwa's issuing. The implication of this ijihad is the establishment of concord and peace between Muslims and Christians in Egypt. However, some Egyptian religious scholars restrict donations to church construction, arguing that it is the same as donating to the development of gambling businesses and nightclubs.

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Keywords donation for the church construction, masalah, moderate  
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Authors Muchlis Bahar

Title DONATION FOR CHURCH CONSTRUCTION VIEWED FROM SAYYID THANTHAWIS PERSPECTIVES

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Editor Anton Widyanto

### Peer Review

#### Round 1

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## **DONATION FOR CHURCH CONSTRUCTION VIEWED FROM SAYYID THANTHAWI'S PERSPECTIVES**

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### **Abstract**

This research aimed at investigating Sayyid Thanthawi's ijthihad pattern and methodology for deciding the law on making donations for church construction. As stated by Islamic teachings, Christians do not regard God to be One since they believe in the Trinity (the Father, the Son, and the Holy Spirit). Within the national state, however, Muslims and Christians coexist, work together, and assist one another. Conflicts of interest in coexistence might emerge as a result of religious differences. This current study is library research using qualitative descriptive analysis. The data used were secondary data in the form of books written by Sheikh Sayyid Thanthawi, Mufti of the Arab Republic of Egypt, as well as other relevant books. This research found that from Sayyid Thanthawi's viewpoint, a Muslim is permitted to donate to the construction of a church. Sayyid Thanthawi's Ijthihad is moderate since it considers the greater benefit and fosters harmony among religious communities, without ignoring the demands of the Qur'anic text. The *ijthihad* approach employed is the *maslahah* theory, which takes into account the benefits and harm that would be caused by the Fatwa's issuing. The implication of this ijthihad is the establishment of concord and peace between Muslims and Christians in Egypt. However, some Egyptian religious scholars restrict donations to church construction, arguing that it is the same as donating to the development of gambling businesses and nightclubs.

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**Keywords:** *donation for the church construction, maslahah, moderate*

### **Abstract in Bahasa Indonesia**

#### **Abstract**

Penelitian ini bertujuan untuk menemukan corak ijthihad Sayyid Thanthawi dalam menetapkan hukum memberi sumbangan untuk pembangunan gereja dan metode yang digunakannya. Ajaran Islam menjelaskan bahwa orang Kristen tidak meng-esa-kan Tuhan, karena meyakini adanya Trinitas (Tuhan bapak, Yesus Kristus dan Holy spirit). Namun, di dalam negara nasional, orang islam hidup berdampingan dengan orang Kristen, bekerjasama dan tolong menolong. Karena perbedaan agama terkadang muncul konflik kepentingan dalam hidup berdampingan. Penelitian ini adalah penelitian kepustakaan dengan analisis deskriptif kualitatif. Data yang digunakan adalah data sekunder berupa buku buku karangan Sayyid Thanthawi, Mufti Republik Arab Mesir, serta buku buku lain yang relevan. Temuan dari penelitian ini adalah seorang muslim diperbolehkan memberikan sumbangan untuk pembangunan gereja menurut Sayyid Thanthawi. Ijthihad Sayyid Thanthawi ini bercorak moderat, karena mempertimbangkan kemaslahatan yang lebih besar, menciptakan kerukunan antar umat beragama, tanpa mengabaikan tuntutan teks al-Qur'an. Metode ijthihad yang digunakan adalah teori maslahat (al-nadzar ila ma'al), yaitu mempertimbangkan aspek kemaslahatan dan kerusakan yang akan ditimbulkan setelah keluarnya fatwa. Implikasi dari ijthihad ini adalah terciptanya

kerukunan dan kedamaian antar umat islam dan Kristen di Mesir. Namun, sebagian ulama Mesir mengharamkan sumbangan untuk pembangunan gereja karena hal ini sama dengan menyumbang untuk pembangunan tempat perjudian dan tempat hiburan malam.

Kata kunci: donasi pembangunan gereja, masalah, Moderat

### Abstract in Arabic

#### ملخص

تهدف هذه الدراسة إلى تعرف منهج إستنباط الحكم ونوع الاجتهاد للسيد الطنطاوي مفتى جمهورية مصر العربية عن تبرعات المسلم لبناء الكنيسة . توضح التعاليم الاسلامية أن المسيحيين لا يوحدون الله حيث أنهم يؤمنون بوجود الثالوث (الأب والمسيح والروح القدس), ومع ذلك يعيش المسلمون والمسيحيون جنبا إلى جنب ويعملون معا ويساعدون بعضهم بعضا في الدولة الشعبية الواحدة . وبسبب الإختلافات الدينية ينشأ أحيانا النزاعات وتضارب المصالح في التعايش . هذه الدراسة هي الدراسة المكتبية و البيانات المستخدمة فيها هي البيانات الثانوية في شكل الكتب التي كتبها السيد الطنطاوي مع الكتب الأخرى ذات الصلة, وقد تم تحليل البيانات التي تم جمعها عن طريق التحليل الوصفي النوعي . تشير نتائج هذه الدراسة إلى أنه يجوز للمسلم التبرع من ماله الخاص لبناء الكنيسة وفقا لرأي السيد الطنطاوي مشيرا إلى أن الكنيسة دار العبادة والتسامح . إجتهاد السيد الطنطاوي من نوع الأجهاد المعتدل لأنه ينظر إلى المصلحة الكبرى ويخلق الأنسجام بين الطوائف الدينية دون إغفال متطلبات النص القرآني . و منهج إجتهاده المصلحة وهو النظر إلى وجه المنفعة والضرر الذي سيحدث بعد صدور الفتوى. الآثار المترتبة على هذا الاجتهاد هو خلق الإنسجام والسلام بين المسلمين والمسيحيين في مصر. ولكن بعض العلماء المصريين يحرمون التبرع لبناء الكنيسة لأن هذا التبرع هو مثل التبرع لبناء أماكن القمار والملاهي الليلية

الكلمات المفتاحية : التبرع لبناء الكنيسة , المصلحة , المعتدل

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#### A. Introduction

Egypt is an Arab country located on the North African Continent. The majority of Egypt's population is Muslim, estimated to be 90% of the population, and other religious groups consist of 9.6% Coptic Christian, 0.1% other religions<sup>1</sup>. As a nation-state, Egyptians who are Muslims and Christians live side by side, work together, and

<sup>1</sup> Wikipedia, "Mesir," Wikipedia, 2023, <https://id.wikipedia.org/wiki/Mesir>.

assist one another. However, conflicts of interest might occur due to different religious practices. One of them is an extreme group's burning of a church<sup>2</sup>. The draft law on the construction of places of worship discussed in the Egyptian Parliament allows Muslims to donate to the construction of churches in order to gain the Coptic Christian community's vote<sup>3</sup>.

Dar al-Ifta al-Mishriyah, Egypt's official fatwa institution, has issued a fatwa making it illegal for any Muslim to contribute to the construction of a church. This is immoral and religiously forbidden conduct because it is the same as donating to the construction of gambling businesses, nightclubs, and places to keep cats, dogs, and pigs<sup>4</sup>. The justification for this is that Christians do not believe in one God since they worship three Gods (trinity), including the Father, the Son, and the Holy Spirit. The verses of the Qur'an state that they have certainly disbelieved those who say that there are three Gods (trinity) and that Jesus is the son of God, as described in surah Al-Maidah (5): 72-73. Therefore, it is unlawful to make donations to build a church, a place of worship for those who do not recognize one God<sup>5</sup>.

Several Egyptian priests, including Priest Batrick Karazah Marqisiyah, Priest Asnodah, and Priest Aleksanderiah responded strongly to the fatwa issued by Dar Ifta al-Mishriyah. They asserted that religious donations among Christians, known as *al-'usyur* (one-tenth), could be made to anyone without regard to faith or loyalty. The priests highlighted that the *al-'usyur* donation is made to God, the creator of the universe, without regard for whether it is given to families or not, to Christians or non-Christians<sup>6</sup>.

Muhammad Sayyid Thanthawi, the Grand Sheikh of al-Azhar and a Mufti of the Arab Republic of Egypt, explained to a delegation of the Egyptian United Organization for Human Rights led by Najib Jibril, who came to meet the Mufti of Egypt in the professorial room of al-Azhar University. Sayyid Thanthawi described that a Muslim may contribute to the construction of a church because he has the freedom to use his wealth. Muslims are not prohibited by Islamic law from providing

<sup>2</sup> BBC, "Islamisme Mesir Penyerang Gereja Dipenjara Seumur Hidup.," BBC, 2015, [https://www.bbc.com/indonesia/dunia/2015/04/150429\\_mesir\\_islamisme\\_gereja](https://www.bbc.com/indonesia/dunia/2015/04/150429_mesir_islamisme_gereja).

<sup>3</sup> Mashrawy, "Tabarru' muslim li bina al-kana-is ja-izun syar'an," 2012, [www.masharawy.com/news/default.aspx](http://www.masharawy.com/news/default.aspx).

<sup>4</sup> Sayyid Masykur, "Tabarru' Muslim li Bina' Kanais Jaiz Syar'an," 2009, <http://www.romanseia.com/vb/archive/index.php/f-52>.

<sup>5</sup> O. F. A. Meinardus, "Christians in Egypt: Orthodox, Catholic, and Protestant Communities, Past and Present," *American University in Cairo Press*, 2006.

<sup>6</sup> Akhbar Mishr, "Pendeta Snodah yajuzu tabarru' al-'usyur Li ghairi masihiyin," 2009, [www.http.egy-news.net/wps/portal/news?params=73967](http://www.http.egy-news.net/wps/portal/news?params=73967).

donations to build churches in order to assist and cooperate with their Christian neighbors. Furthermore, some Christians even contribute to the construction of mosques<sup>7</sup>. Sayyid Thanthawi's viewpoint is particularly important to investigate in the context of Muslim and Christian community interactions within a nation-state<sup>8</sup>.

The subject of Muslims' permissibility to donate to the construction of churches is an actual issue discussed in various parts of the Muslim world. It addresses issues such as Sayyid Thanthawi's way of thinking, the reasons that allow Muslims to contribute to the construction of churches as well as the pattern of his *ijtihad*.

## **B. Discussion**

The word "donation" in Arabic is called "al-tabarru'at. The Great Indonesian Dictionary (KBBI) states that a donation is giving something to someone as a form of assistance or support. Meanwhile, the Arabic dictionary, *Lisan al-'Arab*, explains that the meaning of the word al-Tabarru'at is to give something that is not an obligation for someone without a request. For example, "I donate something", signifies that I give something voluntarily without expecting anything in return.<sup>9</sup> Islamic teachings command all Muslims to assist one another in social and state life. Allah says "*Help one another in goodness and piety, but do not help one another in sin and aggression*" (Q.S 5:2). However, does this include supporting each other as instructed by Islam in the case of Muslims donating to build churches? The church is a place of worship for Christians. Christians do not worship God as one because they worship three Gods, known as the Trinity<sup>10</sup>.

Islamic teachings strongly state that those who claim that Jesus Christ, the son of Maryam is God and that God consists of the Father, the Son, and the Holy Spirit have fallen into disbelief. If Christians do not stop saying that, they will be afflicted with painful punishment (QS al-Maidah 5: 72-73). Nonetheless, Muhammad Sayyid Thanthawi steadfastly asserted that a Muslim may contribute a portion of his wealth to the church's building since he has the freedom to use his property. Furthermore, the church is a place of worship that promotes peace and tolerance. Muslim property

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<sup>7</sup> Masykur, "Tabarru' Muslim li Bina' Kanais Jaiz Syar'an."

<sup>8</sup> Antonius Markos, "Developments in Coptic Orthodox Missiology," *Missiology: An International Review* XVII, no. 2 (1989).

<sup>9</sup> Ibnu Manzhur, *Lisan al-Arab*, 1992.

<sup>10</sup> M. Tadros, "VICISSITUDES IN THE ENTENTE BETWEEN THE COPTIC ORTHODOX CHURCH AND THE STATE IN EGYPT (1952–2007)," *Journal of Middle East Studies* 41, no. 2 (2009): 269–87, <https://doi.org/10.1017/S0020743809090667>.



can be beneficial to Christian counterparts, and some Christians even contribute to mosque construction. It is incorrect to believe that contributing to the construction of a church is immoral<sup>11</sup>.

The opinion of Muhammad Sayyid Thanthawi as Grand Sheikh of al-Azhar is very contentious, with certain religious scholars opposing him. Sheikh Ajami al-Dahanhuri, the chairman of the al-Azhar scholars' organization, for example, rejected Muhammad Sayyid Thanthawi's view that Muslims can contribute to church development because the church is not a place to worship God Almighty<sup>12</sup>. Syekh Ahmad Abdurrahman argued that Islamic law does not allow a Muslim to contribute to the construction of a church because there is no evidence to justify it. Furthermore, there are still many wealthy Christians and many impoverished Muslims who require assistance in constructing homes, mosques, and hospitals. Every Muslim, according to Sheikh Yusuf Badri, is forbidden from making donations for church construction. How is it possible that donating to the construction of a church is permitted while even participating in the construction of a church is prohibited? If there are Christians who donate to build a mosque, it is their right to spend their wealth.

As Mufti of the Arab Republic of Egypt, Muhammad Sayyid Thanthawi issued a number of fatwas that are deemed controversial by other scholars. One of them is Sayyid Thanthawi's opposition to Palestinian suicide bombers against Israel. Suicide bombers, he claimed, are enemies of Islam. People with different religious beliefs should help each other, collaborate, and avoid hostile conflicts. Extremism is Islam's adversary.<sup>13</sup>

When the French government published a rule prohibiting Muslim women from wearing veils in public places such as schools, offices, and markets Sayyid Thanthawi issued a fatwa stating that Muslim women might remove their veils in public spaces in France. The reason is to choose the lightest risk between the two disadvantages. The rules made by the French government are France's internal matters and cannot be challenged by any party.<sup>14</sup>

Another contentious viewpoint of Muhammad Sayyid Thanthawi is the subject of bank interest. Sayyid Thanthawi issued a fatwa prohibiting all forms of bank interest in early February 1989. Then, at the end of 1989, he revised his fatwa to allow bank

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<sup>11</sup> Masykur, "Tabarru' Muslim li Bina' Kanais Jaiz Syar'an."

<sup>12</sup> Saima Hamdi, "Hajim fatwa Thanthawi wa l'tibaruha fatwa bathilah," 2009.

<sup>13</sup> M. Sayyid Thanthawi, *Banu Israil fi al-Qur'an wa al-Sunnah*, n.d.

<sup>14</sup> Ma'rifah, "Muhammad Sayyid Thanthawi," 2011, <http://www.marefa.org/index/php>.

interest. The reason for allowing this is that the Prophet Muhammad and his companions had no involvement with the Bank. Banking activity is a novel issue. Banking is the representation of fund owners in the management and development of their funds for profit. As a result, customers who deposit funds in a bank are permitted to receive bank interest.<sup>15</sup> Sayyid Thanthawi's viewpoint differs from the Fatwa of the Indonesian Ulema Council (MUI) Number 1 of 2004 banning bank interest, as well as Yusuf al-Qaradawi's fatwa forbidding bank interest (Al-Fatawa al-Mu'ashirah).

Several studies have been undertaken to investigate Muhammad Sayyid Thanthawi's fatwas, including a study conducted by Alamsyah and Al-Obaidi<sup>16</sup> in their research on Muhammad Sayyid Thanthawi's interpretation of riba (usury) verses. Umardani<sup>17</sup> examined Muhammad Sayyid Thanthawi's views on interpreting bank interest rates. According to Sayyid Thanthawi, bank interest is acceptable in banking activities since it comprises 'Urf Tijari. Umardani<sup>18</sup> in his research compared the thoughts of Sayyid Thanthawi and Yusuf Al-Qardhawi on bank interest rates. Mas'ud<sup>19</sup> discussed the analysis of Muhammad Sayyid Thanthawi's concept of 'Urf Tijari as a formal legal instrument of bank interest. Rahayu and her colleagues<sup>20</sup> compared the concepts of riba according to Yusuf Qaradawi and Muhammad Sayyid Thanthawi, as well as the consequences for Sharia banking. Huda, et al.,<sup>21</sup> wrote an article titled Bank Interest Halal: Distinction Interpretation of Contemporary Ulama Thought, Umar Chapra and Muhammad Sayyid Thanthawi. Wahyanto and Setyadi<sup>22</sup> carried out

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<sup>15</sup> Dubai Aswaq, "Syekh Al-Azhar yujaddidu fatwahu fi ibahati fawaid bankiyah wa mudharabah fi burshah.," 2007, <http://www.qatarshare.comvbarchiveindex.phpt-151933.html>.

<sup>16</sup> "Muhammad Sayyid Tantai 's Interpretation of the Verses of Riba," *Hanifiya: Jurnal Studi Agama-Agama* 6, no. 1 (2023): 65–72.

<sup>17</sup> "Studi Pemikiran Prof. Dr. Muhammad Sayyid Thanthawi Interpretasi Atas Pemberlakuan Suku Bunga Bank," *Jurnal Ilmiah Ekonomi Islam* 7, no. 03 (2021): 1425–34, <http://www.jurnal.stie-aas.ac.id/index.php/jei/article/view/3226%0Ahttps://www.jurnal.stie-aas.ac.id/index.php/jei/article/download/3226/1613>.

<sup>18</sup> "Analisa Perbandingan Interpretasi atas Pemberlakuan Suku Bunga Bank antara M. Sayyid Thantawi dan Yusuf al-Qardhawi," *Jurnal Masharif al-Syariah: Jurnal Ekonomi dan Perbankan Syariah* 7, no. 4 (2022): 1356–77.

<sup>19</sup> "Analisis Konsep 'Urf Tijari Menurut Muhammad Sayyid Thanthawi sebagai Instrumen Legal-Formal Bunga Bank" (Universitas Islam Negeri Sunan Gunung Djati Bandung, 2020).

<sup>20</sup> "Perbandingan Konsep Riba dan Bunga Bank Menurut Yusuf Qaradhawi dan Muhammad Sayyid Thantawi serta Implikasinya terhadap Perbankan Syariah," *Jurnal Ilmiah Ekonomi Islam* 7, no. 2 (2021): 1180–92.

<sup>21</sup> "Bank Interest Halal: Distinction Interpretation of Contemporary Ulama Thought Umer Caphra and Muhammad Sayyid Thanthawi," *FINANSIA: Jurnal Akuntansi dan Perbankan Syariah* 5, no. 2 (2022): 105, <https://doi.org/10.32332/finansia.v5i02.5393>.

<sup>22</sup> "Riba Analysis in Bank Interest Viewed from the Perspective of Islamic Legal Philosophy," *International Journal of Humanities, Social Science and Business (INJOSS)* 2, no. 1 (2023): 39–47.

research entitled Riba Analysis in Bank Interest Viewed from the Perspective of Islamic Legal Philosophy. Ilhami<sup>23</sup> investigated the bank interest status from the perspective of Muhammad Sayyid Thanthawi. In addition to the issue of usury or riba and bank interest, Sayyid Thanthawi's views have also been studied in regard to the subject of interpretation. Aulia<sup>24</sup> examined the domestication of women in the Quran, a study of Muhammad Sayyid Thanthawi's interpretation of QS Al-Ahzab 33 in Tafsir Al Wasith. Ramdani<sup>25</sup> published an article on Sayyid Thanthawi's interpretation concepts titled Qashash Al-Qur'an in Sayyid Thanthawi's Perspective: A Thematic Interpretation Study of Wisdom from Ulu Al-'Azmi's Story. Has<sup>26</sup> discussed Sayyid Muhammad Thanthawi and his role in Al-Qur'an interpretation. Maulana, et al.,<sup>27</sup> looked into the implementation of Muhammad Sayyid Thanthawi's dialogue ethics through active student learning. Habibi<sup>28</sup> discussed Muhammad Sayyid Thanthawi's views on equal rights for men and women. In this study, Sayyid Thanthawi's perspectives and thoughts are not limited to one element. They are more developed towards the three aspects discussed in this study.

