



THE CONCEPT OF DHARURI BISY SYAUKAH IN FIQH SIYASAH: A STUDY OF THE THOUGHT OF ABUYA MUHAMMAD WALY AL-KHALIDI

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Abstrak: Pada masa pemerintahan Ir. Soekarno banyak terjadi peristiwa-peristiwa penting, salah satunya adalah terbentuknya gerakan DI/TI yang dipimpin oleh Sekarmadji Maridjan Kartosuwirjo. Gerakan ini mempunyai pasukan yang disebut Tentara Islam Indonesia (TII), sehingga pemberontakan ini sering disebut dengan DI/TI. Gerakan DI/TII memiliki tujuan mendirikan Negara Islam Indonesia. Partai-partai Islam, selain memperdebatkan bentuk Negara Islam yang diinginkan, juga memperdebatkan legalitas Presiden RI Soekarno sebagai ulil amri yang wajib ditaati karena pemerintah ini bukan pemerintah Islam. Menyikapi perdebatan terus-menerus kelompok Islamis di Konstituante itu, pada tanggal 14 Oktober 1957, Presiden Soekarno mengundang sekitar 500 ulama dari seluruh pulau Jawa, dan dua ulama terkemuka dari Aceh, Teungku M. Hasan Krueng Kalee dan Abuya Muda Wali al-Khalidy ke Istana Cipanas, membicarakan status Negara RI dan Presidennya dalam tinjauan agama Islam, apakah sah atau tidak. Sehingga lahirlah sebuah predikat *Waliyul Amri Dharuri Bisy Syaukah* kepada presiden Soekarno terhadap sahnya beliau sebagai Kepala Negara. Dalam penulisan karya ilmiah ini penulis menggunakan metode *library research* (kajian pustaka) sebagai teknik pengumpulan data, yaitu dengan membaca dan menelaah bahan-bahan yang bersifat teoritis. Hasil penelitian ini menunjukkan bahwa *Waliyul Amri Dharury Bisy Syaukah* merupakan salah satu gagasan yang diusulkan oleh Abuya Muda Waly yang disetujui oleh seluruh ulama yang hadir dalam muktamar di Istana Negara Cipanas, Bogor. Konsep di atas memiliki makna bahwa kepala Negara yang sifatnya darurat mempunyai kekuatan dan kemampuan, selaku Kepala Negara yang memimpin bangsa dan warga negaranya Persetujuan tersebut menetapkan legalitasnya presiden Soekarno sebagai Kepala Negara.

Kata Kunci: *Fikih Siyasah; Dharuri Bisy Syaukah; Abuya Muda Waly*

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Abstract: During Soekarno's administration, several significant events took place, including the emergence of the DI/TI movement led by Sekarmadji Maridjan Kartosuwirjo. This movement, also known as DI/TII, operated under the Tentara Islam Indonesia (TII) and aimed to establish an Islamic State of Indonesia. Concurrently, Islamic parties debated not only the desired form of an Islamic state but also the legitimacy of President Soekarno as *ulil amri* (leader deserving of obedience) due to the government not being Islamic. Amidst ongoing debates within the Islamic factions in the Constituent Assembly, President Soekarno convened approximately 500 ulama from Java and two prominent ulama from Aceh, Teungku M. Hasan Krueng Kalee and Abuya Muda Wali al-Khalidy, at Istana Cipanas on October 14, 1957. They discussed the status of the Indonesian state and its president under Islamic jurisprudence, deliberating on whether his leadership was legitimate according to Islamic principles. Out of this meeting emerged the concept of "Waliyul Amri Dharuri Bisyy Syaukah", bestowed upon President Soekarno, affirming his legitimacy as the head of state despite Indonesia not being an Islamic nation. The scholarly work discussed in this context employs library research as its method, gathering theoretical insights by studying relevant literature. The research findings underscore the proposal of "Dharuri Bisyy Syaukah," a consensus reached among the attending ulama, which solidified President Soekarno's legitimacy as the national leader.