There are also various studies on the variable of religious donations, such as Ahmad's research<sup>29</sup> on the potential for interfaith youth cooperation based on houses of worship in Makassar, Gowa, and Sorong. The purpose of this research is to examine cross-religious youth collaboration in carrying out a house of worship-based social agenda. Arifin et al.<sup>30</sup> published an article concerning Islamic and Christian philanthropy. According to this study, both Islam and Christianity have a foundation for alleviating poverty. The term is used in Islam to refer to zakat, infaq, alms, and waqf. In Christianity, it is referred to as offering funds, charity, and

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<sup>23</sup> "Status Bunga Bank Konvensional Perspektif Muhammad Sayyid al-Thanthawi" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2017).

<sup>24</sup> "Realitas Domestikasi Perempuan (Studi Penafsiran Q.S al-Ahzab: 33 Perspektif Muhammad Sayyid Thanthawi)" (UIN Maulana Malik Ibrahim Malang, 2021).

<sup>25</sup> "Qashash Al-Qur'an dalam Perspektif Sayyid Thanthawi (Kajian Tafsir Tematik Hikmah Kisah Ulu al-'Azmi)" (Institut Ilmu Al-Qur'an (IIQ) Jakarta, 2016).

<sup>26</sup> "Sayyid Muhammad Thanthawi dan Peranannya dalam Tafsir Al-Qur'an (Telaah Metodologi Kitab: Tafsir al-Wasith)," *Shautut Tarbiyah* 16, no. 2 (2010): 40–55.

<sup>27</sup> "Implementasi Adab Berdialog Menurut Muhammad Sayyid Thanthawi Melalui Pembelajaran Siswa Aktif," *Rayah Al-Islam* 4, no. 02 (2020): 303–24, <https://doi.org/10.37274/rais.v4i02.343>.

<sup>28</sup> "Persamaan Hak Antara Laki-Laki Dan Perempuan Menurut Muhammad Sayyid Thanthawi (Kajian tentang Penciptaan Manusia, Menuntut Ilmu, dan Pembagian Waris)," *Al-Adalah: Jurnal Syariah dan Hukum Islam* 2, no. 2 (2017): 89–110.

<sup>29</sup> "Potensi Kerjasama Pemuda Lintas Agama di Sorong," *Jurnal "Al-Qalam"* 16, no. 26 (2010).

<sup>30</sup> "Filantropi Islam dan Kristen : Studi Komparatif," *Saliha: Jurnal Pendidikan dan Agama Islam* 6, no. 1 (2023): 79–95.

donations. Wibowo and Situmorang<sup>31</sup> did research on economic sociology in the management and distribution of social funds which includes Zakat Infak Sadaqah (ZIS) and Congregation Funds. This study discovered that zakat, infaq, sadaqah, waqf, and congregation funds play a significant part in developing the community's economy, particularly for each religious adherent. Nuris<sup>32</sup> carried out research on philanthropy in Islam and the Roman Catholic church, which took a case study in the Jami' Bintaro Jaya Mosque and the Catholic Church of Santo Joannes Baptista Parung. This paper explains the concept of philanthropy and its practice in the two places of worship. Triani and Satyawati<sup>33</sup> in their research interpreted the accounting for the Balinese Hindu community's religious contributions. According to this research, the fees paid by each temple member are from distinct caste levels. Fees for temple construction are a practice that has been passed down from generation to generation. Faisal<sup>34</sup> authored a paper on the legal analysis of cash waqf funds for infrastructure development. He noted that waqf funds can be used to fund infrastructure development projects such as public and social facilities. This is based on many legal requirements governing cash waqf management.

Research by Imam and Fakhruddin<sup>35</sup> concerning distributing zakat to non-Muslims, which covers the review of Imams of Islamic schools of thought and Maqasid Sharia Jasser Auda, shows that the giving of zakat to non-Muslims differs amongst Islamic schools of thought, with some allowing it and others not. Referring to Jasser Auda's sharia maqasid theory, paying zakat to non-Muslims is acceptable, based on the features offered by Auda (cognitive, comprehensive, display, interrelated hierarchies, multidimensional legal system, maqasid legal system), but zakat to other Muslim fellows is prioritized. Zaynab<sup>36</sup> also conducted a study on the law of giving zakat to poor non-Muslims. She noticed in her investigation that there

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<sup>31</sup> "Analisis Sosiologi Ekonomi Dalam Pengelolaan Dan Penyaluran Dana Sosial Studi Komparatif Antara Dana Zakat Infak Sadaqah (Zis) Dan Dana Kolekte," *Research Journal of Accounting and Business Management* 4, no. 1 (2020): 27–45, <https://doi.org/10.31293/rjabm.v4i1.4674>.

<sup>32</sup> "Filantropi dalam Islam dan Gereja Roma Katolik: Studi Kasus Jami' Bintaro Jaya dan Gereja Katolik Santo Joannes Baptista Parung" (Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2020).

<sup>33</sup> "Memaknai Sisi Akuntansi Sumbangan Keagamaan Masyarakat Hindu Bali," *Jurnal Akuntansi Multiparadigma*, 2016, 240–55, <https://doi.org/10.18202/jamal.2016.08.7019>.

<sup>34</sup> "Analisis Hukum Penggunaan Dana Wakaf Tunai Untuk Pembangunan Infrastruktur," *DE LEGA LATA: Jurnal Ilmu Hukum* 5, no. 2 (2020): 193–207, <https://doi.org/10.30596/dll.v5i2.4058>.

<sup>35</sup> "Pemberian Zakat Terhadap Non Muslim Tunjauan Imam Madzhab dan Maqasid Syariah Jasser Auda," *Journal of Islamic Business Law* 1, no. 3 (2017): 1–11.

<sup>36</sup> "Hukum Pemberian Zakat Kepada Non-Muslim Yang Miskin (Studi Komparatif Antara Imam Zufar Dan Imam Nawawi)" (UIN Ar-Raniry, 2022), <https://repository.ar-raniry.ac.id/id/eprint/23016/>.

are experts who approve zakat for poor non-Muslims and those who do not. The *istinbāth* method used by Imam Zufar and Imam Nawawī in determining the non-Muslim poor *asnaf* is using the *bayāni* approach, which focuses on expanding knowledge of the concepts included in the text. According to the two perspectives presented above, the legal genesis of zakat to non-Muslims is founded on *asnaf*. However, the zakat law can be changed if it is beneficial.

Another researcher, Fitra Rizal,<sup>37</sup> conducted a study on non-Muslim *waqf* and cash *waqf* from Wahbah Zuhaili's viewpoints. This research revealed that *waqf* from non-Muslims is acceptable, according to Wahbah Zuhaili. As in the construction of mosques, schools, and other facilities, whether in the form of money, building supplies, or labor. These donations or aid are permissible, provided that they are not binding and will not cause harm in the future, both for Muslims and for the institution concerned. Muhammad Gufran<sup>38</sup> wrote an article on the views of Hanafi and Maliki schools on the law of *waqf* for non-Muslims in relation to contemporary Fiqh. According to Imam Hanafi, non-Muslim *waqf* is invalid if it is to build a mosque since *waqf* for the goal of building a mosque is *taqarub* in Islamic law, which is only for Muslims. However, *waqf* meant for social or worship activity in general is permitted.

Kanga, et al.<sup>39</sup> investigated the law governing the distribution of Qurbani meat to non-Muslims from the perspective of the Islamic Religious Council of Pattani Province in Southern Thailand. It is explained that the Imams of the *madhhab* agreed that *Udhiyyah* (sacrificing animals) is prescribed in Islam. However, scholars differ on whether it is permitted to distribute Qurbani meat to non-Muslims. This is due to the lack of verses or hadiths that define this. There are no verses or hadiths mention that the distribution of Qurbani meat only to Muslims. In addition, there is also no *ijma'* of scholars on the subject. However, the concern of distributing Qurbani meat to non-Muslims is a *furu'iyah* issue, and there are differences among *fuqaha* scholars. Muhammad Fadlan<sup>40</sup> in his study regarding *Istimbat Al-Ahkam* analysis of Muhammad Sayyid Tantawi's controversial fatwa outlined the contentious fatwa of Sayyid Thanthawi on various subjects, including the permissibility of donating to church

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<sup>37</sup> "Wakaf Non Muslim Dan Wakaf Uang Menurut Pandangan Wahbah Zuhaili," *Al-Intaj: Jurnal Ekonomi dan Perbankan Syariah* 5, no. 2 (2019): 176–87, <https://doi.org/10.29300/aj.v5i2.2059>.

<sup>38</sup> "Pendangan Mazhab Hanafi dan Maliki terhadap Hukum Wakaf bagi Non Muslim dalam Kaitannya dengan Fiqih Kontemporer" (Universitas Islam Negeri Alauddin Makassar, 2015).

<sup>39</sup> "Hukum Distribusi Daging Qurban Kepada Non-Muslim Menurut Pandangan Majelis Agama Islam Provinsi Pattani Thailand Selatan," *Jurnal Diskursus Islam* 4, no. 2 (2016): 285–300.

<sup>40</sup> "Analisis Istinbat al-Ahkam Fatwa Muhammad Sayyid Thanthawi yang Kontroversial" (Institut Agama Islam Negeri Sumatera Utara Medan, 2013).

construction, engaging with bank interest and Muslim students removing their veils in France. From some of his fatwas, it can be seen that he emphasizes the aspect of *ma'laḥat* when there is a conflict between *ma'laḥat* and *muḥarrat*, and he is also occasionally more concerned with *ma'laḥat* than *naḥ* aspect in his fatwa. His thinking style is more moderate and supports religious tolerance, and there is occasionally a political objective to maintain good relations, both within states and between countries. Lilam Kadain Nuriyanto <sup>41</sup> in his study of social integration of the management of Islamic and Christian houses of worship in Surakarta observed that administrators of houses of worship have a tolerance relationship based on the physical building and its role as a place of worship. Second, there is cooperation, mutual cooperation, and mutual respect in worship, an inclusive religious attitude, and the wisdom of mutual openness in reacting to activities held between nearby houses of worship.

Wahyudi Sri Wijayanto <sup>42</sup> in his paper on conflict resolution in the construction of the Indonesian Baptist Church in Tlogosari Semarang showed that the cause of the conflict in the construction of the baptism church in Tlogosari was that the residents of Malangsari RT 06/RW 07 felt disappointed because the Church used fraudulent methods to obtain a Building Permit (IMB), namely by falsifying citizen signatures. Furthermore, residents were concerned that if an Indonesian Baptist Church was built in that location, their faith would be jeopardized. Second, the city administration resolved the conflict through mediation, which was then conducted by National Human Rights Commission so that the Church can be rebuilt. It can be seen that the Church is able to build the Church legally, but there was no social peace. Bakri La Suhu <sup>43</sup> in his research concerning social conflicts in church construction elaborated conflicts in church construction were caused by, among other things, (1) the church leaders were no longer neutral in visiting the Adu village community who were sick, they only visited one group while other groups were ignored, and (2) the rules from the church leadership regarding the church's responsibility (obligation) for each person to contribute Rp. 200,000,-/ per year for the construction of the church was considered too burdensome for the community. Whereas conflict resolution was achieved through negotiation (deliberation for consensus) between the Old GMIH and Renewal GMIH, these negotiations result in a mutual agreement so that the Renewal GMIH's planned new church construction could start.

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<sup>41</sup> "Social Integration Management Of Places Of Worship For Islam And Christian In Surakarta," *Analisa Journal of Social Science and Religion* 22, no. 1 (2015): 29–41, <https://doi.org/10.18784/analisa.v22i1.144>.

<sup>42</sup> "Resolusi Konflik Pembangunan Gereja Baptis Indonesia di Tlogosari Semarang," *Jurnal Abdiel: Khazanah Pemikiran Teologi, Pendidikan Agama Kristen dan Musik Gereja* 5, no. 1 (2021): 57–73, <https://doi.org/10.37368/ja.v5i1.235>.

<sup>43</sup> "Konflik Sosial dalam Pembangunan Gereja," *Jurnal Politico* 18, no. 2 (2018).

Based on the literature studies, it can be concluded that Muhammad Sayyid Thanthawi's ijtiḥad concerning donating to the construction of churches in accordance with Islamic law has not been thoroughly researched by previous researchers. This article focuses on Muhammad Sayyid Thanthawi's ijtiḥad approach in deciding the law of making donations to the church's building, as well as how the ijtiḥad method he utilized.

### **1. Ijtiḥad pattern of Muhammad Sayyid Thanthawi**

In this regard, an ijtiḥad pattern is an approach of thinking that exists in every Islamic legal thinker while examining and judging a social reality. Every mujtahid has its own way of assessing reality. This is related to variances in ways of thinking and perspectives. According to Yusuf al-Qaradawi, there are three types of ijtiḥad in contemporary times, including the followings:

#### **a. Traditionalist pattern (ittijāh al-Tadhīq wa al-Tasydīd)**

Traditionalists are people who only partially grasp the texts of the Qur'an and the Sunnah of the Prophet Muhammad SAW, are literalist textualists, and are not connected to the primary goal of enacting a law (maqashid sharia). They are the new Zahiriyah (Zhahiriyyah al-Judud), who reject to look for reasonable justifications ('illat) underlying legal passages. This group generally explores hadith science but is not used to using uṣūl fiqh science to construct rules. They frequently restrict all sorts of photographic images, all songs, and music, and penalize any behaviors that the Prophet Muhammad never performed as bid'ah, which is forbidden. This group also forces every Muslim to adhere to a certain school of thought. They profoundly revere the outcomes of earlier scholars' ijtiḥad, which are preserved in texts of classical fiqh. They consider that the classical scholars have explored all of the new challenges that have developed in this century so that contemporary scholars just seek and examine the desired problems in these classic works. Scholars today are unable to practice ijtiḥad in the same way that ancient scholars did. They limit the scope of ijtiḥad, and their views frequently make life difficult for today's society.

#### **b. Liberalist Pattern (ittijāh al-Ghuluw fi al-tawassu')**

The liberal ijtiḥad school of thought is made up of intellectuals who are not experts in sharia sciences but they talk and write a lot about Islamic law. Their thought is oriented on the idea that Islamic teachings are applicable to every space and age, hence they are looking for reasons (arguments) to explain any

legal disputes that occur in this era. They prioritize benefit and frequently disregard the commands of the Qur'an and Sunnah. Among the opinions of liberal thinkers are those who allow marriage and inheritance distribution between adherents of different religions. They judge that all religions are equally true because the truth is relative. They also allow LGBT and adultery on the grounds of the legality of holding slaves (milkul yamin).

**c. Moderate Pattern (ittijah al-tawazun wa al-mu'tadil)**

Moderate thinkers are scholars and intellectuals that take the "middle path" (wasathy) between groups that complicate and narrow ijtiḥad (traditionalist group) and groups that provide too much freedom in doing ijtiḥad (liberalist group). This moderate approach to ijtiḥad involves paying attention to the demands of the Qur'an's text and the Prophet's Sunnah, analyzing the rational reasoning behind the text, and assessing the benefit and context. This group consists of scholars who have extensive knowledge, are pious (wara'), and think clearly (mu'tadil).

If these three categories of contemporary ijtiḥad are applied to analyze Muhammad Sayyid Thanthawi's ijtiḥad in evaluating whether it is allowed for Muslims to donate to church construction, it can be stated that Sayyid Thanthawi's ijtiḥad is moderate in pattern (wasathy). This is because Sayyid Thanthawi does not forbid Muslims from contributing to the construction of churches, contrary to the position of the Egyptian fatwa institution, Dar ifta' al-Mishriyah, and other scholars who disagree with Thanthawi. Giving donations for church construction is considered sinful conduct that is forbidden by religion, according to the Egyptian Fatwa institution. This is the same as donating to the construction of gambling businesses, nightclubs, and places to keep cats, dogs, and pigs. Another Egyptian scholar, Syekh Abdurrahman, banned Muslims from donating to church construction on the grounds that there is no justification from the Qur'an and Sunnah that supports it. Aside from that, there are many wealthy Christians who must contribute to the church's construction. Another reason is that there are still many poor Muslims who require assistance in building their homes, mosques, and Islamic hospitals. Wealthy Muslims must support needy Muslims rather than donate to church development.

Mufti of the Arab Republic of Egypt Muhammad Sayyid Thanthawi holds a different viewpoint, allowing Muslims to contribute to the construction of churches.



One of his statements reads: <sup>44</sup> *“A Muslim may contribute to the construction of a church since he has complete control over how he spends his money. Muslims are not prohibited by Islamic law from providing donations to build churches to assist and cooperate with their Christian counterparts. Furthermore, some Christians contribute to the construction of mosques.”* Based on this statement, the rationale is that every Muslim has the right to use his wealth. There is no clear restriction in Islamic law against making donations to build churches. Giving funds to build a church falls under the area of supporting each other that Islam encourages. In addition, some Christians contribute to the mosque's development. As a result, Christians' good deeds must also be rewarded with kindness. A similar good deed is the recompense for a good deed. Among these deeds is a donation to the church's construction. Thanthawi's fatwa is more concerned with creating justice and maintaining inter-religious harmony.

Aside from the benefit, Sayyid Thanthawi's fatwa does not violate the provisions of the Qur'anic text that allow Muslims to help non-Muslims as long as they are not hostile to Muslims. Allah says: *“Allah does not forbid that you be kind and just to those who did not fight against you on account of religion, nor drove you out of your homes. Surely Allah loves those who are equitable”* (Q.S: 60 verse 8). Furthermore, Sayyid Thanthawi has a positive perspective toward the church, seeing it as a place of worship that promotes peace and tolerance<sup>45</sup>.

In Islamic law, there is the term "ahlu al-zimmah" or "zimmiy people", namely non-Muslims who live under Muslim rule or who live in countries where the majority of the population is Muslim. Islam obliges every Muslim to do good to these zimmiy people. This is supported by the hadith of the Prophet Muhammad, which reads: *“Whoever hurts the zimmi person, he hurts me, and whoever hurts me, then I will be hostile to him on the Day of Resurrection”* (Hadith narrated by Abu Daud). Based on this hadith of the Prophet Muhammad, the opinion that prohibits Muslims from donating to Christians to build churches might be deemed to hurt non-Muslims (zimmiy), something the Prophet forbade. On the contrary, the viewpoint that allows Muslims to contribute to church construction is consistent with the Prophet Muhammad's order to embrace non-Muslims (zimmiy) who live with Muslims in a country.

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<sup>44</sup> Masykur, “Tabarru’ Muslim li Bina’ Kanais Jaiz Syar’an.”

<sup>45</sup> Masykur.