Keywords: *Fiqh Siyasah; Dharuri Bisyy Syaukah; Abuya Muda Waly*

INTRODUCTION

Indonesia has a long history of achieving independence. In addition to the persistence of the nation's fighters in seizing independence, behind them is the role of scholars who are motivators in arousing the spirit of struggle. Scholars do not hesitate to jump directly into the battlefield as a form of their love for fighting for the nation and defending religious honour.

Ulama have an important position and role for the Indonesian people. In addition to being a place of religious reference, scholars are also figures who are often asked for advice in making decisions in the social environment and government. This is because scholars are considered to have wisdom in making decisions.

Since the beginning of Indonesia's independence, the ulama have defended independence by strengthening the government system.

Although the scholars differ on the concept of government that Indonesia must embrace, the scholars are very enthusiastic about the formation of the Unitary State of the Republic of Indonesia (NKRI) with a legitimate and sovereign government.

Various ideological suggestions emerged from various state leaders to determine the principles of government, including suggestions to establish a system of government according to Islam. However, most parties deny this on the grounds that the realization of the Republic of Indonesia is not only thanks to the struggle of Muslims but also many struggle figures from other religions who also fought in upholding the Unitary State of the Republic of Indonesia.

Subsequently, PPKI held a session to form a new Indonesian government after the proclamation of Indonesian independence on August 17, 1945. The session took place on August 18, 1945, at the Cuo Sangi in Jakarta Building, which is now known as the Pancasila Building. Otto Iskandardinata proposed two proclaimators, Sukarno and Mohammad Hatta, who were later elected president and vice president in this session. Since no other candidate was submitted, Sukarno was elected president of Indonesia by acclamation, which was a unanimous decision without a vote count. In addition, Sukarno was elected president because of his contribution to Indonesia, especially his role as a proclaimer of Indonesian independence. Sukarno also continued to fight for Indonesian independence for decades before Indonesia was declared independent in 1945.

In addition, Soekarno was also the most important figure during the preparation for independence in the Indonesian Independence Preparatory Investigation Agency (BPUPKI). When Sukarno first introduced the concept of Pancasila on June 1, 1945, the participants of the BPUPKI Session were astonished. When Indonesia was still under threat of takeover by the Dutch and the Allies, Sukarno also had the leadership qualities needed during the conflict. Indonesia needed someone who could inspire all Indonesian people to support Indonesia's independence at that time. Sukarno was chosen as the first president of Indonesia based on his qualities and contributions.¹

During the reign of Ir. Soekarno, many important events occurred, one of which was the formation of the DI/TI movement led by Sekarmadji Maridjan Kartosuwirjo. Kartosuwirjo and his DI movement actually

¹Kompas.com, "Mengapa Soekarno Dipilih Menjadi Presiden?" <https://www.kompas.com/stori/read/2021/09/11/110000979/mengapa-soekarno-dipilih-menjadi-presiden?page=all> (accessed on April 16, 2023, at 17:27)

supported the Republic in the struggle against the Dutch, as did the Hezbollah and Sabilillah forces in West Java, under the leadership of Kamran and Oni. However, problems then arose when Indonesia made the Renville agreement with the Dutch.² In early 1948, a political movement known as Darul Islam (DI) emerged. This rebellion is often referred to as DI/TII because this movement has an army known as the Indonesian Islamic Army (TII). According to the official website of the Ministry of Education and Culture, the DI/TII organisation aims to establish the Islamic State of Indonesia. One of the most challenging rebellions Indonesia has ever faced is DI/TII.³

The Islamic parties discussed the legitimacy of President Soekarno as an *ulil amri* that must be obeyed because this government was not Islamic, in addition to the desired Islamic State structure. President Sukarno invited about 500 scholars from all over Java and two prominent scholars from Aceh, Teungku M. Hasan Krueng Kalee and Abuya Muda Wali al-Khalidy, to the Cipanas Palace on October 14, 1957, to respond to the ongoing debate from Islamic groups in the Constituent Assembly. The purpose of the invitation is to discuss the legitimacy of the Republic of Indonesia and its President in the view of Islam. Each scholar from various representatives present expressed their own opinions and sentiments.⁴