Based on the explanation above, Sayyid Thanthawi's ijtiḥād belongs to the Moderate (wasthy) pattern. Sayyid Thanthawi's thoughts are based on the common good, creating justice and harmony between religious communities, without violating the provisions of the Qur'anic text. However, when viewed from another perspective, the mutual help commanded by Islamic teachings is mutual assistance in performing good and piety, not helping in sin and enmity. Giving donations to Christians to build churches includes helping them in committing sins and immorality because the church is a place of worship for Christians who believe in three Gods (trinity): the Father (God Father), Jesus Christ (the Son) and the Holy Spirit<sup>46</sup>. Worshiping three Gods is a sinful act that Islamic teachings forbid. As a result, scholars other than Thanthawi believe that donating to the construction of a church, like donating to the construction of gambling businesses and nightclubs, is an immoral act. Therefore, Muslims are prohibited from contributing to the construction of churches. From this perspective, Sayyid Thanthawi's ijtiḥād, which allows donations for church construction, might be considered liberal because it departs from the commands of the Qur'an's text.

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## 2. **Ijtiḥād Method of Muhammad Sayyid Thanthawi**

In English, "method" refers to a technique or way of doing something, as well as a procedure for accomplishing something. In Arabic, the method is called "Thariqoh" or "manhaj", which is the method used by a mujtahid in understanding, discovering, and formulating Islamic law<sup>47</sup>. In this context, "method" refers to Mufti Muhammad Sayyid Thanthawi's approach of reasoning when establishing the law requiring donations for church construction. Ijtiḥād is derived from the Arabic term "Ja-ha-da," which signifies sincerity, ability, and difficulty. The term "Ijtiḥād" refers to using all of one's abilities to attain something difficult, while also encountering challenges. The word "ijtiḥād" is only used for heavy work, not for light tasks<sup>48</sup>. The words "ijtiḥād" and "jihād" are derived from the same root word, "Jahada." Ijtiḥād refers to the mobilization of all intellectual abilities in order to understand and uncover law from its source, the Qur'an and Sunnah. The word "Jihād" refers to using one's whole physical strength and energy to protect and defend Islam. The term "ijtiḥād" implies "deep thought," but "jihād" signifies "hard work with physical force".

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<sup>46</sup> P Booth, "Towards the Coptic Church: The Making of the Severan Episcopate," *Millenium* 14, no. 1 (2017): 151–90.

<sup>47</sup> Amir Syarifuddin, *Ushul Fiqh* (Kencana, 2009).

<sup>48</sup> Syeikh Muhammad Al-Ghazali, *Lailatu al-Qadr* (Akbar al-Yaum, 1991).

Scholars define ijtiḥād in many ways, but the essence remains the same. Among the definitions of ijtiḥād is devoting all of Mujtahid's (Islamic law experts') thinking capacity to seeking knowledge of Islamic law from the source<sup>49</sup>. From the various definitions of ijtiḥād proposed by scholars, ijtiḥād must include the following characteristics:

1. There is an endeavor to fully utilize all rational thought.
2. The goal of ijtiḥād is to discover Islamic law that is zhanni (interpretable) and practical.
3. Ijtiḥād is performed by competent individuals who are experts in Islamic law and are known as Mujtahid.
4. The ijtiḥād method, which is presented in the science of uṣūl fiqh, is used to carry out ijtiḥād by drawing certain conclusions.

The Quran and the Sunnah of the Prophet Muhammad s.a.w are the sources of Islamic law. The number of Quran and Sunnah verses is limited because they do not add up after the death of the prophet Muhammad SAW. On the other hand, certain circumstances and occurrences continue to evolve with the passage of time. The various new cases need to be legalized by Islamic jurists. The question that emerges is how the limited number of Qur'anic and Sunnah texts can provide answers to infinite circumstances. To be able to answer these unlimited cases, Islamic jurists use certain methods to be able to understand, discover and formulate Islamic law from their limited sources.

The method of ijtiḥād for determining the law was taught by Prophet Muhammad s.a.w. When the Prophet sent Mu'adz bin Jabal to Yemen to be a judge, the Prophet asked Mu'adz, *"How do you determine the law when faced with a case?"* Mu'adz replied, *"I will establish the law based on the Quran"*. The Prophet asked, *"What if the law is not found in the Quran?"* *"I established the law based on the Sunnah of the Prophet (Hadith),"* Mu'adz bin Jabal answered. *"How do you determine the law if it is not found in the Qur'an and the Sunnah?"* the Prophet asked again. *"I will perform ijtiḥād to the best of my ability,"* Mu'adz replied. The Prophet then praised Mu'adz bin Jabal's method (Hadith narrated by Riwayat Abu Daud).

This method of ijtiḥād is evolving with the times. There are various ijtiḥād patterns in the book of uṣūl fiqh, but the researcher divides them into three

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<sup>49</sup> Ibnu Qudamah, *No Title*, 1983.

categories: Bayani ijihad, Qiyasi ijihad, and istishlahi ijihad. The Bayani ijihad is a method of determining Islamic law based on particular Qur'anic and Sunnah texts. The texts of the Qur'an and Sunnah are thoroughly investigated from a linguistic aspect. The Qiyasi ijihad method is a method of constructing Islamic law in new issues that do not have any textual rule in the Qur'an/Sunnah. This strategy works by associating it with circumstances that already have laws in the Qur'an and Sunnah. This method entails looking for rational reasons ('illat) behind a command or prohibition. After obtaining the rational reasons ('illat), the legal scope might be broadened to include other similar circumstances. The Istishlahi approach is a way for developing Islamic law on matters that are not explicitly mentioned in the Qur'an or Sunnah by evaluating both benefits (maslahat) and harm (mudharat) because the spirit of Islamic law is to benefit as many people as possible. In a case where there are more benefits than harm, then it is permissible even though there is no specific text that explains it in the Qur'an and Sunnah. The classification of the ijihad method into the Bayani, Qiyasi, and the Istishlahi method is mentioned by Muhammad Salam Madkur in his book *al-Ijtihad Fi al-Tasyri' al-Islami* pages 42 -49, and explained by Ma'ruf al-Dawalibi in his book *al-Madkhal ila ilmi Usul Fiqh* page 75 – 156. According to Wahbah al-Zuhali, this classification is also briefly explained by Imam Abu Ishaq al-Syatibi in his book *al-Muwafaqat fi Ushul al-syari'ah*, volume 4 page 96.<sup>50</sup>

If this classification of the ijihad method is used to assess Muhammad Sayyid Thanthawi's ijihad in formulating the law that allows Muslims to contribute to the construction of churches, Thanthawi employed a third pattern, known as the istishlah method or the maslahat method. Sayyid Thanthawi does not employ the bayani technique, nor does he conduct in-depth linguistic analyses of particular verses of the Quran or Sunnah. Thanthawi also does not use the Qiyasi method since he does not look for the rationale ('illat) behind a command or prohibition. In the istishlahi method, there is the term *l'tibar ma-allat*, which is establishing the law in the present by considering the consequences in the future. It assesses what the consequences will be in the future if a law is passed now; will it provide benefits, peace, and harmony? Alternatively, it will produce damage or chaos (injury). Included in the discussion of the *i'tibar ma-allat* method are the *saddu al-zari'ah* and *fathu al-zari'ah* methods.

Sadd is an Arabic word that means "to close," and Zari'ah means "way." According to *ushul fiqh* scholars, *Sadd al - Zari'ah* refers to any act that becomes an

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<sup>50</sup> Wahbah al-Zuhaili, *Ushul Fiqih al-Islami II*, n.d.

intermediary, which is basically permissible, but because it can lead to something that is prohibited, then the action is also prohibited<sup>51</sup>. This means that any path that leads to forbidden conduct must be closed or prohibited. The legal basis for this sadd zari'ah method includes the word of Allah:” *Do not revile those whom they invoke other than Allah because they will revile Allah in ignorance out of spite*” (Q.S 6: 108). The act of condemning those who worship other than Allah will result in them eventually denouncing Allah out of spite.

A Muslim who donates to the construction of a church leads to Christians believing that their religion is true, even though, according to Islamic teaching, Christians worship three Gods: the Father, the Son, and the Holy Spirit. Sayyid Thanthawi should have prohibited Muslims from donating to church construction. Sayyid Thanthawi, on the other hand, paved the way, allowing Muslims to contribute to the construction of churches. This method is called Fathu zari'ah, which means establishing paths and opportunities for Muslims to contribute to the construction of churches because Sayyid Thanthawi considers the benefits that will occur after his Fatwa is issued. The implication that emerges after the issuance of the Fatwa by Sheikh Sayyid Thanthawi which allows Muslims to contribute to the construction of churches is the birth of a positive attitude from Christians towards Muslims in Egypt. As a result, religious communities find peace and harmony. This is the advantage that Sayyid Thanthawi sees. Among Thanthawi's arguments for the freedom of any Muslim to use his wealth is that there is no argument against providing support for the construction of a church. The wealth of Muslims can aid their Christian compatriots. Besides, some Christians also contribute to the construction of mosques. Furthermore, as previously mentioned, Sayyid Thanthawi's ijihad does not contradict the instructions of the Qur'an in surah al-Mumtahanah verse 8. Muhammad Sayyid Thanthawi's role as Mufti of the Arab Republic of Egypt, tasked with protecting all religious communities coexisting in Egypt, resulted in the emergence of a fatwa that is moderate, soothing, and conciliatory. Sayyid Thanthawi's opinions are consistent with the legal principles that he frequently employs when dealing with new challenges, namely considering the benefit. He says:” *If the Maslahat contradicts the mafsada (damage), the stronger of the two is preferred; if the two mafsada contradict, the one with the least harm is chosen.*”<sup>52</sup>

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<sup>51</sup> Makmur Syarif, *Sad Al-Zari'ah dan Pembaharuan Hukum Islam* (IAIN IB Press, 2006).

<sup>52</sup> Muhammad Rajab Bayumi, *Al-Mujtahidunn fi Maidan al-Tasyri'* (Al-Azhar, 2013).

Additionally, Sayyid Thanthawi's views are consistent with those of other scholars who allow Muslims to give Zakat to non-Muslims in order to win the hearts of non-Muslims while not harming Muslims, such as Sheikh Yusuf al-Qaradawi, who allows Muslims to give zakat to non-Muslims who can be considered as *al-Muaallaf Qulubuhum*<sup>53</sup>

### C. Conclusion

Based on the preceding findings, it can be concluded that Muhammad Sayyid Thanthawi's *ijtihad* permits Muslims to contribute to the construction of moderate churches because he is more concerned with the broader benefit of establishing justice and inter-religious harmony in Egypt. Furthermore, Sayyid Thanthawi's thought takes into account the demands of the Qur'an's text, *surah al-mumtahanah* verse 8, which states that Allah does not forbid Muslims from doing good and being just to non-Muslims who do not oppose Muslims in religious matters and do not expel Muslims from their country. Sayyid Thanthawi's view is further supported by his position as the Mufti of the Arab Republic of Egypt, who must consider the interests of all Egyptians in order to bring justice and peace to the country. Muhammad Sayyid Thanthawi's *ijtihad* method in establishing the law permissible for Muslims to contribute to church construction is the *maslahat* method, namely *i'tibar al-mallat*, considering the implications of his fatwa concerning the benefits and harms that will arise in the future. The fatwa issued by Sayyid Thanthawi allowing Muslims to contribute to the construction of churches provides a chance (*fathu zari'ah*) for Muslims to do good to Christians by assisting in the construction of churches, as some Christians in Egypt also donate to the construction of mosques.

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<sup>53</sup> Yusuf Al-Qaradhawi, *Fiqh al-Zakat*, Jilid 2 (Dar Qalam, 1994).

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## DONATION FOR CHURCH CONSTRUCTION VIEWED FROM SAYYID THANTHAWI'S PERSPECTIVES

### Abstract

This research aimed at investigating Sayyid Thanthawi's *ijtihad* pattern and methodology for deciding the law on making donations for church construction. As stated by Islamic teachings, Christians do not regard God to be One since they believe in the Trinity (the Father, the Son, and the Holy Spirit). Within the national state, however, Muslims and Christians coexist, work together, and assist one another. Conflicts of interest in coexistence might emerge as a result of religious differences. This current study is library research using qualitative descriptive analysis. The data used were secondary data in the form of books written by Sheikh Sayyid Thanthawi, Mufti of the Arab Republic of Egypt, as well as other relevant books. This research found that from Sayyid Thanthawi's viewpoint, a Muslim is permitted to donate to the construction of a church. Sayyid Thanthawi's *Ijtihad* is moderate since it considers the greater benefit and fosters harmony among religious communities, without ignoring the demands of the Qur'anic text. The *ijtihād* approach employed is the *maṣlahah* theory, which takes into account the benefits and harm that would be caused by the Fatwa's issuing. The implication of this *ijtihad* is the establishment of concord and peace between Muslims and Christians in Egypt. However, some Egyptian religious scholars restrict donations to church construction, arguing that it is the same as donating to the development of gambling businesses and nightclubs.

**Keywords:** *donation for the church construction, maṣlahah, moderate*

### Abstrak

Penelitian ini bertujuan untuk menemukan corak *ijtihad* Sayyid Thanthawi dalam menetapkan hukum memberi sumbangan untuk pembangunan gereja dan metode yang digunakannya. Ajaran Islam menjelaskan bahwa orang Kristen tidak meng-esa-kan Tuhan, karena meyakini adanya Trinitas (Tuhan bapak, Yesus Kristus dan Holy spirit). Namun, di dalam negara nasional, orang islam hidup berdampingan dengan orang Kristen, bekerjasama dan tolong menolong. Karena perbedaan agama terkadang muncul konflik kepentingan dalam hidup berdampingan. Penelitian ini adalah penelitian kepustakaan dengan analisis deskriptif kualitatif. Data yang digunakan adalah data sekunder berupa buku buku karangan Sayyid Thanthawi, Mufti Republik Arab Mesir, serta buku buku lain yang relevan. Temuan dari penelitian ini adalah seorang muslim diperbolehkan memberikan sumbangan untuk pembangunan gereja menurut Sayyid Thanthawi. *Ijtihad* Sayyid Thanthawi ini bercorak moderat, karena mempertimbangkan kemaslahatan yang lebih besar, menciptakan kerukunan antar umat beragama, tanpa mengabaikan tuntutan teks al-Qur'an. Metode *ijtihād* yang digunakan adalah teori *maṣlahāt* yaitu mempertimbangkan aspek kemaslahatan dan kerusakan yang akan ditimbulkan setelah keluarnya fatwa. Implikasi dari *ijtihad* ini adalah terciptanya kerukunan dan kedamaian antar umat islam dan Kristen di Mesir. Namun, sebagian ulama Mesir mengharamkan sumbangan untuk pembangunan gereja karena hal ini sama dengan menyumbang untuk pembangunan tempat perjudian dan tempat hiburan malam.

Kata kunci: donasi pembangunan gereja, maslahat, moderat

### ملخص

تهدف هذه الدراسة إلى تعرف منهج إستنباط الحكم ونوع الاجتهاد للسيد الطنطاوي مفتى جمهورية مصر العربية عن تبرعات المسلم لبناء الكنيسة . توضح التعاليم الاسلامية أن المسيحيين لا يوحدون الله حيث أنهم يؤمنون بوجود الثالوث (الأب والمسيح والروح القدس), ومع ذلك يعيش المسلمون والمسيحيون جنبا إلى جنب ويعملون معا ويساعدون بعضهم بعضا فى الدولة الشعبية الواحدة . وبسبب الإختلافات الدينية ينشأ أحيانا النزاعات وتضارب المصالح فى التعايش . هذه الدراسة هي الدراسة المكتبية و البيانات المستخدمة فيها هي البيانات الثانوية فى شكل الكتب التى كتبها السيد الطنطاوي مع الكتب الأخرى ذات الصلة, وقد تم تحليل البيانات التى تم جمعها عن طريق التحليل الوصفي النوعي . تشير نتائج هذه الدراسة إلى أنه يجوز للمسلم التبرع من ماله الخاص لبناء الكنيسة وفقا لرأي السيد الطنطاوي مشيرا إلى أن الكنيسة دار العبادة والتسامح . إجتهاد السيد الطنطاوي من نوع الأجهاد المعتدل لأنه ينظر إلى المصلحة الكبرى ويخلق الأنسجام بين الطوائف الدينية دون إغفال متطلبات النص القرآني . و منهج إجتهاده المصلحة وهو النظر إلى وجه المنفعة والضرر الذي سيحدث بعد صدور الفتوى. الآثار المترتبة على هذا الاجتهاد هو خلق الإنسجام والسلام بين المسلمين والمسيحيين فى مصر. ولكن بعض العلماء المصريين يحرمون التبرع لبناء الكنيسة لأن هذا التبرع هو مثل التبرع لبناء أماكن القمار والملاهى الليلية

الكلمات المفتاحية : التبرع لبناء الكنيسة , المصلحة , المعتدل

#### D. Introduction

Egypt is an Arab country located on the North African Continent. The majority of Egypt's population is Muslim, estimated to be 90% of the population, and other religious groups consist of 9.6% Coptic Christian, 0.1% other religions<sup>54</sup>. As a nation-state, Egyptians who are Muslims and Christians live side by side, work together, and assist one another. However, conflicts of interest might occur due to different religious practices. One of them is an extreme group's burning of a church<sup>55</sup>. The draft law on the construction of places of worship discussed in the Egyptian Parliament allows Muslims to donate to the construction of churches in order to gain the Coptic Christian community's vote<sup>56</sup>.

<sup>54</sup> Wikipedia, "Mesir," Wikipedia, 2023, <https://id.wikipedia.org/wiki/Mesir>.

<sup>55</sup> BBC, "Islamis Mesir Penyerang Gereja Dipenjara Seumur Hidup.," BBC, 2015, [https://www.bbc.com/indonesia/dunia/2015/04/150429\\_mesir\\_islamis\\_gereja](https://www.bbc.com/indonesia/dunia/2015/04/150429_mesir_islamis_gereja).

<sup>56</sup> Mashrawy, "Tabarru' muslim Li bina al-kana-is ja-izun syar'an," 2012, [www.masharawy.com/news/default.aspx](http://www.masharawy.com/news/default.aspx).

*Dār al-Ifta' al-Miṣriyah*, Egypt's official fatwa institution, has issued a fatwa making it illegal for any Muslim to contribute to the construction of a church. This is immoral and religiously forbidden conduct because it is the same as donating to the construction of gambling businesses, nightclubs, and places to keep cats, dogs, and pigs<sup>57</sup>. The justification for this is that Christians do not believe in one God since they worship three Gods (trinity), including the Father, the Son, and the Holy Spirit. The verses of the Qur'an state that they have certainly disbelieved those who say that there are three Gods (trinity) and that Jesus is the son of God, as described in surah *Al-Māidah* (5): 72-73. Therefore, it is unlawful to make donations to build a church, a place of worship for those who do not recognize one God<sup>58</sup>.

Several Egyptian priests, including Priest Batrick Karazah Marqisiyah, Priest Asnodah, and Priest Aleksanderiah responded strongly to the fatwa issued by *Dār al-Ifta' al-Miṣriyah*. They asserted that religious donations among Christians, known as *al-'uṣur* (one-tenth), could be made to anyone without regard to faith or loyalty. The priests highlighted that the al-usyur donation is made to God, the creator of the universe, without regard for whether it is given to families or not, to Christians or non-Christians<sup>59</sup>.

Muhammad Sayyid Thanthawi, the Grand Sheikh of al-Azhar and a Mufti of the Arab Republic of Egypt, explained to a delegation of the Egyptian United Organization for Human Rights led by Najib Jibril, who came to meet the Mufti of Egypt in the professorial room of al-Azhar University. Sayyid Thanthawi described that a Muslim may contribute to the construction of a church because he has the freedom to use his wealth. Muslims are not prohibited by Islamic law from providing donations to build churches in order to assist and cooperate with their Christian neighbors. Furthermore, some Christians even contribute to the construction of mosques<sup>60</sup>. Sayyid Thanthawi's viewpoint is particularly important to investigate in the context of Muslim and Christian community interactions within a nation-state<sup>61</sup>.

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<sup>57</sup> Sayyid Masykur, "Tabarru' Muslim li Bina' Kanais Jaiz Syar'an," 2009, <http://www.romanseia.com/vb/archive/index.php/f-52>.

<sup>58</sup> O. F. A. Meinardus, "Christians in Egypt: Orthodox, Catholic, and Protestant Communities, Past and Present," *American University in Cairo Press*, 2006.

<sup>59</sup> Akhbar Mishr, "Pendeta Snodah yajuzu tabarru' al-'usyur Li ghairi masihiyin," 2009, [www.http.egy-news.net/wps/portal/news?params=73967](http://www.http.egy-news.net/wps/portal/news?params=73967).

<sup>60</sup> Masykur, "Tabarru' Muslim li Bina' Kanais Jaiz Syar'an."

<sup>61</sup> Antonius Markos, "Developments in Coptic Orthodox Missiology," *Missiology: An International Review* XVII, no. 2 (1989).

There are several studies related to the theme of donations for the construction of this church. However, some of these studies have a different focus. Some of these studies can be mapped into 6 (six) categories. *First*: Donations in the form of land ownership<sup>62</sup>. *Second*: Contribution in the form of energy<sup>63</sup>. *Third*: Donations and endowments from non-Muslims to Muslims<sup>64,65</sup>. *Fourth*: The opinion of Quraish Shihab<sup>66</sup>. *Fifth*: Rejection of church construction<sup>67</sup>; <sup>68</sup>. *Sixth*: The government's role in building churches<sup>69</sup>.

The subject of Muslims' permissibility to donate to the construction of churches is an actual issue discussed in various parts of the Muslim world. It addresses issues such as Sayyid Thanthawi's way of thinking, the reasons that allow Muslims to contribute to the construction of churches as well as the pattern of his *ijtihad*.

## E. Discussion

The word "donation" in Arabic is called "al-tabarru'at. The Great Indonesian Dictionary (KBBI) states that a donation is giving something to someone as a form of assistance or support. Meanwhile, the Arabic dictionary, *Lisan al-'Arab*, explains that the meaning of the word al-Tabarru'at is to give something that is not an obligation for someone without a request. For example, "I donate something", signifies that I give something voluntarily without expecting anything in return.<sup>70</sup> Islamic teachings command all Muslims to assist one another in social and state life. Allah says "*Help one another in goodness and piety, but do not help one another in sin and*

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<sup>62</sup> Muhammad Hadi Prayitno dan Zamroni Ishaq, "Hukum Hibah Tanah Untuk Gereja Perspektif Empat Mazhab," *JOSH : Journal of Sharia* 1 (2022): 161–83.

<sup>63</sup> C. Aprilia, "Hukum Kuli Bangunan Membangun Rumah Ibadah Non Muslim Menurut Mazhab Hanafi Dan Mazhab Syafi'i" (Universitas Islam Negeri (UIN) Antasari Banjarmasin, 2022).

<sup>64</sup> Ela Novita Sari, "Pembangunan Yayasan Islam Dengan Filantropi Sosial Non Muslim (Studi di Yayasan Panti Asuhan Al-Khairi Amanah pulau Legundi Sukarame Bandar Lampung)" (Universitas Islam Negeri (UIN) Raden Intan Lampung, 2019).

<sup>65</sup> Syed Muhammad Adib Termizi bin Ahmad Al Jafar, "Contextualization Of Hifz Al-Din In Inter-Religious Interactions According To Islamic Law (Study Of Quraish Shihab's Fatwas On Muslim And Non-Muslim Relations)," *J Fatwa* 16, no. 2 (2019): 53–69.

<sup>66</sup> Muhamad Risqil Azizi Lukman Hakim, "Contextualization Of Hifz Al-Din In Inter-Religious Interactions According To Islamic Law (Study Of Quraish Shihab's Fatwas On Muslim And Non-Muslim Relations)," *ICHES 2023 2* (2023).

<sup>67</sup> Nakia Hana Sakova, "Penolakan Masyarakat Terhadap Pendirian Rumah Ibadah Dalam Perspektif Hak Asasi Manusia Dan Maqashid Syariah (Studi Kasus Gereja Santa Clara Di Bekasi Utara)" (Universitas Islam Negeri (UIN) Syarif Hidayatullah Jakarta, 2020).

<sup>68</sup> Reska Ismayani, "Pandangan Hukum Islam Dan Surat Keputusan Bersama Dua Menteri No 8 & 9 Tahun 2006 Tentang Pendirian Gereja Di Way Kandis Kecamatan Tanjung Senang" (Universitas Islam Negeri (UIN) Raden Intan Lampung, 2018).

<sup>69</sup> Liana Natalia, "Konflik Dan Integrasi Sosial Antarumat Beragama; Studi Kasus Pendirian Gereja Kristen Indonesia Gayungsari di Surabaya" (Universitas Islam Negeri (UIN) Sunan Ampel Surabaya, 2018).

<sup>70</sup> Ibnu Manzhur, *Lisan al-Arab*, 1992.

*aggression*" (Q.S 5:2). However, does this include supporting each other as instructed by Islam in the case of Muslims donating to build churches? The church is a place of worship for Christians. Christians do not worship God as one because they worship three Gods, known as the Trinity<sup>71</sup>.

Islamic teachings strongly state that those who claim that Jesus Christ, the son of Maryam is God and that God consists of the Father, the Son, and the Holy Spirit have fallen into disbelief. If Christians do not stop saying that, they will be afflicted with painful punishment (QS al-Maidah 5: 72-73). Nonetheless, Muhammad Sayyid Thanthawi steadfastly asserted that a Muslim may contribute a portion of his wealth to the church's building since he has the freedom to use his property. Furthermore, the church is a place of worship that promotes peace and tolerance. Muslim property can be beneficial to Christian counterparts, and some Christians even contribute to mosque construction. It is incorrect to believe that contributing to the construction of a church is immoral<sup>72</sup>.

The opinion of Muhammad Sayyid Thanthawi as Grand Sheikh of al-Azhar is very contentious, with certain religious scholars opposing him. Sheikh Ajami al-Dahanhuri, the chairman of the al-Azhar scholars' organization, for example, rejected Muhammad Sayyid Thanthawi's view that Muslims can contribute to church development because the church is not a place to worship God Almighty<sup>73</sup>. Syekh Ahmad Abdurrahman argued that Islamic law does not allow a Muslim to contribute to the construction of a church because there is no evidence to justify it. Furthermore, there are still many wealthy Christians and many impoverished Muslims who require assistance in constructing homes, mosques, and hospitals. Every Muslim, according to Sheikh Yusuf Badri, is forbidden from making donations for church construction. How is it possible that donating to the construction of a church is permitted while even participating in the construction of a church is prohibited? If there are Christians who donate to build a mosque, it is their right to spend their wealth.

As Mufti of the Arab Republic of Egypt, Muhammad Sayyid Thanthawi issued a number of fatwas that are deemed controversial by other scholars. One of them is Sayyid Thanthawi's opposition to Palestinian suicide bombers against Israel. Suicide

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<sup>71</sup> M. Tadros, "Vicissitudes In The Entente Between The Coptic Orthodox Church And The State In Egypt (1952–2007)," *Journal of Middle East Studies* 41, no. 2 (2009): 269–87, <https://doi.org/10.1017/S0020743809090667>.

<sup>72</sup> Masykur, "Tabarru' Muslim li Bina' Kanais Jaiz Syar'an."

<sup>73</sup> Saima Hamdi, "Hajim fatwa Thanthawi wa l'tibaruhu fatwa bathilah," 2009.

bombers, he claimed, are enemies of Islam. People with different religious beliefs should help each other, collaborate, and avoid hostile conflicts. Extremism is Islam's adversary.<sup>74</sup>

When the French government published a rule prohibiting Muslim women from wearing veils in public places such as schools, offices, and markets Sayyid Thanthawi issued a fatwa stating that Muslim women might remove their veils in public spaces in France. The reason is to choose the lightest risk between the two disadvantages. The rules made by the French government are France's internal matters and cannot be challenged by any party.<sup>75</sup>

Another contentious viewpoint of Muhammad Sayyid Thanthawi is the subject of bank interest. Sayyid Thanthawi issued a fatwa prohibiting all forms of bank interest in early February 1989. Then, at the end of 1989, he revised his fatwa to allow bank interest. The reason for allowing this is that the Prophet Muhammad and his companions had no involvement with the Bank. Banking activity is a novel issue. Banking is the representation of fund owners in the management and development of their funds for profit. As a result, customers who deposit funds in a bank are permitted to receive bank interest.<sup>76</sup> Sayyid Thanthawi's viewpoint differs from the Fatwa of the Indonesian Ulema Council (MUI) Number 1 of 2004 banning bank interest, as well as Yusuf al-Qaradawi's fatwa forbidding bank interest (Al-Fatawa al-Mu'ashirah).

Several studies have been undertaken to investigate Muhammad Sayyid Thanthawi's fatwas, including a study conducted by Alamsyah and Al-Obaidi<sup>77</sup> in their research on Muhammad Sayyid Thanthawi's interpretation of riba (usury) verses. Umardani<sup>78</sup> examined Muhammad Sayyid Thanthawi's views on interpreting bank interest rates. According to Sayyid Thanthawi, bank interest is acceptable in banking activities since it comprises 'Urf Tijari. Umardani<sup>79</sup> in his research compared the

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<sup>74</sup> M. Sayyid Thanthawi, *Banu Israil fi al-Qur'an wa al-Sunnah*, n.d.

<sup>75</sup> Ma'rifah, "Muhammad Sayyid Thanthawi," 2011, <http://www.marefa.org/index/php>.

<sup>76</sup> Dubai Aswaq, "Syekh Al-Azhar yujaddidu fatwahu fi ibahati fawaid bankiyah wa mudharabah fi burshah.," 2007, <http://www.qatarshare.com/vbarchiveindex.php-t-151933.html>.

<sup>77</sup> "Muhammad Sayyid Tantai's Interpretation of the Verses of Riba," *Hanifiya: Jurnal Studi Agama-Agama* 6, no. 1 (2023): 65–72.

<sup>78</sup> "Studi Pemikiran Prof. Dr. Muhammad Sayyid Thanthawi Interpretasi Atas Pemberlakuan Suku Bunga Bank," *Jurnal Ilmiah Ekonomi Islam* 7, no. 03 (2021): 1425–34, <http://www.jurnal.stie-aas.ac.id/index.php/jei/article/view/3226%0Ahttps://www.jurnal.stie-aas.ac.id/index.php/jei/article/download/3226/1613>.

<sup>79</sup> "Analisa Perbandingan Interpretasi atas Pemberlakuan Suku Bunga Bank antara M. Sayyid Thantawi dan Yusuf al-Qardhawi," *Jurnal Masharif al-Syariah: Jurnal Ekonomi dan Perbankan Syariah* 7, no. 4 (2022): 1356–77.

thoughts of Sayyid Thanthawi and Yusuf Al-Qardhawi on bank interest rates. Mas'ud<sup>80</sup> discussed the analysis of Muhammad Sayyid Thanthawi's concept of 'Urf Tijari as a formal legal instrument of bank interest. Rahayu and her colleagues<sup>81</sup> compared the concepts of riba according to Yusuf Qaradawi and Muhammad Sayyid Thanthawi, as well as the consequences for Sharia banking. Huda, et al.,<sup>82</sup> wrote an article titled Bank Interest Halal: Distinction Interpretation of Contemporary Ulama Thought, Umar Chapra and Muhammad Sayyid Thanthawi. Wahyanto and Setyadi<sup>83</sup> carried out research entitled Riba Analysis in Bank Interest Viewed from the Perspective of Islamic Legal Philosophy. Ilhami<sup>84</sup> investigated the bank interest status from the perspective of Muhammad Sayyid Thanthawi. In addition to the issue of usury or riba and bank interest, Sayyid Thanthawi's views have also been studied in regard to the subject of interpretation. Aulia<sup>85</sup> examined the domestication of women in the Quran, a study of Muhammad Sayyid Thanthawi's interpretation of QS Al-Ahzab 33 in Tafsir Al Wasith. Ramdani<sup>86</sup> published an article on Sayyid Thanthawi's interpretation concepts titled Qashash Al-Qur'an in Sayyid Thanthawi's Perspective: A Thematic Interpretation Study of Wisdom from Ulu Al-'Azmi's Story. Has<sup>87</sup> discussed Sayyid Muhammad Thanthawi and his role in Al-Qur'an interpretation. Maulana, et al.,<sup>88</sup> looked into the implementation of Muhammad Sayyid Thanthawi's dialogue ethics through active student learning. Habibi<sup>89</sup> discussed Muhammad Sayyid Thanthawi's views on equal rights for men and women. In this study, Sayyid

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<sup>80</sup> "Analisis Konsep 'Urf Tijari Menurut Muhammad Sayyid Thanthawi sebagai Instrumen Legal-Formal Bunga Bank" (Universitas Islam Negeri Sunan Gunung Djati Bandung, 2020).

<sup>81</sup> "Perbandingan Konsep Riba dan Bunga Bank Menurut Yusuf Qaradawi dan Muhammad Sayyid Thanthawi serta Implikasinya terhadap Perbankan Syariah," *Jurnal Ilmiah Ekonomi Islam* 7, no. 2 (2021): 1180–92.

<sup>82</sup> "Bank Interest Halal: Distinction Interpretation of Contemporary Ulama Thought Umer Caphra and Muhammad Sayyid Thanthawi," *FINANSIA: Jurnal Akuntansi dan Perbankan Syariah* 5, no. 2 (2022): 105, <https://doi.org/10.32332/finansia.v5i02.5393>.

<sup>83</sup> "Riba Analysis in Bank Interest Viewed from the Perspective of Islamic Legal Philosophy," *International Journal of Humanities, Social Science and Business (INJOSS)* 2, no. 1 (2023): 39–47.

<sup>84</sup> "Status Bunga Bank Konvensional Perspektif Muhammad Sayyid al-Thanthawi" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2017).

<sup>85</sup> "Realitas Domestikasi Perempuan (Studi Penafsiran Q.S al-Ahzab: 33 Perspektif Muhammad Sayyid Thanthawi)" (UIN Maulana Malik Ibrahim Malang, 2021).

<sup>86</sup> "Qashash Al-Qur'an dalam Perspektif Sayyid Thanthawi (Kajian Tafsir Tematik Hikmah Kisah Ulu al-'Azmi)" (Institut Ilmu Al-Qur'an (IIQ) Jakarta, 2016).

<sup>87</sup> "Sayyid Muhammad Thanthawi dan Peranannya dalam Tafsir Al-Qur'an (Telaah Metodologi Kitab: Tafsir al-Wasith)," *Shautut Tarbiyah* 16, no. 2 (2010): 40–55.

<sup>88</sup> "Implementasi Adab Berdialog Menurut Muhammad Sayyid Thanthawi Melalui Pembelajaran Siswa Aktif," *Rayah Al-Islam* 4, no. 02 (2020): 303–24, <https://doi.org/10.37274/rais.v4i02.343>.

<sup>89</sup> "Persamaan Hak Antara Laki-Laki Dan Perempuan Menurut Muhammad Sayyid Thanthawi (Kajian tentang Penciptaan Manusia, Menuntut Ilmu, dan Pembagian Waris)," *Al-Adalah: Jurnal Syariah dan Hukum Islam* 2, no. 2 (2017): 89–110.



Thanthawi's perspectives and thoughts are not limited to one element. They are more developed towards the three aspects discussed in this study.

There are also various studies on the variable of religious donations, such as Ahmad's research<sup>90</sup> on the potential for interfaith youth cooperation based on houses of worship in Makassar, Gowa, and Sorong. The purpose of this research is to examine cross-religious youth collaboration in carrying out a house of worship-based social agenda. Arifin et al.<sup>91</sup> published an article concerning Islamic and Christian philanthropy. According to this study, both Islam and Christianity have a foundation for alleviating poverty. The term is used in Islam to refer to zakat, infaq, alms, and waqf. In Christianity, it is referred to as offering funds, charity, and donations. Wibowo and Situmorang<sup>92</sup> did research on economic sociology in the management and distribution of social funds which includes Zakat Infak Sadaqah (ZIS) and Congregation Funds. This study discovered that zakat, infaq, sadaqah, waqf, and congregation funds play a significant part in developing the community's economy, particularly for each religious adherent. Nuris<sup>93</sup> carried out research on philanthropy in Islam and the Roman Catholic church, which took a case study in the Jami' Bintaro Jaya Mosque and the Catholic Church of Santo Joannes Baptista Parung. This paper explains the concept of philanthropy and its practice in the two places of worship. Triani and Satyawan<sup>94</sup> in their research interpreted the accounting for the Balinese Hindu community's religious contributions. According to this research, the fees paid by each temple member are from distinct caste levels. Fees for temple construction are a practice that has been passed down from generation to generation. Faisal<sup>95</sup> authored a paper on the legal analysis of cash waqf funds for infrastructure development. He noted that waqf funds can be used to fund infrastructure development projects such as public and social facilities. This is based on many legal requirements governing cash waqf management.

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<sup>90</sup> "Potensi Kerjasama Pemuda Lintas Agama di Sorong," *Jurnal "Al-Qalam"* 16, no. 26 (2010).

<sup>91</sup> "Filantropi Islam dan Kristen : Studi Komparatif," *Saliha: Jurnal Pendidikan dan Agama Islam* 6, no. 1 (2023): 79–95.

<sup>92</sup> "Analisis Sosiologi Ekonomi Dalam Pengelolaan Dan Penyaluran Dana Sosial Studi Komparatif Antara Dana Zakat Infak Sadaqah (Zis) Dan Dana Kolekte," *Research Journal of Accounting and Business Management* 4, no. 1 (2020): 27–45, <https://doi.org/10.31293/rjabm.v4i1.4674>.

<sup>93</sup> "Filantropi dalam Islam dan Gereja Roma Katolik: Studi Kasus Jami' Bintaro Jaya dan Gereja Katolik Santo Joannes Baptista Parung" (Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2020).

<sup>94</sup> "Memaknai Sisi Akuntansi Sumbangan Keagamaan Masyarakat Hindu Bali," *Jurnal Akuntansi Multiparadigma*, 2016, 240–55, <https://doi.org/10.18202/jamal.2016.08.7019>.

<sup>95</sup> "Analisis Hukum Penggunaan Dana Wakaf Tunai Untuk Pembangunan Infrastruktur," *DE LEGA LATA: Jurnal Ilmu Hukum* 5, no. 2 (2020): 193–207, <https://doi.org/10.30596/dll.v5i2.4058>.