So, in a long debate, a decision came out in the deliberations, where Ir. Soekarno's position as president was valid and sovereign. *Ulil Amri Dharuri Bus Syaukah* was a title agreed by the scholars at that time to be given to President Soekarno. A title that means the head of State whose nature is Emergency has Strength and Ability, as the Head of State who leads the nation and its citizens. At first, there was still a debate. The leader of the Session asked for the opinion of the Acehnese scholars after everyone had almost reached that conclusion. Abuya Muda Wali was asked to respond by Abu Krueng Kalee, who stated that Sukarno was legally the president of Dharurat because he had "*Shaukah*" (power and strength). As commander-in-chief, he was in charge of the Indonesian National Army and the police. Abuya Muda Wali and Teungku M. Hasan Krueng Kalee basically believe that, even though it is "*Dharuri bi asysyaukah*," the

²Gurupendidikan.com, "Sejarah Terbentuknya DI/TII" <https://www.gurupendidikan.co.id/sejarah-terbentuknya-di-tii-beserta-penjelasan-nya/> (accessed on April 16, 2023, at 17:21)

³Detik.Com, "Sejarah Pemberontakan Darul Islam/Tentara Islam Indonesia di Jawa Barat" <https://www.detik.com/edu/detikpedia/d-5733286/sejarah-pemberontakan-darul-islam-tentara-islam-indonesia-di-jawa-barat> (accessed on April 16, 2023, at 17:43)

⁴Muhibbudin, *The Pemikiran Abuya Muda Waly Al-Khalidy*,

Indonesian government and Soekarno are legitimate enough to be called the Government *Ulil Amri* in accordance with Islam.⁵

Therefore, from the above description, the researcher is interested in studying more deeply the dharuri bisy syaukah, which is a proposal from one of the scholars participating in the deliberations in Cipanas, namely Abuya Muda Waly, on the legality of Soekarno as a *Ulil Amri*, which is obeyed. By drawing a title. **The Concept of Dharuri bi Syaukah in Fiqh Siyasah: A Study of the Thought of Abuya Muda Waly**

DISCUSSION

Profile of Abuya Muda Waly

1. Abuya's birth

Abuya Sheikh Haji Muda Waly was born in Blang poroh village, one of the villages in the Labuhan Haji sub-district area in 1338 H/1917 AD.⁶ No one in his family knew exactly the day, date, month, or time of his birth.⁷ He was the youngest son of Sheikh Haji Muhammad Salim bin Malin Palito and had several brothers. Actually, he had a younger brother, but because he died when he was a child, he was considered the youngest son.⁸

Sheikh Haji Muhammad Salim is from Batusangkar, West Sumatra. He came to South Aceh as a dai or preacher as well as a religious teacher. While his famous uncle was called by the people of Labuhan Haji with the nickname "Tuanku Peulumat", originally Sheikh Haji Abdul Karim had long preceded him in migrating to South Aceh and living in Labuhan Haji sub-district as well as a dai, teacher and scholar who actively spread the values of Islam.⁹

Abuya's mother died when she was six years old. He was then taken care of by his stepmother, Hadijah bint Imam Masjid mukim, the second wife of his parents. She is the daughter of the imam of the mukim mosque of Suak Berembang Village (Ladang Tuha 1), Manggeng District. Although her parents' marriage to Umi was short-lived, she was called "Mak Induak" in society.¹⁰ Abdullah Ghani is the eldest of the family's five siblings. His two older sisters are Umi Kalsum and Siti

⁵Muhibbudin, *Pemikiran Abuya Muda Waly Al-Khalidy*,

⁶ Musliadi, *Abuya Syeikh Muda Waly Al-Khalidy Syaikhul Islam Aceh, Tokoh Pendidikan dan Ulama 'Arif Billah* (South Aceh: Yayasan Asasussalam Al-Waliyyah) 2018, p. 3

⁷ Muhibbudin Waly, *Ayah Kami Abuya Syeikh Muhammad Waly Al-Khalidy. Father of Education Aceh* (Aceh Besar: Al-Waliyyah Publisng), 2016 p. 64