Research by Imam and Fakhrudin <sup>96</sup> concerning distributing zakat to non-Muslims, which covers the review of Imams of Islamic schools of thought and Maqasid Sharia Jasser Auda, shows that the giving of zakat to non-Muslims differs amongst Islamic schools of thought, with some allowing it and others not. Referring to Jasser Auda's sharia maqasid theory, paying zakat to non-Muslims is acceptable, based on the features offered by Auda (cognitive, comprehensive, display, interrelated hierarchies, multidimensional legal system, maqasid legal system), but zakat to other Muslim fellows is prioritized. Zaynap <sup>97</sup> also conducted a study on the law of giving zakat to poor non-Muslims. She noticed in her investigation that there are experts who approve zakat for poor non-Muslims and those who do not. The istinbāth method used by Imam Zufar and Imam Nawawī in determining the non-Muslim poor asnaf is using the bayāni approach, which focuses on expanding knowledge of the concepts included in the text. According to the two perspectives presented above, the legal genesis of zakat to non-Muslims is founded on asnaf. However, the zakat law can be changed if it is beneficial.

Another researcher, Fitra Rizal, <sup>98</sup> conducted a study on non-Muslim waqf and cash waqf from Wahbah Zuhaili's viewpoints. This research revealed that waqf from non-Muslims is acceptable, according to Wahbah Zuhaili. As in the construction of mosques, schools, and other facilities, whether in the form of money, building supplies, or labor. These donations or aid are permissible, provided that they are not binding and will not cause harm in the future, both for Muslims and for the institution concerned. Muhammad Gufran <sup>99</sup> wrote an article on the views of Hanafi and Maliki schools on the law of waqf for non-Muslims in relation to contemporary Fiqh. According to Imam Hanafi, non-Muslim waqf is invalid if it is to build a mosque since waqf for the goal of building a mosque is taqarub in Islamic law, which is only for Muslims. However, waqf meant for social or worship activity in general is permitted.

Kanga, et al. <sup>100</sup> investigated the law governing the distribution of Qurbani meat to non-Muslims from the perspective of the Islamic Religious Council of Pattani

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<sup>96</sup> "Pemberian Zakat Terhadap Non Muslim Tunjauan Imam Madzhab dan Maqasid Syariah Jasser Auda," *Journal of Islamic Business Law* 1, no. 3 (2017): 1–11.

<sup>97</sup> "Hukum Pemberian Zakat Kepada Non-Muslim Yang Miskin (Studi Komparatif Antara Imam Zufar Dan Imam Nawawī)" (UIN Ar-Raniry, 2022), <https://repository.ar-raniry.ac.id/id/eprint/23016/>.

<sup>98</sup> "Wakaf Non Muslim Dan Wakaf Uang Menurut Pandangan Wahbah Zuhaili," *Al-Intaj: Jurnal Ekonomi dan Perbankan Syariah* 5, no. 2 (2019): 176–87, <https://doi.org/10.29300/aj.v5i2.2059>.

<sup>99</sup> "Pandangan Mazhab Hanafi dan Maliki terhadap Hukum Wakaf bagi Non Muslim dalam Kaitannya dengan Fiqih Kontemporer" (Universitas Islam Negeri Alauddin Makassar, 2015).

<sup>100</sup> "Hukum Distribusi Daging Qurban Kepada Non-Muslim Menurut Pandangan Majelis Agama Islam Provinsi Pattani Thailand Selatan," *Jurnal Diskursus Islam* 4, no. 2 (2016): 285–300.

Province in Southern Thailand. It is explained that the Imams of the madhhab agreed that Udhiyyah (sacrificing animals) is prescribed in Islam. However, scholars differ on whether it is permitted to distribute Qurbani meat to non-Muslims. This is due to the lack of verses or hadiths that define this. There are no verses or hadiths mention that the distribution of Qurbani meat only to Muslims. In addition, there is also no ijma' of scholars on the subject. However, the concern of distributing Qurbani meat to non-Muslims is a furu'iyah issue, and there are differences among fuqaha scholars. Muhammad Fadlan <sup>101</sup> in his study regarding Istimbat Al-Ahkam analysis of Muhammad Sayyid Thantawi's controversial fatwa outlined the contentious fatwa of Sayyid Thantawi on various subjects, including the permissibility of donating to church construction, engaging with bank interest and Muslim students removing their veils in France. From some of his fatwas, it can be seen that he emphasizes the aspect of maḥlāḥat when there is a conflict between maḥlāḥat and muḥarrāṭ, and he is also occasionally more concerned with maḥlāḥat than naḥ aspect in his fatwa. His thinking style is more moderate and supports religious tolerance, and there is occasionally a political objective to maintain good relations, both within states and between countries. Lilam Kadain Nuriyanto <sup>102</sup> in his study of social integration of the management of Islamic and Christian houses of worship in Surakarta observed that administrators of houses of worship have a tolerance relationship based on the physical building and its role as a place of worship. Second, there is cooperation, mutual cooperation, and mutual respect in worship, an inclusive religious attitude, and the wisdom of mutual openness in reacting to activities held between nearby houses of worship.

Wahyudi Sri Wijayanto <sup>103</sup> in his paper on conflict resolution in the construction of the Indonesian Baptist Church in Tlogosari Semarang showed that the cause of the conflict in the construction of the baptism church in Tlogosari was that the residents of Malangsari RT 06/RW 07 felt disappointed because the Church used fraudulent methods to obtain a Building Permit (IMB), namely by falsifying citizen signatures. Furthermore, residents were concerned that if an Indonesian Baptist Church was built in that location, their faith would be jeopardized. Second, the city administration resolved the conflict through mediation, which was then conducted by National Human Rights Commission so that the Church can be rebuilt.

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<sup>101</sup> "Analisis Istimbat al-Ahkam Fatwa Muhammad Sayyid Thantawi yang Kontroversial" (Institut Agama Islam Negeri Sumatera Utara Medan, 2013).

<sup>102</sup> "Social Integration Management Of Places Of Worship For Islam And Christian In Surakarta," *Analisa Journal of Social Science and Religion* 22, no. 1 (2015): 29–41, <https://doi.org/10.18784/analisa.v22i1.144>.

<sup>103</sup> "Resolusi Konflik Pembangunan Gereja Baptis Indonesia di Tlogosari Semarang," *Jurnal Abdiel: Khazanah Pemikiran Teologi, Pendidikan Agama Kristen dan Musik Gereja* 5, no. 1 (2021): 57–73, <https://doi.org/10.37368/ja.v5i1.235>.

It can be seen that the Church is able to build the Church legally, but there was no social peace. Bakri La Suhu <sup>104</sup> in his research concerning social conflicts in church construction elaborated conflicts in church construction were caused by, among other things, (1) the church leaders were no longer neutral in visiting the Adu village community who were sick, they only visited one group while other groups were ignored, and (2) the rules from the church leadership regarding the church's responsibility (obligation) for each person to contribute Rp. 200,000,-/ per year for the construction of the church was considered too burdensome for the community. Whereas conflict resolution was achieved through negotiation (deliberation for consensus) between the Old GMIH and Renewal GMIH, these negotiations result in a mutual agreement so that the Renewal GMIH's planned new church construction could start.

Based on the literature studies, it can be concluded that Muhammad Sayyid Thanthawi's *ijtihad* concerning donating to the construction of churches in accordance with Islamic law has not been thoroughly researched by previous researchers. This article focuses on Muhammad Sayyid Thanthawi's *ijtihad* approach in deciding the law of making donations to the church's building, as well as how the *ijtihad* method he utilized.

### **3. *Ijtihad* pattern of Muhammad Sayyid Thanthawi**

In this regard, an *ijtihad* pattern is an approach of thinking that exists in every Islamic legal thinker while examining and judging a social reality. Every mujtahid has its own way of assessing reality. This is related to variances in ways of thinking and perspectives. According to Yusuf al-Qaradawi, there are three types of *ijtihad* in contemporary times, including the followings:

#### **d. Traditionalist pattern (*ittijāh al-Taḍyīq wa al-Tašdid*)**

Traditionalists are people who only partially grasp the texts of the Qur'an and the Sunnah of the Prophet Muhammad SAW, are literalist textualists, and are not connected to the primary goal of enacting a law (*maqashid sharia*). They are the new Zahiriyah (Zhahiriyah al-Judud), who reject to look for reasonable justifications (*'illat*) underlying legal passages. This group generally explores hadith science but is not used to using *ushul fiq* science to construct rules. They frequently restrict all sorts of photographic images, all songs, and music, and penalize any behaviors that the Prophet Muhammad never performed as *bid'ah*, which is forbidden. This group also forces every Muslim to adhere to a certain school of thought. They profoundly revere the outcomes of earlier scholars' *ijtihad*,

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<sup>104</sup> "Konflik Sosial dalam Pembangunan Gereja," *Jurnal Politico* 18, no. 2 (2018).

which are preserved in texts of classical fiqh. They consider that the classical scholars have explored all of the new challenges that have developed in this century so that contemporary scholars just seek and examine the desired problems in these classic works. Scholars today are unable to practice ijtiḥād in the same way that ancient scholars did. They limit the scope of ijtiḥād, and their views frequently make life difficult for today's society.

**e. Liberalist Pattern (*ittijāh al-Ġuluw fī al-tawassu'*)**

The liberal ijtiḥād school of thought is made up of intellectuals who are not experts in sharia sciences but they talk and write a lot about Islamic law. Their thought is oriented on the idea that Islamic teachings are applicable to every space and age, hence they are looking for reasons (arguments) to explain any legal disputes that occur in this era. They prioritize benefit and frequently disregard the commands of the Qur'an and Sunnah. Among the opinions of liberal thinkers are those who allow marriage and inheritance distribution between adherents of different religions. They judge that all religions are equally true because the truth is relative. They also allow LGBT and adultery on the grounds of the legality of holding slaves (*milkul yamin*).

**f. Moderate Pattern *ittijāh (al-tawāzun wa al-mu'tadil)***

Moderate thinkers are scholars and intellectuals that take the "middle path" (*wasathy*) between groups that complicate and narrow ijtiḥād (traditionalist group) and groups that provide too much freedom in doing ijtiḥād (liberalist group). This moderate approach to ijtiḥād involves paying attention to the demands of the Qur'an's text and the Prophet's Sunnah, analyzing the rational reasoning behind the text, and assessing the benefit and context. This group consists of scholars who have extensive knowledge, are pious (*wara'*), and think clearly (*mu'tadil*).

If these three categories of contemporary ijtiḥād are applied to analyze Muhammad Sayyid Thanthawi's ijtiḥād in evaluating whether it is allowed for Muslims to donate to church construction, it can be stated that Sayyid Thanthawi's ijtiḥād is moderate in pattern (*wasathy*). This is because Sayyid Thanthawi does not forbid Muslims from contributing to the construction of churches, contrary to the position of the Egyptian fatwa institution, Dar ifta' al-Mishriyah, and other scholars who disagree with Thanthawi. Giving donations for church construction is considered sinful conduct that is forbidden by religion, according to the Egyptian Fatwa institution. This is the same as donating to the construction of gambling businesses, nightclubs,

and places to keep cats, dogs, and pigs. Another Egyptian scholar, Syekh Abdurrahman, banned Muslims from donating to church construction on the grounds that there is no justification from the Qur'an and Sunnah that supports it. Aside from that, there are many wealthy Christians who must contribute to the church's construction. Another reason is that there are still many poor Muslims who require assistance in building their homes, mosques, and Islamic hospitals. Wealthy Muslims must support needy Muslims rather than donate to church development.

Mufti of the Arab Republic of Egypt Muhammad Sayyid Thanthawi holds a different viewpoint, allowing Muslims to contribute to the construction of churches. One of his statements reads:<sup>105</sup> *"A Muslim may contribute to the construction of a church since he has complete control over how he spends his money. Muslims are not prohibited by Islamic law from providing donations to build churches to assist and cooperate with their Christian counterparts. Furthermore, some Christians contribute to the construction of mosques."* Based on this statement, the rationale is that every Muslim has the right to use his wealth. There is no clear restriction in Islamic law against making donations to build churches. Giving funds to build a church falls under the area of supporting each other that Islam encourages. In addition, some Christians contribute to the mosque's development. As a result, Christians' good deeds must also be rewarded with kindness. A similar good deed is the recompense for a good deed. Among these deeds is a donation to the church's construction. Thanthawi's fatwa is more concerned with creating justice and maintaining inter-religious harmony.

Aside from the benefit, Sayyid Thanthawi's fatwa does not violate the provisions of the Qur'anic text that allow Muslims to help non-Muslims as long as they are not hostile to Muslims. Allah says: *"Allah does not forbid that you be kind and just to those who did not fight against you on account of religion, nor drove you out of your homes. Surely Allah loves those who are equitable"* (Q.S: 60 verse 8). Furthermore, Sayyid Thanthawi has a positive perspective toward the church, seeing it as a place of worship that promotes peace and tolerance<sup>106</sup>.

In Islamic law, there is the term "ahlu al-zimmah" or "zimmiy people", namely non-Muslims who live under Muslim rule or who live in countries where the majority of the population is Muslim. Islam obliges every Muslim to do good to these zimmiy

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<sup>105</sup> Masykur, "Tabarru' Muslim li Bina' Kanais Jaiz Syar'an."

<sup>106</sup> Masykur.

people. This is supported by the hadith of the Prophet Muhammad, which reads: “Whoever hurts the zimmi person, he hurts me, and whoever hurts me, then I will be hostile to him on the Day of Resurrection” (Hadith narrated by Abu Daud). Based on this hadith of the Prophet Muhammad, the opinion that prohibits Muslims from donating to Christians to build churches might be deemed to hurt non-Muslims (zimmiy), something the Prophet forbade. On the contrary, the viewpoint that allows Muslims to contribute to church construction is consistent with the Prophet Muhammad's order to embrace non-Muslims (zimmiy) who live with Muslims in a country.

Based on the explanation above, Sayyid Thanthawi's ijtiḥād belongs to the Moderate (wasthy) pattern. Sayyid Thanthawi's thoughts are based on the common good, creating justice and harmony between religious communities, without violating the provisions of the Qur'anic text. However, when viewed from another perspective, the mutual help commanded by Islamic teachings is mutual assistance in performing good and piety, not helping in sin and enmity. Giving donations to Christians to build churches includes helping them in committing sins and immorality because the church is a place of worship for Christians who believe in three Gods (trinity) the Father (God Father), Jesus Christ (the Son) and the Holy Spirit<sup>107</sup>. Worshiping three Gods is a sinful act that Islamic teachings forbid. As a result, scholars other than Thanthawi believe that donating to the construction of a church, like donating to the construction of gambling businesses and nightclubs, is an immoral act. Therefore, Muslims are prohibited from contributing to the construction of churches. From this perspective, Sayyid Thanthawi's ijtiḥād, which allows donations for church construction, might be considered liberal because it departs from the commands of the Qur'an's text.

#### **4. *Ijtiḥād* Method of Muhammad Sayyid Thanthawi**

In English, "method" refers to a technique or way of doing something, as well as a procedure for accomplishing something. In Arabic, the method is called "Thariqoh" or "manhaj", which is the method used by a mujtahid in understanding, discovering, and formulating Islamic law<sup>108</sup>. In this context, "method" refers to Mufti Muhammad Sayyid Thanthawi's approach of reasoning when establishing the law

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<sup>107</sup> P Booth, “Towards the Coptic Church: The Making of the Severan Episcopate,” *Millenium* 14, no. 1 (2017): 151–90.

<sup>108</sup> Amir Syarifuddin, *Ushul Fiqh* (Kencana, 2009).

requiring donations for church construction. Ijtihad is derived from the Arabic term "Ja-ha-da," which signifies sincerity, ability, and difficulty. The term "Ijtihad" refers to using all of one's abilities to attain something difficult, while also encountering challenges. The word "ijtihad" is only used for heavy work, not for light tasks<sup>109</sup>. The words "ijtihad" and "jihad" are derived from the same root word, "Jahada." Ijtihad refers to the mobilization of all intellectual abilities in order to understand and uncover law from its source, the Qur'an and Sunnah. The word "Jihad" refers to using one's whole physical strength and energy to protect and defend Islam. The term "ijtihad" implies "deep thought," but "jihad" signifies "hard work with physical force".

Scholars define ijtihad in many ways, but the essence remains the same. Among the definitions of ijtihad is devoting all of Mujtahid's (Islamic law experts') thinking capacity to seeking knowledge of Islamic law from the source<sup>110</sup>. From the various definitions of ijtihad proposed by scholars, ijtihad must include the following characteristics:

5. There is an endeavor to fully utilize all rational thought.
6. The goal of ijtihad is to discover Islamic law that is zhanni (interpretable) and practical.
7. Ijtihad is performed by competent individuals who are experts in Islamic law and are known as Mujtahid.
8. The ijtihad method, which is presented in the science of ushul fiqh, is used to carry out ijtihad by drawing certain conclusions.

The Quran and the Sunnah of the Prophet Muhammad s.a.w are the sources of Islamic law. The number of Quran and Sunnah verses is limited because they do not add up after the death of the prophet Muhammad SAW. On the other hand, certain circumstances and occurrences continue to evolve with the passage of time. The various new cases need to be legalized by Islamic jurists. The question that emerges is how the limited number of Qur'anic and Sunnah texts can provide answers to infinite circumstances. To be able to answer these unlimited cases, Islamic jurists use certain methods to be able to understand, discover and formulate Islamic law from their limited sources.

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<sup>109</sup> Syeikh Muhammad Al-Ghazali, *Lailatu al-Qadr* (Akbar al-Yaum, 1991).

<sup>110</sup> Ibnu Qudamah, *No Title*, 1983.



The method of *ijtihad* for determining the law was taught by Prophet Muhammad s.a.w. When the Prophet sent Mu'adz bin Jabal to Yemen to be a judge, the Prophet asked Mu'adz, "How do you determine the law when faced with a case?" Mu'adz replied, "I will establish the law based on the Quran". The Prophet asked, "What if the law is not found in the Quran?" "I established the law based on the Sunnah of the Prophet (Hadith)," Mu'adz bin Jabal answered. "How do you determine the law if it is not found in the Qur'an and the Sunnah?" the Prophet asked again. "I will perform *ijtihad* to the best of my ability," Mu'adz replied. The Prophet then praised Mu'adz bin Jabal's method (Hadith narrated by Riwayat Abu Daud).

This method of *ijtihad* is evolving with the times. There are various *ijtihad* patterns in the book of *ushul fiqh*, but the researcher divides them into three categories: Bayani *ijtihad*, Qiyasi *ijtihad*, and *istishlahi* *ijtihad*. The Bayani *ijtihad* is a method of determining Islamic law based on particular Qur'anic and Sunnah texts. The texts of the Qur'an and Sunnah are thoroughly investigated from a linguistic aspect. The Qiyasi *ijtihad* method is a method of constructing Islamic law in new issues that do not have any textual rule in the Qur'an/Sunnah. This strategy works by associating it with circumstances that already have laws in the Qur'an and Sunnah. This method entails looking for rational reasons (*'illat*) behind a command or prohibition. After obtaining the rational reasons (*'illat*), the legal scope might be broadened to include other similar circumstances. The *Istishlahī* approach is a way for developing Islamic law on matters that are not explicitly mentioned in the Qur'an or Sunnah by evaluating both benefits (*maṣlahat*) and harm (*muḍarat*) because the spirit of Islamic law is to benefit as many people as possible. In a case where there are more benefits than harm, then it is permissible even though there is no specific text that explains it in the Qur'an and Sunnah. The classification of the *ijtihad* method into the *Bayānī*, *Qiyāsī*, and the *Istishlahī* method is mentioned by Muhammad Salam Madkur in his book *al-Ijtihad Fi al-Tasyri' al-Islami* pages 42 -49, and explained by Ma'ruf al-Dawalibi in his book *al-Madhal ila 'ilmi Usul Fiqh* page 75 – 156. According to Wahbah al-Zuhali, this classification is also briefly explained by Imam Abu Ishaq al-Syatibi in his book *al-Muwāfaqāt fī Ushūl al-Šari'ah*, volume 4 page 96.<sup>111</sup>

If this classification of the *ijtihad* method is used to assess Muhammad Sayyid Thanthawi's *ijtihad* in formulating the law that allows Muslims to contribute to the construction of churches, Thanthawi employed a third pattern, known as the *istishlah*

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<sup>111</sup> Wahbah al-Zuhaili, *Ushul Fiqih al-Islami II*, n.d.

method or the maslahat method. Sayyid Thanthawi does not employ the bayani technique, nor does he conduct in-depth linguistic analyses of particular verses of the Quran or Sunnah. Thanthawi also does not use the Qiyasi method since he does not look for the rationale (*'illat*) behind a command or prohibition. In the istislahi method, there is the term *l'tibar ma-allat*, which is establishing the law in the present by considering the consequences in the future. It assesses what the consequences will be in the future if a law is passed now; will it provide benefits, peace, and harmony? Alternatively, it will produce damage or chaos (injury). Included in the discussion of the *i'tibār ma'allāt* method are the *sadd al-zari'ah* and *fathu zari'ah* methods.