⁸ Muhibbudin Waly, *Ayah Kami Abuya Syeikh Muhammad Waly Al-Khalidy*, p. 64

⁹ *Ibid*, pp. 64-65

¹⁰ Musliadi, *Abuya Syeikh Muda Waly Al-Khalidy Syaikhul Islam Aceh, Tokoh Pendidikan dan Ulama 'Arif Billah* (Aceh Selatan: Yayasan Asasussalam Al-Waliyyah), 2018, p. 4

Maliyah. Abuya's youngest sister died when her mother gave birth. He married after adulthood. Abuya had six wives, and he had to divorce one of them first because Islamic law forbids having more than one wife.¹¹

Abuya married many women, not because he was crazy about women or following his lust. His marriage was mostly a request from the local community for the sake of da'wah and religious development.¹² His childhood name was Muhammad Waly. After he was in the ranks of the great scholars in West Sumatra, he was titled *Mangku Muda*, or *Tuanku Muda Waly*, or *Angku Aceh*. After returning from West Sumatra to Aceh, in Labuhan Haji district, the community called him Tengku Muda Wali. Meanwhile, he himself wrote his name with Muhammad wali or in full *Sheikh Haji Muhammad Wali Al Khalidi*.¹³

2. Intellectual Journey

He received religious education from H. Muhammad Salim, his own biological father. He learned a little basic knowledge of Arabic, monotheism, and fiqh, as well as the Quran.¹⁴ In addition to his parents, at the age of 7, he studied general science at a school in Kuta Trieng village, West Labuhan Haji District, called *Vervolks-School* during the Dutch colonial period. This school was only known to the sons of the nobility. Dutch is used as an introduction. This school is equivalent to the current elementary school (SD) standards. For three years, he completed his education at the institution.¹⁶

Sheikh Muhammad Salim bin Malin Palito saw intelligence, piety, and signs of glory in Sheikh Muhammad Waly. So after completing his son's education at *the Vervolks-School* school, in 1926 Sheikh Muhammad Salim escorted Sheikh Muhammad Waly for four years in the dayah Jami'ah Al-Khairiyah, in the Pasar Lama Labuhan Haji village. The dayah was led by a great scholar named Sheikh Muhammad Ali, who is commonly known as Abu Lampisang, who was a prominent scholar from Aceh Besar. Sheikh Muhammad Ali (also

¹¹ Musliadi, *Abuya Syeikh Muda Waly Al-Khalidy Syaikhul Islam Aceh*, p. 4

¹² Musliadi, p. 5

¹³ Muhibbudin Waly, *Ayah Kami Abuya Syeikh Muhammad Waly Al-Khalidy*. (Aceh Besar: Al-Waliyah Publising), 2016 p. 68

¹⁴ Safriadi Saifuddin, "Pemikiran Fikih Abuya Muhammad Wali Al-Khalidi (Analisis Kitab Al-Fatawa), *At-Ta'fikir* 13, no. 2 (2020), <https://doi.org/10.32505/at.v13i2.1802>.

¹⁵ Safriadi Saifuddin, *Pemikiran Fikih Abuya Muhammad Wali Al-Khalidi*, p. 72

¹⁶ Musliadi, *Abuya Syeikh Muda Waly Al-Khalidy Syaikhul Islam Aceh, Tokoh Pendidikan dan Ulama 'Arif Billah* (Aceh Selatan: Yayasan Asasussalam Al-Waliyyah) 2018, p. 9-10

known as Abu Lampisang) was a childhood friend and younger cousin of Abu H. Muhammad Hasan Krueng Kalee. They are both alumni of Madrasah Al-Irsysadiyah Ad-Diniyah in the village of Aceh, Yan, Kedah, Malaysia. Tuanku Raja Keumala sent Abu Lampisang to Labuhan Haji to teach the young people there after returning from Yan.¹⁷