Sadd is an Arabic word that means "to close," and *Zari'ah* means "way." According to ushul fiqh scholars, *Sadd al-Zari'ah* refers to any act that becomes an intermediary, which is basically permissible, but because it can lead to something that is prohibited, then the action is also prohibited<sup>112</sup>. This means that any path that leads to forbidden conduct must be closed or prohibited. The legal basis for this *sadd zari'ah* method includes the word of Allah: "Do not revile those whom they invoke other than Allah because they will revile Allah in ignorance out of spite" (Q.S 6: 108). The act of condemning those who worship other than Allah will result in them eventually denouncing Allah out of spite.

A Muslim who donates to the construction of a church leads to Christians believing that their religion is true, even though, according to Islamic teaching, Christians worship three Gods: the Father, the Son, and the Holy Spirit. Sayyid Thanthawi should have prohibited Muslims from donating to church construction. Sayyid Thanthawi, on the other hand, paved the way, allowing Muslims to contribute to the construction of churches. This method is called *fathu zari'ah*, which means establishing paths and opportunities for Muslims to contribute to the construction of churches because Sayyid Thanthawi considers the benefits that will occur after his Fatwa is issued. The implication that emerges after the issuance of the Fatwa by Sheikh Sayyid Thanthawi which allows Muslims to contribute to the construction of churches is the birth of a positive attitude from Christians towards Muslims in Egypt. As a result, religious communities find peace and harmony. This is the advantage that Sayyid Thanthawi sees. Among Thanthawi's arguments for the freedom of any Muslim to use his wealth is that there is no argument against providing support for the construction of a church. The wealth of Muslims can aid their Christian

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<sup>112</sup> Makmur Syarif, *Sad Al-Zari'ah dan Pembaharuan Hukum Islam* (IAIN IB Press, 2006).

compatriots. Besides, some Christians also contribute to the construction of mosques. Furthermore, as previously mentioned, Sayyid Thanthawi's ijtiḥad does not contradict the instructions of the Qur'an in surah al-Mumtahanah verse 8. Muhammad Sayyid Thanthawi's role as Mufti of the Arab Republic of Egypt, tasked with protecting all religious communities coexisting in Egypt, resulted in the emergence of a fatwa that is moderate, soothing, and conciliatory. Sayyid Thanthawi's opinions are consistent with the legal principles that he frequently employs when dealing with new challenges, namely considering the benefit. He says: " *If the Maslahat contradicts the mafsada (damage), the stronger of the two is preferred; if the two mafsada contradict, the one with the least harm is chosen.*" <sup>113</sup>

Additionally, Sayyid Thanthawi's views are consistent with those of other scholars who allow Muslims to give Zakat to non-Muslims in order to win the hearts of non-Muslims while not harming Muslims, such as Sheikh Yusuf al-Qaradawi, who allows Muslims to give zakat to non-Muslims who can be considered as *al- Mu'allaf Qulūbuhum* <sup>114</sup>

## F. Conclusion

Based on the preceding findings, it can be concluded that Muhammad Sayyid Thanthawi's ijtiḥad permits Muslims to contribute to the construction of moderate churches because he is more concerned with the broader benefit of establishing justice and inter-religious harmony in Egypt. Furthermore, Sayyid Thanthawi's thought takes into account the demands of the Qur'an's text, surah al-mumtahanah verse 8, which states that Allah does not forbid Muslims from doing good and being just to non-Muslims who do not oppose Muslims in religious matters and do not expel Muslims from their country. Sayyid Thanthawi's view is further supported by his position as the Mufti of the Arab Republic of Egypt, who must consider the interests of all Egyptians in order to bring justice and peace to the country. Muhammad Sayyid Thanthawi's ijtiḥad method in establishing the law permissible for Muslims to contribute to church construction is the maslahat method, namely i'tibar al-mallat, considering the implications of his fatwa concerning the benefits and harms that will arise in the future. The fatwa issued by Sayyid Thanthawi allowing Muslims to contribute to the construction of churches provides a chance (*fathu zari'ah*) for

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<sup>113</sup> Muhammad Rajab Bayumi, *Al-Mujtahidunn fi Maidan al-Tasyri'* (Al-Azhar, 2013).

<sup>114</sup> Yusuf Al-Qaradhawi, *Fiqh al-Zakat*, Jilid 2 (Dar Qalam, 1994).

Muslims to do good to Christians by assisting in the construction of churches, as some Christians in Egypt also donate to the construction of mosques.

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## **DONATION FOR CHURCH CONSTRUCTION VIEWED FROM SAYYID THANTHAWI'S PERSPECTIVES**

### **Abstract**

This research aimed at investigating Sayyid Thanthawi's *ijtihad* pattern and methodology for deciding the law on making donations for church construction. As stated by Islamic teachings, Christians do not regard God to be One since they believe in the Trinity (the Father, the Son, and the Holy Spirit). Within the national state, however, Muslims and Christians coexist, work together, and assist one another. Conflicts of interest in coexistence might emerge as a result of religious differences. This current study is library research using qualitative descriptive analysis. The data used were secondary data in the form of books written by Sheikh Sayyid Thanthawi, Mufti of the Arab Republic of Egypt, as well as other relevant books. This research found that from Sayyid Thanthawi's viewpoint, a Muslim is permitted to donate to the construction of a church. Sayyid Thanthawi's *ijtihad* is moderate since it considers the greater benefit and fosters harmony among religious communities, without ignoring the demands of the Qur'anic text. The *ijtihad* approach employed is the *maṣlahah* theory, which takes into account the benefits and harm that would be caused by the Fatwa's issuing. The implication of this *ijtihad* is the establishment of concord and peace between Muslims and Christians in Egypt. However, some Egyptian religious scholars restrict donations to church construction, arguing that it is the same as donating to the development of gambling businesses and nightclubs.

**Keywords:** *donation for the church construction, maṣlahah, moderate*

### **Abstrak**

Penelitian ini bertujuan untuk menemukan corak *ijtihad* Sayyid Thanthawi dalam menetapkan hukum memberi sumbangan untuk pembangunan gereja dan metode yang digunakannya. Ajaran Islam menjelaskan bahwa orang Kristen tidak meng-esa-kan Tuhan, karena meyakini adanya Trinitas (Tuhan bapak, Yesus Kristus dan Holy spirit). Namun, di dalam negara nasional, orang islam hidup berdampingan dengan orang Kristen, bekerjasama dan tolong menolong. Karena perbedaan agama terkadang muncul konflik kepentingan dalam hidup berdampingan. Penelitian ini adalah penelitian kepustakaan dengan analisis deskriptif kualitatif. Data yang digunakan adalah data sekunder berupa buku buku karangan Sayyid Thanthawi, Mufti Republik Arab Mesir, serta buku buku lain yang relevan. Temuan dari penelitian ini adalah seorang muslim diperbolehkan memberikan sumbangan untuk pembangunan gereja menurut Sayyid Thanthawi. *Ijtihad* Sayyid Thanthawi ini bercorak moderat, karena mempertimbangkan kemaslahatan yang lebih besar, menciptakan kerukunan antar umat beragama, tanpa mengabaikan tuntutan teks al-Qur'an. Metode *ijtihad* yang digunakan adalah teori *maṣlahāt* yaitu mempertimbangkan aspek kemaslahatan dan kerusakan yang akan ditimbulkan setelah keluarnya fatwa. Implikasi dari *ijtihad* ini adalah terciptanya kerukunan dan kedamaian antar umat islam dan Kristen di Mesir. Namun, sebagian ulama Mesir mengharamkan sumbangan untuk pembangunan gereja karena hal ini sama dengan menyumbang untuk pembangunan tempat perjudian dan tempat hiburan malam.

**Kata kunci:** donasi pembangunan gereja, maslahat, moderat



## ملخص

تهدف هذه الدراسة إلى تعرف منهج إستنباط الحكم ونوع الاجتهاد للسيد الطنطاوي مفتى جمهورية مصر العربية عن تبرعات المسلم لبناء الكنيسة . توضح التعاليم الاسلامية أن المسيحيين لا يوحدون الله حيث أنهم يؤمنون بوجود الثالوث (الأب والمسيح والروح القدس), ومع ذلك يعيش المسلمون والمسيحيون جنبا إلى جنب ويعملون معا ويساعدون بعضهم بعضا فى الدولة الشعبية الواحدة . وبسبب الإختلافات الدينية ينشأ أحيانا النزاعات وتضارب المصالح فى التعايش . هذه الدراسة هي الدراسة المكتبية و البيانات المستخدمة فيها هي البيانات الثانوية فى شكل الكتب التى كتبها السيد الطنطاوي مع الكتب الأخرى ذات الصلة, وقد تم تحليل البيانات التى تم جمعها عن طريق التحليل الوصفي النوعي . تشير نتائج هذه الدراسة إلى أنه يجوز للمسلم التبرع من ماله الخاص لبناء الكنيسة وفقا لرأي السيد الطنطاوي مشيرا إلى أن الكنيسة دار العبادة والتسامح . إجتهاد السيد الطنطاوي من نوع الأجهاد المعتدل لأنه ينظر إلى المصلحة الكبرى ويخلق الأنسجام بين الطوائف الدينية دون إغفال متطلبات النص القرآني . و منهج إجتهاده المصلحة وهو النظر إلى وجه المنفعة والضرر الذي سيحدث بعد صدور الفتوى. الآثار المترتبة على هذا الاجتهاد هو خلق الإنسجام والسلام بين المسلمين والمسيحيين فى مصر. ولكن بعض العلماء المصريين يحرمون التبرع لبناء الكنيسة لأن هذا التبرع هو مثل التبرع لبناء أماكن القمار والملاهى الليلية

الكلمات المفتاحية : التبرع لبناء الكنيسة , المصلحة , المعتدل

## G. Introduction

Egypt is an Arab country located on the North African Continent. The majority of Egypt's population is Muslim, estimated to be 90% of the population, and other religious groups consist of 9.6% Coptic Christian, 0.1% other religions<sup>115</sup>. As a nation-state, Egyptians who are Muslims and Christians live side by side, work together, and assist one another. However, conflicts of interest might occur due to different religious practices. One of them is an extreme group's burning of a church<sup>116</sup>. The draft law on the construction of places of worship discussed in the Egyptian Parliament allows Muslims to donate to the construction of churches in order to gain the Coptic Christian community's vote<sup>117</sup>.

*Dār al-Iftā' al-Miṣriyah*, Egypt's official fatwa institution, has issued a fatwa making it illegal for any Muslim to contribute to the construction of a church. This is

<sup>115</sup> Wikipedia, "Mesir," Wikipedia, 2023, <https://id.wikipedia.org/wiki/Mesir>.

<sup>116</sup> BBC, "Islamis Mesir Penyerang Gereja Dipenjara Seumur Hidup.," BBC, 2015, [https://www.bbc.com/indonesia/dunia/2015/04/150429\\_mesir\\_islamis\\_gereja](https://www.bbc.com/indonesia/dunia/2015/04/150429_mesir_islamis_gereja).

<sup>117</sup> Mashrawy, "Tabarru' muslim Li bina al-kana-is ja-izun syar'an," 2012, [www.mashrawy.com/news/default.aspx](http://www.mashrawy.com/news/default.aspx).

immoral and religiously forbidden conduct because it is the same as donating to the construction of gambling businesses, nightclubs, and places to keep cats, dogs, and pigs<sup>118</sup>. The justification for this is that Christians do not believe in one God since they worship three Gods (trinity), including the Father, the Son, and the Holy Spirit. The verses of the Qur'an state that they have certainly disbelieved those who say that there are three Gods (trinity) and that Jesus is the son of God, as described in surah *Al-Mā'idah* (5): 72-73. Therefore, it is unlawful to make donations to build a church, a place of worship for those who do not recognize one God<sup>119</sup>.

Several Egyptian priests, including Priest Batrick Karazah Marqisiyah, Priest Asnodah, and Priest Aleksanderiah responded strongly to the fatwa issued by *Dār al-Ifta' al-Miṣriyah*. They asserted that religious donations among Christians, known as *al-ʿuṣur* (one-tenth), could be made to anyone without regard to faith or loyalty. The priests highlighted that the *al-ʿuṣur* donation is made to God, the creator of the universe, without regard for whether it is given to families or not, to Christians or non-Christians<sup>120</sup>.

Muhammad Sayyid Thanthawi, the Grand Sheikh of al-Azhar and a Mufti of the Arab Republic of Egypt, explained to a delegation of the Egyptian United Organization for Human Rights led by Najib Jibril, who came to meet the Mufti of Egypt in the professorial room of al-Azhar University. Sayyid Thanthawi described that a Muslim may contribute to the construction of a church because he has the freedom to use his wealth. Muslims are not prohibited by Islamic law from providing donations to build churches in order to assist and cooperate with their Christian neighbors. Furthermore, some Christians even contribute to the construction of mosques<sup>121</sup>. Sayyid Thanthawi's viewpoint is particularly important to investigate in the context of Muslim and Christian community interactions within a nation-state<sup>122</sup>.

There are several studies related to the theme of donations for the construction of this church. However, some of these studies have a different focus. Some of these studies can be mapped into 6 (six) categories. *First*: Donations in the

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<sup>118</sup> Sayyid Masykur, "Tabarru' Muslim li Bina' Kanais Jaiz Syar'an," 2009, <http://www.romanseia.com/vb/archive/index.php/f-52>.

<sup>119</sup> O. F. A. Meinardus, "Christians in Egypt: Orthodox, Catholic, and Protestant Communities, Past and Present," *American University in Cairo Press*, 2006.

<sup>120</sup> Akhbar Mishr, "Pendeta Snodah yajuzu tabarru' al-ʿuṣur Li ghairi masihiyin," 2009, [www.http.egy-news.net/wps/portal/news?params=73967](http://www.http.egy-news.net/wps/portal/news?params=73967).

<sup>121</sup> Masykur, "Tabarru' Muslim li Bina' Kanais Jaiz Syar'an."

<sup>122</sup> Antonius Markos, "Developments in Coptic Orthodox Missiology," *Missiology: An International Review* XVII, no. 2 (1989).

form of land ownership<sup>123</sup>. *Second*: Contribution in the form of energy<sup>124</sup>. *Third*: Donations and endowments from non-Muslims to Muslims<sup>125;126</sup>. *Fourth*: The opinion of Quraish Shihab<sup>127</sup>. *Fifth*: Rejection of church construction<sup>128; 129</sup>. *Sixth*: The government's role in building churches<sup>130</sup>.

The subject of Muslims' permissibility to donate to the construction of churches is an actual issue discussed in various parts of the Muslim world. It addresses issues such as Sayyid Thanthawi's way of thinking, the reasons that allow Muslims to contribute to the construction of churches as well as the pattern of his *ijtihad*.

## H. Discussion

The word "donation" in Arabic is called "al-tabarru'at. The Great Indonesian Dictionary (KBBI) states that a donation is giving something to someone as a form of assistance or support. Meanwhile, the Arabic dictionary, *Lisan al-'Arab*, explains that the meaning of the word al-Tabarru'at is to give something that is not an obligation for someone without a request. For example, "I donate something", signifies that I give something voluntarily without expecting anything in return.<sup>131</sup> Islamic teachings command all Muslims to assist one another in social and state life. Allah says "*Help one another in goodness and piety, but do not help one another in sin and aggression*" (Q.S 5:2). However, does this include supporting each other as instructed by Islam in the case of Muslims donating to build churches? The church is

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<sup>123</sup> Muhammad Hadi Prayitno dan Zamroni Ishaq, "*Hukum Hibah Tanah Untuk Gereja Perspektif Empat Mazhab*," *JOSH : Journal of Sharia* 1 (2022): 161–83.

<sup>124</sup> C. Aprilia, "*Hukum Kuli Bangunan Membangun Rumah Ibadah Non Muslim Menurut Mazhab Hanafi Dan Mazhab Syafi'i*" (Universitas Islam Negeri (UIN) Antasari Banjarmasin, 2022).

<sup>125</sup> Ela Novita Sari, "*Pembangunan Yayasan Islam Dengan Filantropi Sosial Non Muslim (Studi di Yayasan Panti Asuhan Al-Khairi Amanah pulau Legundi Sukarame Bandar Lampung)*" (Universitas Islam Negeri (UIN) Raden Intan Lampung, 2019).

<sup>126</sup> Syed Muhammad Adib Termizi bin Ahmad Al Jafar, "*Contextualization Of Hifz Al-Din In Inter-Religious Interactions According To Islamic Law (Study Of Quraish Shihab's Fatwas On Muslim And Non-Muslim Relations)*," *J Fatwa* 16, no. 2 (2019): 53–69.

<sup>127</sup> Muhamad Risqil Azizi Lukman Hakim, "*Contextualization Of Hifz Al-Din In Inter-Religious Interactions According To Islamic Law (Study Of Quraish Shihab's Fatwas On Muslim And Non-Muslim Relations)*," *ICHES 2023 2* (2023).

<sup>128</sup> Nakia Hana Sakova, "*Penolakan Masyarakat Terhadap Pendirian Rumah Ibadah Dalam Perspektif Hak Asasi Manusia Dan Maqashid Syariah (Studi Kasus Gereja Santa Clara Di Bekasi Utara)*" (Universitas Islam Negeri (UIN) Syarif Hidayatullah Jakarta, 2020).

<sup>129</sup> Reska Ismayani, "*Pandangan Hukum Islam Dan Surat Keputusan Bersama Dua Menteri No 8 & 9 Tahun 2006 Tentang Pendirian Gereja Di Way Kandis Kecamatan Tanjung Senang*" (Universitas Islam Negeri (UIN) Raden Intan Lampung, 2018).

<sup>130</sup> Liana Natalia, "*Konflik Dan Integrasi Sosial Antarumat Beragama; Studi Kasus Pendirian Gereja Kristen Indonesia Gayungsari di Surabaya*" (Universitas Islam Negeri (UIN) Sunan Ampel Surabaya, 2018).

<sup>131</sup> Ibnu Manzhur, *Lisan al-Arab*, 1992.

a place of worship for Christians. Christians do not worship God as one because they worship three Gods, known as the Trinity<sup>132</sup>.

Islamic teachings strongly state that those who claim that Jesus Christ, the son of Maryam is God and that God consists of the Father, the Son, and the Holy Spirit have fallen into disbelief. If Christians do not stop saying that, they will be afflicted with painful punishment (QS al-Maidah 5: 72-73). Nonetheless, Muhammad Sayyid Thanthawi steadfastly asserted that a Muslim may contribute a portion of his wealth to the church's building since he has the freedom to use his property. Furthermore, the church is a place of worship that promotes peace and tolerance. Muslim property can be beneficial to Christian counterparts, and some Christians even contribute to mosque construction. It is incorrect to believe that contributing to the construction of a church is immoral<sup>133</sup>.

The opinion of Muhammad Sayyid Thanthawi as Grand Sheikh of al-Azhar is very contentious, with certain religious scholars opposing him. Sheikh Ajami al-Dahanhuri, the chairman of the al-Azhar scholars' organization, for example, rejected Muhammad Sayyid Thanthawi's view that Muslims can contribute to church development because the church is not a place to worship God Almighty<sup>134</sup>. Syekh Ahmad Abdurrahman argued that Islamic law does not allow a Muslim to contribute to the construction of a church because there is no evidence to justify it. Furthermore, there are still many wealthy Christians and many impoverished Muslims who require assistance in constructing homes, mosques, and hospitals. Every Muslim, according to Sheikh Yusuf Badri, is forbidden from making donations for church construction. How is it possible that donating to the construction of a church is permitted while even participating in the construction of a church is prohibited? If there are Christians who donate to build a mosque, it is their right to spend their wealth.

As Mufti of the Arab Republic of Egypt, Muhammad Sayyid Thanthawi issued a number of fatwas that are deemed controversial by other scholars. One of them is Sayyid Thanthawi's opposition to Palestinian suicide bombers against Israel. Suicide bombers, he claimed, are enemies of Islam. People with different religious beliefs

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<sup>132</sup> M. Tadros, "Vicissitudes In The Entente Between The Coptic Orthodox Church And The State In Egypt (1952–2007)," *Journal of Middle East Studies* 41, no. 2 (2009): 269–87, <https://doi.org/10.1017/S0020743809090667>.

<sup>133</sup> Masykur, "Tabarru' Muslim li Bina' Kanais Jaiz Syar'an."

<sup>134</sup> Saima Hamdi, "Hajim fatwa Thanthawi wa l'tibaruhu fatwa bathilah," 2009.

should help each other, collaborate, and avoid hostile conflicts. Extremism is Islam's adversary.<sup>135</sup>

When the French government published a rule prohibiting Muslim women from wearing veils in public places such as schools, offices, and markets Sayyid Thanthawi issued a fatwa stating that Muslim women might remove their veils in public spaces in France. The reason is to choose the lightest risk between the two disadvantages. The rules made by the French government are France's internal matters and cannot be challenged by any party.<sup>136</sup>

Another contentious viewpoint of Muhammad Sayyid Thanthawi is the subject of bank interest. Sayyid Thanthawi issued a fatwa prohibiting all forms of bank interest in early February 1989. Then, at the end of 1989, he revised his fatwa to allow bank interest. The reason for allowing this is that the Prophet Muhammad and his companions had no involvement with the Bank. Banking activity is a novel issue. Banking is the representation of fund owners in the management and development of their funds for profit. As a result, customers who deposit funds in a bank are permitted to receive bank interest.<sup>137</sup> Sayyid Thanthawi's viewpoint differs from the Fatwa of the Indonesian Ulema Council (MUI) Number 1 of 2004 banning bank interest, as well as Yusuf al-Qaradawi's fatwa forbidding bank interest (Al-Fatawa al-Mu'ashirah).

Several studies have been undertaken to investigate Muhammad Sayyid Thanthawi's fatwas, including a study conducted by Alamsyah and Al-Obaidi<sup>138</sup> in their research on Muhammad Sayyid Thanthawi's interpretation of riba (usury) verses. Umardani<sup>139</sup> examined Muhammad Sayyid Thanthawi's views on interpreting bank interest rates. According to Sayyid Thanthawi, bank interest is acceptable in banking activities since it comprises 'Urf Tijari. Umardani<sup>140</sup> in his research compared the thoughts of Sayyid Thanthawi and Yusuf Al-Qardhawi on bank interest rates. Mas'ud

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<sup>135</sup> M. Sayyid Thanthawi, *Banu Israil fi al-Qur'an wa al-Sunnah*, n.d.

<sup>136</sup> Ma'rifah, "Muhammad Sayyid Thanthawi," 2011, <http://www.marefa.org/index/php>.

<sup>137</sup> Dubai Aswaq, "Syekh Al-Azhar yujaddidu fatwahu fi ibahati fawaid bankiyah wa mudharabah fi burshah.," 2007, <http://www.qatarshare.com/vbarchiveindex.phpt-151933.html>.

<sup>138</sup> "Muhammad Sayyid Tantai 's Interpretation of the Verses of Riba," *Hanifiya: Jurnal Studi Agama-Agama* 6, no. 1 (2023): 65–72.

<sup>139</sup> "Studi Pemikiran Prof. Dr. Muhammad Sayyid Thanthawi Interpretasi Atas Pemberlakuan Suku Bunga Bank," *Jurnal Ilmiah Ekonomi Islam* 7, no. 03 (2021): 1425–34, <http://www.jurnal.stie-aas.ac.id/index.php/jei/article/view/3226%0Ahttps://www.jurnal.stie-aas.ac.id/index.php/jei/article/download/3226/1613>.

<sup>140</sup> "Analisa Perbandingan Interpretasi atas Pemberlakuan Suku Bunga Bank antara M. Sayyid Thantawi dan Yusuf al-Qardhawi," *Jurnal Masharif al-Syariah: Jurnal Ekonomi dan Perbankan Syariah* 7, no. 4 (2022): 1356–77.

<sup>141</sup> discussed the analysis of Muhammad Sayyid Thanthawi's concept of 'Urf Tijari as a formal legal instrument of bank interest. Rahayu and her colleagues<sup>142</sup> compared the concepts of riba according to Yusuf Qaradawi and Muhammad Sayyid Thanthawi, as well as the consequences for Sharia banking. Huda, et al.,<sup>143</sup> wrote an article titled Bank Interest Halal: Distinction Interpretation of Contemporary Ulama Thought, Umar Chapra and Muhammad Sayyid Thanthawi. Wahyanto and Setyadi<sup>144</sup> carried out research entitled Riba Analysis in Bank Interest Viewed from the Perspective of Islamic Legal Philosophy. Ilhami <sup>145</sup> investigated the bank interest status from the perspective of Muhammad Sayyid Thanthawi. In addition to the issue of usury or riba and bank interest, Sayyid Thanthawi's views have also been studied in regard to the subject of interpretation. Aulia <sup>146</sup> examined the domestication of women in the Quran, a study of Muhammad Sayyid Thanthawi's interpretation of QS Al-Ahzab 33 in Tafsir Al Wasith. Ramdani<sup>147</sup> published an article on Sayyid Thanthawi's interpretation concepts titled Qashash Al-Qur'an in Sayyid Thanthawi's Perspective: A Thematic Interpretation Study of Wisdom from Ulu Al-'Azmi's Story. Has<sup>148</sup> discussed Sayyid Muhammad Thanthawi and his role in Al-Qur'an interpretation. Maulana, et al.,<sup>149</sup> looked into the implementation of Muhammad Sayyid Thanthawi's dialogue ethics through active student learning. Habibi <sup>150</sup> discussed Muhammad Sayyid Thanthawi's views on equal rights for men and women. In this study, Sayyid

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<sup>141</sup> "Analisis Konsep 'Urf Tijari Menurut Muhammad Sayyid Thanthawi sebagai Instrumen Legal-Formal Bunga Bank" (Universitas Islam Negeri Sunan Gunung Djati Bandung, 2020).

<sup>142</sup> "Perbandingan Konsep Riba dan Bunga Bank Menurut Yusuf Qaradhawi dan Muhammad Sayyid Thantawi serta Implikasinya terhadap Perbankan Syariah," *Jurnal Ilmiah Ekonomi Islam* 7, no. 2 (2021): 1180–92.

<sup>143</sup> "Bank Interest Halal: Distinction Interpretation of Contemporary Ulama Thought Umer Caphra and Muhammad Sayyid Thanthawi," *FINANSIA: Jurnal Akuntansi dan Perbankan Syariah* 5, no. 2 (2022): 105, <https://doi.org/10.32332/finansia.v5i02.5393>.

<sup>144</sup> "Riba Analysis in Bank Interest Viewed from the Perspective of Islamic Legal Philosophy," *International Journal of Humanities, Social Science and Business (INJOSS)* 2, no. 1 (2023): 39–47.

<sup>145</sup> "Status Bunga Bank Konvensional Perspektif Muhammad Sayyid al-Thanthawi" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2017).

<sup>146</sup> "Realitas Domestikasi Perempuan (Studi Penafsiran Q.S al-Ahzab: 33 Perspektif Muhammad Sayyid Thanthawi)" (UIN Maulana Malik Ibrahim Malang, 2021).

<sup>147</sup> "Qashash Al-Qur'an dalam Perspektif Sayyid Thanthawi (Kajian Tafsir Tematik Hikmah Kisah Ulu al-'Azmi)" (Institut Ilmu Al-Qur'an (IIQ) Jakarta, 2016).

<sup>148</sup> "Sayyid Muhammad Thanthawi dan Peranannya dalam Tafsir Al-Qur'an (Telaah Metodologi Kitab: Tafsir al-Wasith)," *Shautut Tarbiyah* 16, no. 2 (2010): 40–55.

<sup>149</sup> "Implementasi Adab Berdialog Menurut Muhammad Sayyid Thanthawi Melalui Pembelajaran Siswa Aktif," *Rayah Al-Islam* 4, no. 02 (2020): 303–24, <https://doi.org/10.37274/rais.v4i02.343>.

<sup>150</sup> "Persamaan Hak Antara Laki-Laki Dan Perempuan Menurut Muhammad Sayyid Thanthawi (Kajian tentang Penciptaan Manusia, Menuntut Ilmu, dan Pembagian Waris)," *Al-'Adalah: Jurnal Syariah dan Hukum Islam* 2, no. 2 (2017): 89–110.

Thanthawi's perspectives and thoughts are not limited to one element. They are more developed towards the three aspects discussed in this study.

There are also various studies on the variable of religious donations, such as Ahmad's research<sup>151</sup> on the potential for interfaith youth cooperation based on houses of worship in Makassar, Gowa, and Sorong. The purpose of this research is to examine cross-religious youth collaboration in carrying out a house of worship-based social agenda. Arifin et al.<sup>152</sup> published an article concerning Islamic and Christian philanthropy. According to this study, both Islam and Christianity have a foundation for alleviating poverty. The term is used in Islam to refer to zakat, infaq, alms, and waqf. In Christianity, it is referred to as offering funds, charity, and donations. Wibowo and Situmorang<sup>153</sup> did research on economic sociology in the management and distribution of social funds which includes Zakat Infak Sadaqah (ZIS) and Congregation Funds. This study discovered that zakat, infaq, sadaqah, waqf, and congregation funds play a significant part in developing the community's economy, particularly for each religious adherent. Nuris<sup>154</sup> carried out research on philanthropy in Islam and the Roman Catholic church, which took a case study in the Jami' Bintaro Jaya Mosque and the Catholic Church of Santo Joannes Baptista Parung. This paper explains the concept of philanthropy and its practice in the two places of worship. Triani and Satyawan<sup>155</sup> in their research interpreted the accounting for the Balinese Hindu community's religious contributions. According to this research, the fees paid by each temple member are from distinct caste levels. Fees for temple construction are a practice that has been passed down from generation to generation. Faisal<sup>156</sup> authored a paper on the legal analysis of cash waqf funds for infrastructure development. He noted that waqf funds can be used to fund infrastructure development projects such as public and social facilities. This is based on many legal requirements governing cash waqf management.

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<sup>151</sup> "Potensi Kerjasama Pemuda Lintas Agama di Sorong," *Jurnal "Al-Qalam"* 16, no. 26 (2010).

<sup>152</sup> "Filantropi Islam dan Kristen : Studi Komparatif," *Saliha: Jurnal Pendidikan dan Agama Islam* 6, no. 1 (2023): 79–95.

<sup>153</sup> "Analisis Sosiologi Ekonomi Dalam Pengelolaan Dan Penyaluran Dana Sosial Studi Komparatif Antara Dana Zakat Infak Sadaqah (Zis) Dan Dana Kolekte," *Research Journal of Accounting and Business Management* 4, no. 1 (2020): 27–45, <https://doi.org/10.31293/rjabm.v4i1.4674>.

<sup>154</sup> "Filantropi dalam Islam dan Gereja Roma Katolik: Studi Kasus Jami' Bintaro Jaya dan Gereja Katolik Santo Joannes Baptista Parung" (Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2020).

<sup>155</sup> "Memaknai Sisi Akuntansi Sumbangan Keagamaan Masyarakat Hindu Bali," *Jurnal Akuntansi Multiparadigma*, 2016, 240–55, <https://doi.org/10.18202/jamal.2016.08.7019>.

<sup>156</sup> "Analisis Hukum Penggunaan Dana Wakaf Tunai Untuk Pembangunan Infrastruktur," *DE LEGA LATA: Jurnal Ilmu Hukum* 5, no. 2 (2020): 193–207, <https://doi.org/10.30596/dll.v5i2.4058>.

Research by Imam and Fakhruddin <sup>157</sup> concerning distributing zakat to non-Muslims, which covers the review of Imams of Islamic schools of thought and Maqasid Sharia Jasser Auda, shows that the giving of zakat to non-Muslims differs amongst Islamic schools of thought, with some allowing it and others not. Referring to Jasser Auda's sharia maqasid theory, paying zakat to non-Muslims is acceptable, based on the features offered by Auda (cognitive, comprehensive, display, interrelated hierarchies, multidimensional legal system, maqasid legal system), but zakat to other Muslim fellows is prioritized. Zaynap <sup>158</sup> also conducted a study on the law of giving zakat to poor non-Muslims. She noticed in her investigation that there are experts who approve zakat for poor non-Muslims and those who do not. The istinbāth method used by Imam Zufar and Imam Nawawī in determining the non-Muslim poor asnaf is using the bayāni approach, which focuses on expanding knowledge of the concepts included in the text. According to the two perspectives presented above, the legal genesis of zakat to non-Muslims is founded on asnaf. However, the zakat law can be changed if it is beneficial.

Another researcher, Fitra Rizal, <sup>159</sup> conducted a study on non-Muslim waqf and cash waqf from Wahbah Zuhaili's viewpoints. This research revealed that waqf from non-Muslims is acceptable, according to Wahbah Zuhaili. As in the construction of mosques, schools, and other facilities, whether in the form of money, building supplies, or labor. These donations or aid are permissible, provided that they are not binding and will not cause harm in the future, both for Muslims and for the institution concerned. Muhammad Gufran <sup>160</sup> wrote an article on the views of Hanafi and Maliki schools on the law of waqf for non-Muslims in relation to contemporary Fiqh. According to Imam Hanafi, non-Muslim waqf is invalid if it is to build a mosque since waqf for the goal of building a mosque is taqarub in Islamic law, which is only for Muslims. However, waqf meant for social or worship activity in general is permitted.

Kanga, et al. <sup>161</sup> investigated the law governing the distribution of Qurbani meat to non-Muslims from the perspective of the Islamic Religious Council of Pattani

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<sup>157</sup> "Pemberian Zakat Terhadap Non Muslim Tunjauan Imam Madzhab dan Maqasid Syariah Jasser Auda," *Journal of Islamic Business Law* 1, no. 3 (2017): 1–11.

<sup>158</sup> "Hukum Pemberian Zakat Kepada Non-Muslim Yang Miskin (Studi Komparatif Antara Imam Zufar Dan Imam Nawawī)" (UIN Ar-Raniry, 2022), <https://repository.ar-raniry.ac.id/id/eprint/23016/>.

<sup>159</sup> "Wakaf Non Muslim Dan Wakaf Uang Menurut Pandangan Wahbah Zuhaili," *Al-Intaj : Jurnal Ekonomi dan Perbankan Syariah* 5, no. 2 (2019): 176–87, <https://doi.org/10.29300/aj.v5i2.2059>.

<sup>160</sup> "Pandangan Mazhab Hanafi dan Maliki terhadap Hukum Wakaf bagi Non Muslim dalam Kaitannya dengan Fiqih Kontemporer" (Universitas Islam Negeri Alauddin Makassar, 2015).

<sup>161</sup> "Hukum Distribusi Daging Qurban Kepada Non-Muslim Menurut Pandangan Majelis Agama Islam Provinsi Pattani Thailand Selatan," *Jurnal Diskursus Islam* 4, no. 2 (2016): 285–300.



Province in Southern Thailand. It is explained that the Imams of the madhhab agreed that Udhiyyah (sacrificing animals) is prescribed in Islam. However, scholars differ on whether it is permitted to distribute Qurbani meat to non-Muslims. This is due to the lack of verses or hadiths that define this. There are no verses or hadiths mention that the distribution of Qurbani meat only to Muslims. In addition, there is also no ijma' of scholars on the subject. However, the concern of distributing Qurbani meat to non-Muslims is a furu'iyah issue, and there are differences among fuqaha scholars. Muhammad Fadlan <sup>162</sup> in his study regarding Istimbat Al-Ahkam analysis of Muhammad Sayyid Thantawi's controversial fatwa outlined the contentious fatwa of Sayyid Thantawi on various subjects, including the permissibility of donating to church construction, engaging with bank interest and Muslim students removing their veils in France. From some of his fatwas, it can be seen that he emphasizes the aspect of maḥlāḥat when there is a conflict between maḥlāḥat and muḥarrāṭ, and he is also occasionally more concerned with maḥlāḥat than naḥ aspect in his fatwa. His thinking style is more moderate and supports religious tolerance, and there is occasionally a political objective to maintain good relations, both within states and between countries. Lilam Kadain Nuriyanto <sup>163</sup> in his study of social integration of the management of Islamic and Christian houses of worship in Surakarta observed that administrators of houses of worship have a tolerance relationship based on the physical building and its role as a place of worship. Second, there is cooperation, mutual cooperation, and mutual respect in worship, an inclusive religious attitude, and the wisdom of mutual openness in reacting to activities held between nearby houses of worship.

Wahyudi Sri Wijayanto <sup>164</sup> in his paper on conflict resolution in the construction of the Indonesian Baptist Church in Tlogosari Semarang showed that the cause of the conflict in the construction of the baptism church in Tlogosari was that the residents of Malangsari RT 06/RW 07 felt disappointed because the Church used fraudulent methods to obtain a Building Permit (IMB), namely by falsifying citizen signatures. Furthermore, residents were concerned that if an Indonesian Baptist Church was built in that location, their faith would be jeopardized. Second, the city administration resolved the conflict through mediation, which was then conducted by National Human Rights Commission so that the Church can be rebuilt.

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<sup>162</sup> "Analisis Istimbat al-Ahkam Fatwa Muhammad Sayyid Thantawi yang Kontroversial" (Institut Agama Islam Negeri Sumatera Utara Medan, 2013).

<sup>163</sup> "Social Integration Management Of Places Of Worship For Islam And Christian In Surakarta," *Analisa Journal of Social Science and Religion* 22, no. 1 (2015): 29–41, <https://doi.org/10.18784/analisa.v22i1.144>.

<sup>164</sup> "Resolusi Konflik Pembangunan Gereja Baptis Indonesia di Tlogosari Semarang," *Jurnal Abdiel: Khazanah Pemikiran Teologi, Pendidikan Agama Kristen dan Musik Gereja* 5, no. 1 (2021): 57–73, <https://doi.org/10.37368/ja.v5i1.235>.

It can be seen that the Church is able to build the Church legally, but there was no social peace. Bakri La Suhu <sup>165</sup> in his research concerning social conflicts in church construction elaborated conflicts in church construction were caused by, among other things, (1) the church leaders were no longer neutral in visiting the Adu village community who were sick, they only visited one group while other groups were ignored, and (2) the rules from the church leadership regarding the church's responsibility (obligation) for each person to contribute Rp. 200,000,-/ per year for the construction of the church was considered too burdensome for the community. Whereas conflict resolution was achieved through negotiation (deliberation for consensus) between the Old GMIH and Renewal GMIH, these negotiations result in a mutual agreement so that the Renewal GMIH's planned new church construction could start.

Based on the literature studies, it can be concluded that Muhammad Sayyid Thanthawi's *ijtihad* concerning donating to the construction of churches in accordance with Islamic law has not been thoroughly researched by previous researchers. This article focuses on Muhammad Sayyid Thanthawi's *ijtihad* approach in deciding the law of making donations to the church's building, as well as how the *ijtihad* method he utilized.

## **5. *Ijtihad* pattern of Muhammad Sayyid Thanthawi**

In this regard, an *ijtihad* pattern is an approach of thinking that exists in every Islamic legal thinker while examining and judging a social reality. Every mujtahid has its own way of assessing reality. This is related to variances in ways of thinking and perspectives. According to Yusuf al-Qaradawi, there are three types of *ijtihad* in contemporary times, including the followings:

### **g. Traditionalist pattern (*ittijāh al-Taḍyīq wa al-Tašdid*)**

Traditionalists are people who only partially grasp the texts of the Qur'an and the Sunnah of the Prophet Muhammad SAW, are literalist textualists, and are not connected to the primary goal of enacting a law (*maqashid sharia*). They are the new Zahiriyah (Zhahiriyah al-Judud), who reject to look for reasonable justifications (*'illat*) underlying legal passages. This group generally explores hadith science but is not used to using *ushul fiq* science to construct rules. They frequently restrict all sorts of photographic images, all songs, and music, and penalize any behaviors that the Prophet Muhammad never performed as *bid'ah*, which is forbidden. This group also forces every Muslim to adhere to a certain school of thought. They profoundly revere the outcomes of earlier scholars' *ijtihad*,

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<sup>165</sup> "Konflik Sosial dalam Pembangunan Gereja," *Jurnal Politico* 18, no. 2 (2018).

which are preserved in texts of classical fiqh. They consider that the classical scholars have explored all of the new challenges that have developed in this century so that contemporary scholars just seek and examine the desired problems in these classic works. Scholars today are unable to practice ijtiḥād in the same way that ancient scholars did. They limit the scope of ijtiḥād, and their views frequently make life difficult for today's society.

#### **h. Liberalist Pattern (*ittijāh al-Ġuluw fi al-tawassu'*)**

The liberal ijtiḥād school of thought is made up of intellectuals who are not experts in sharia sciences but they talk and write a lot about Islamic law. Their thought is oriented on the idea that Islamic teachings are applicable to every space and age, hence they are looking for reasons (arguments) to explain any legal disputes that occur in this era. They prioritize benefit and frequently disregard the commands of the Qur'an and Sunnah. Among the opinions of liberal thinkers are those who allow marriage and inheritance distribution between adherents of different religions. They judge that all religions are equally true because the truth is relative. They also allow LGBT and adultery on the grounds of the legality of holding slaves (*milkul yamin*).

#### **i. Moderate Pattern *ittijāh (al-tawāzun wa al-mu'tadil)***

Moderate thinkers are scholars and intellectuals that take the "middle path" (*wasathy*) between groups that complicate and narrow ijtiḥād (traditionalist group) and groups that provide too much freedom in doing ijtiḥād (liberalist group). This moderate approach to ijtiḥād involves paying attention to the demands of the Qur'an's text and the Prophet's Sunnah, analyzing the rational reasoning behind the text, and assessing the benefit and context. This group consists of scholars who have extensive knowledge, are pious (*wara'*), and think clearly (*mu'tadil*).

If these three categories of contemporary ijtiḥād are applied to analyze Muhammad Sayyid Thanthawi's ijtiḥād in evaluating whether it is allowed for Muslims to donate to church construction, it can be stated that Sayyid Thanthawi's ijtiḥād is moderate in pattern (*wasathy*). This is because Sayyid Thanthawi does not forbid Muslims from contributing to the construction of churches, contrary to the position of the Egyptian fatwa institution, Dar ifta' al-Mishriyah, and other scholars who disagree with Thanthawi. Giving donations for church construction is considered sinful conduct that is forbidden by religion, according to the Egyptian Fatwa institution. This is the same as donating to the construction of gambling businesses, nightclubs,

and places to keep cats, dogs, and pigs. Another Egyptian scholar, Syekh Abdurrahman, banned Muslims from donating to church construction on the grounds that there is no justification from the Qur'an and Sunnah that supports it. Aside from that, there are many wealthy Christians who must contribute to the church's construction. Another reason is that there are still many poor Muslims who require assistance in building their homes, mosques, and Islamic hospitals. Wealthy Muslims must support needy Muslims rather than donate to church development.

Mufti of the Arab Republic of Egypt Muhammad Sayyid Thanthawi holds a different viewpoint, allowing Muslims to contribute to the construction of churches. One of his statements reads: <sup>166</sup> *“A Muslim may contribute to the construction of a church since he has complete control over how he spends his money. Muslims are not prohibited by Islamic law from providing donations to build churches to assist and cooperate with their Christian counterparts. Furthermore, some Christians contribute to the construction of mosques.”* Based on this statement, the rationale is that every Muslim has the right to use his wealth. There is no clear restriction in Islamic law against making donations to build churches. Giving funds to build a church falls under the area of supporting each other that Islam encourages. In addition, some Christians contribute to the mosque's development. As a result, Christians' good deeds must also be rewarded with kindness. A similar good deed is the recompense for a good deed. Among these deeds is a donation to the church's construction. Thanthawi's fatwa is more concerned with creating justice and maintaining inter-religious harmony.

Aside from the benefit, Sayyid Thanthawi's fatwa does not violate the provisions of the Qur'anic text that allow Muslims to help non-Muslims as long as they are not hostile to Muslims. Allah says: *“Allah does not forbid that you be kind and just to those who did not fight against you on account of religion, nor drove you out of your homes. Surely Allah loves those who are equitable”* (Q.S: 60 verse 8). Furthermore, Sayyid Thanthawi has a positive perspective toward the church, seeing it as a place of worship that promotes peace and tolerance<sup>167</sup>.

In Islamic law, there is the term "ahlu al-zimmah" or "zimmiy people", namely non-Muslims who live under Muslim rule or who live in countries where the majority of the population is Muslim. Islam obliges every Muslim to do good to these zimmiy

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<sup>166</sup> Masykur, “Tabarru’ Muslim li Bina’ Kanais Jaiz Syar’an.”

<sup>167</sup> Masykur.

people. This is supported by the hadith of the Prophet Muhammad, which reads: “Whoever hurts the zimmi person, he hurts me, and whoever hurts me, then I will be hostile to him on the Day of Resurrection” (Hadith narrated by Abu Daud). Based on this hadith of the Prophet Muhammad, the opinion that prohibits Muslims from donating to Christians to build churches might be deemed to hurt non-Muslims (zimmiy), something the Prophet forbade. On the contrary, the viewpoint that allows Muslims to contribute to church construction is consistent with the Prophet Muhammad's order to embrace non-Muslims (zimmiy) who live with Muslims in a country.

Based on the explanation above, Sayyid Thanthawi's ijtiḥād belongs to the Moderate (wasthy) pattern. Sayyid Thanthawi's thoughts are based on the common good, creating justice and harmony between religious communities, without violating the provisions of the Qur'anic text. However, when viewed from another perspective, the mutual help commanded by Islamic teachings is mutual assistance in performing good and piety, not helping in sin and enmity. Giving donations to Christians to build churches includes helping them in committing sins and immorality because the church is a place of worship for Christians who believe in three Gods (trinity) the Father (God Father), Jesus Christ (the Son) and the Holy Spirit<sup>168</sup>. Worshiping three Gods is a sinful act that Islamic teachings forbid. As a result, scholars other than Thanthawi believe that donating to the construction of a church, like donating to the construction of gambling businesses and nightclubs, is an immoral act. Therefore, Muslims are prohibited from contributing to the construction of churches. From this perspective, Sayyid Thanthawi's ijtiḥād, which allows donations for church construction, might be considered liberal because it departs from the commands of the Qur'an's text.

## **6. *Ijtiḥād* Method of Muhammad Sayyid Thanthawi**

In English, "method" refers to a technique or way of doing something, as well as a procedure for accomplishing something. In Arabic, the method is called "Thariqoh" or "manhaj", which is the method used by a mujtahid in understanding, discovering, and formulating Islamic law<sup>169</sup>. In this context, "method" refers to Mufti Muhammad Sayyid Thanthawi's approach of reasoning when establishing the law

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<sup>168</sup> P Booth, “Towards the Coptic Church: The Making of the Severan Episcopate,” *Millenium* 14, no. 1 (2017): 151–90.

<sup>169</sup> Amir Syarifuddin, *Ushul Fiqh* (Kencana, 2009).

requiring donations for church construction. Ijtihad is derived from the Arabic term "Ja-ha-da," which signifies sincerity, ability, and difficulty. The term "Ijtihad" refers to using all of one's abilities to attain something difficult, while also encountering challenges. The word "ijtihad" is only used for heavy work, not for light tasks<sup>170</sup>. The words "ijtihad" and "jihad" are derived from the same root word, "Jahada." Ijtihad refers to the mobilization of all intellectual abilities in order to understand and uncover law from its source, the Qur'an and Sunnah. The word "Jihad" refers to using one's whole physical strength and energy to protect and defend Islam. The term "ijtihad" implies "deep thought," but "jihad" signifies "hard work with physical force".

Scholars define ijtihad in many ways, but the essence remains the same. Among the definitions of ijtihad is devoting all of Mujtahid's (Islamic law experts') thinking capacity to seeking knowledge of Islamic law from the source<sup>171</sup>. From the various definitions of ijtihad proposed by scholars, ijtihad must include the following characteristics:

9. There is an endeavor to fully utilize all rational thought.
10. The goal of ijtihad is to discover Islamic law that is zhanni (interpretable) and practical.
11. Ijtihad is performed by competent individuals who are experts in Islamic law and are known as Mujtahid.
12. The ijtihad method, which is presented in the science of ushul fiqh, is used to carry out ijtihad by drawing certain conclusions.

The Quran and the Sunnah of the Prophet Muhammad s.a.w are the sources of Islamic law. The number of Quran and Sunnah verses is limited because they do not add up after the death of the prophet Muhammad SAW. On the other hand, certain circumstances and occurrences continue to evolve with the passage of time. The various new cases need to be legalized by Islamic jurists. The question that emerges is how the limited number of Qur'anic and Sunnah texts can provide answers to infinite circumstances. To be able to answer these unlimited cases, Islamic jurists use certain methods to be able to understand, discover and formulate Islamic law from their limited sources.

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<sup>170</sup> Syeikh Muhammad Al-Ghazali, *Lailatu al-Qadr* (Akbar al-Yaum, 1991).

<sup>171</sup> Ibnu Qudamah, *No Title*, 1983.

The method of *ijtihad* for determining the law was taught by Prophet Muhammad s.a.w. When the Prophet sent Mu'adz bin Jabal to Yemen to be a judge, the Prophet asked Mu'adz, "How do you determine the law when faced with a case?" Mu'adz replied, "I will establish the law based on the Quran". The Prophet asked, "What if the law is not found in the Quran?" "I established the law based on the Sunnah of the Prophet (Hadith)," Mu'adz bin Jabal answered. "How do you determine the law if it is not found in the Qur'an and the Sunnah?" the Prophet asked again. "I will perform *ijtihad* to the best of my ability," Mu'adz replied. The Prophet then praised Mu'adz bin Jabal's method (Hadith narrated by Riwayat Abu Daud).

This method of *ijtihad* is evolving with the times. There are various *ijtihad* patterns in the book of *ushul fiqh*, but the researcher divides them into three categories: *Bayani ijtihad*, *Qiyasi ijtihad*, and *istishlahi ijtihad*. The *Bayani ijtihad* is a method of determining Islamic law based on particular Qur'anic and Sunnah texts. The texts of the Qur'an and Sunnah are thoroughly investigated from a linguistic aspect. The *Qiyasi ijtihad* method is a method of constructing Islamic law in new issues that do not have any textual rule in the Qur'an/Sunnah. This strategy works by associating it with circumstances that already have laws in the Qur'an and Sunnah. This method entails looking for rational reasons (*'illat*) behind a command or prohibition. After obtaining the rational reasons (*'illat*), the legal scope might be broadened to include other similar circumstances. The *Istiṣlahī* approach is a way for developing Islamic law on matters that are not explicitly mentioned in the Qur'an or Sunnah by evaluating both benefits (*maṣlahat*) and harm (*muḍarat*) because the spirit of Islamic law is to benefit as many people as possible. In a case where there are more benefits than harm, then it is permissible even though there is no specific text that explains it in the Qur'an and Sunnah. The classification of the *ijtihad* method into the *Bayānī*, *Qiyāsī*, and the *Istiṣlahī* method is mentioned by Muhammad Salam Madkur in his book *al-Ijtihad Fi al-Tasyri' al-Islami* pages 42 -49, and explained by Ma'ruf al-Dawalibi in his book *al-Madḥal ila 'ilmi Usūl Fiqh* page 75 – 156. According to Wahbah al-Zuhali, this classification is also briefly explained by Imam Abu Ishaq al-Syatibi in his book *al-Muwāfaqāt fī Ushūl al-Šari'ah*, volume 4 page 96.<sup>172</sup>

If this classification of the *ijtihad* method is used to assess Muhammad Sayyid Thanthawi's *ijtihad* in formulating the law that allows Muslims to contribute to the construction of churches, Thanthawi employed a third pattern, known as the *istishlah*

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<sup>172</sup> Wahbah al-Zuhaili, *Ushul Fiqih al-Islami II*, n.d.

method or the maslahat method. Sayyid Thanthawi does not employ the bayani technique, nor does he conduct in-depth linguistic analyses of particular verses of the Quran or Sunnah. Thanthawi also does not use the Qiyasi method since he does not look for the rationale (*'illat*) behind a command or prohibition. In the istislahi method, there is the term *l'tibar ma-allat*, which is establishing the law in the present by considering the consequences in the future. It assesses what the consequences will be in the future if a law is passed now; will it provide benefits, peace, and harmony? Alternatively, it will produce damage or chaos (injury). Included in the discussion of the *i'tibār ma'allāt* method are the *sadd al-zari'ah* and *fathu zari'ah* methods.

*Sadd* is an Arabic word that means "to close," and *Zari'ah* means "way." According to ushul fiqh scholars, *Sadd al-Zari'ah* refers to any act that becomes an intermediary, which is basically permissible, but because it can lead to something that is prohibited, then the action is also prohibited<sup>173</sup>. This means that any path that leads to forbidden conduct must be closed or prohibited. The legal basis for this *sadd zari'ah* method includes the word of Allah: "Do not revile those whom they invoke other than Allah because they will revile Allah in ignorance out of spite" (Q.S 6: 108). The act of condemning those who worship other than Allah will result in them eventually denouncing Allah out of spite.

A Muslim who donates to the construction of a church leads to Christians believing that their religion is true, even though, according to Islamic teaching, Christians worship three Gods: the Father, the Son, and the Holy Spirit. Sayyid Thanthawi should have prohibited Muslims from donating to church construction. Sayyid Thanthawi, on the other hand, paved the way, allowing Muslims to contribute to the construction of churches. This method is called *fathu zari'ah*, which means establishing paths and opportunities for Muslims to contribute to the construction of churches because Sayyid Thanthawi considers the benefits that will occur after his Fatwa is issued. The implication that emerges after the issuance of the Fatwa by Sheikh Sayyid Thanthawi which allows Muslims to contribute to the construction of churches is the birth of a positive attitude from Christians towards Muslims in Egypt. As a result, religious communities find peace and harmony. This is the advantage that Sayyid Thanthawi sees. Among Thanthawi's arguments for the freedom of any Muslim to use his wealth is that there is no argument against providing support for the construction of a church. The wealth of Muslims can aid their Christian

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<sup>173</sup> Makmur Syarif, *Sad Al-Zari'ah dan Pembaharuan Hukum Islam* (IAIN IB Press, 2006).



compatriots. Besides, some Christians also contribute to the construction of mosques. Furthermore, as previously mentioned, Sayyid Thanthawi's ijtiḥad does not contradict the instructions of the Qur'an in surah al-Mumtahanah verse 8. Muhammad Sayyid Thanthawi's role as Mufti of the Arab Republic of Egypt, tasked with protecting all religious communities coexisting in Egypt, resulted in the emergence of a fatwa that is moderate, soothing, and conciliatory. Sayyid Thanthawi's opinions are consistent with the legal principles that he frequently employs when dealing with new challenges, namely considering the benefit. He says: " *If the Maslahat contradicts the mafsada (damage), the stronger of the two is preferred; if the two mafsada contradict, the one with the least harm is chosen.*" <sup>174</sup>

Additionally, Sayyid Thanthawi's views are consistent with those of other scholars who allow Muslims to give Zakat to non-Muslims in order to win the hearts of non-Muslims while not harming Muslims, such as Sheikh Yusuf al-Qaradawi, who allows Muslims to give zakat to non-Muslims who can be considered as *al- Mu'allaf Qulūbuhum* <sup>175</sup>

## I. Conclusion

Based on the preceding findings, it can be concluded that Muhammad Sayyid Thanthawi's ijtiḥad permits Muslims to contribute to the construction of moderate churches because he is more concerned with the broader benefit of establishing justice and inter-religious harmony in Egypt. Furthermore, Sayyid Thanthawi's thought takes into account the demands of the Qur'an's text, surah al-mumtahanah verse 8, which states that Allah does not forbid Muslims from doing good and being just to non-Muslims who do not oppose Muslims in religious matters and do not expel Muslims from their country. Sayyid Thanthawi's view is further supported by his position as the Mufti of the Arab Republic of Egypt, who must consider the interests of all Egyptians in order to bring justice and peace to the country. Muhammad Sayyid Thanthawi's ijtiḥad method in establishing the law permissible for Muslims to contribute to church construction is the maslahat method, namely i'tibar al-mallat, considering the implications of his fatwa concerning the benefits and harms that will arise in the future. The fatwa issued by Sayyid Thanthawi allowing Muslims to contribute to the construction of churches provides a chance (*fathu zari'ah*) for

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<sup>174</sup> Muhammad Rajab Bayumi, *Al-Mujtahidunn fi Maidan al-Tasyri'* (Al-Azhar, 2013).

<sup>175</sup> Yusuf Al-Qaradhawi, *Fiqh al-Zakat*, Jilid 2 (Dar Qalam, 1994).

Muslims to do good to Christians by assisting in the construction of churches, as some Christians in Egypt also donate to the construction of mosques.

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