After completing his education in the Jami'ah Al-Khairiyah dayah, he was escorted by his parents to continue his education in the Bustanul Huda dayah, Blangpidie-Abdya. This dayah was led by a great scholar of *Ahlussunnah Wal-Jamaah* named Sheikh Mahmud. It was here that he began to get to know and study famous books in the Shafi'i school, such as *Ianah At-Talibin*, *Tahrir*, and *Mahally* in the field of Fiqh, *Al-Fiyah* and *Ibn Aqil* in the field of Arabic language. Thus, in the field of tauhid, and so on. In this dayah, he is a very intelligent student, so that in only a few years of study, he has been entrusted to teach various sciences to the students there. After that, he asked his teacher for permission to continue his education at another dayah.¹⁸

After several years of studying at the Bustanul Huda Islamic Boarding School, under the leadership of Teungku Sheikh Mahmud Blang Pidie, Abuya wanted to continue his religious education at the Aceh Besar Islamic Boarding School. He left for Aceh Besar with a friend who graduated from the Bustanul Huda Islamic boarding school as well, named Teungku Salim. He was also an intelligent student and fluent in reading religious books.¹⁹

In 1935, at the age of 18, he left for Banda Aceh to study at Dayah Krueng Kalee.²⁰ He arrived at Dayah Krueng Kalee in the morning (Dhuha time). At that time, Abu Krueng Kalee was teaching religious books to his students. Among the books he read was a book in the field of Balaghah science, namely "Syarah Al-Jauhar Al-Maknun" by Sheikh Ahmad Damanhuri. So on that occasion, he immediately participated in the recitation. Before Dhuhur, after the recitation of the book of Syarah Al-Jauhar Al-Maknun, which was the last lesson of the day, Abu Krueng Kalee closed his recitation by saying the last sentence, namely: "*Wahua hasbi wa ni'mal wakiil*".²¹

After only one day in the dayah of Krueng Kalee, even though he only studied for a few hours, he asked for permission to continue his

¹⁷ Musliadi, pp. 10-11

¹⁸ Musliadi, *Abuya Syeikh Muda Waly Al-Khalidy Syaikhul Islam Aceh*, p. 11

¹⁹ Muhibbuddin Waly, *Ayah Kami Abuya Syeikh Muhammad Waly Al-Khalidy*, p. 81

²⁰ Musliadi, *Abuya Syeikh Muda Waly Al-Khalidy Syaikhul Islam Aceh, Tokoh Pendidikan dan Ulama 'Arif Billah*, (Aceh Selatan: Yayasan Asasussalam Al-Waliyyah) 2018, p. 12

²¹ Musliadi, *Abuya Syeikh Muda Waly Al-Khalidy Syaikhul Islam Aceh*, p. 13

educational journey to another dayah that was prominent in the field of Quran knowledge related to Qiraat and so on. This dayah is located in Indrapuri, Banda Aceh, under the leadership of a great scholar named H. Ahmad Hasballah Indrapuri.²²

At that time in Banda Aceh there was another famous scholar even though his religion was under Sheikh Hasan Krueng Kalee, namely Teungku Sheikh Hasballah Indrapuri, but in matters of society his knowledge was somewhat broader than his.²³ Tgk. H. Ahmad Hasballah Indrapuri was born on June 3, 1888 AD, in Lam U, Montasiek, Aceh Besar. After studying religion in several dayah such as Dayah Piyeung, Dayah Samalanga, Dayah Titeu, and Dayah Lamjabat, he continued his education in Mecca for 12 years. After returning to Aceh, he led the Indrapuri dayah.²⁴

After some time, he was in Dayah Indrapuri, a bet came from an Acehnese community leader, namely Tengku Hasan Gelumpang Payong. He is a person who wants change among the scholars of Aceh. After paying attention to Abuya's intelligence, there was a desire in Tengku Hasan's heart that this young man deserved to improve his knowledge and education. Even if it needs to be sent to Al Azhar in Egypt. But because in West Sumatra it is famous that there is a scientist who has saved his education at Al-Azhar and Darul Ulum in Cairo, Egypt, named Ustadz Mahmud Yunus, and this person has also established a school in Padang called Normal Islamic school, so Tengku Hasan gelumpang payung bermasud sent him first to the school before continuing his education in Cairo. Egypt.

After Abuya arrived at Normal Islam, he immediately enrolled at the school, as well as introduced himself as a student sent from Aceh (Atjeh Study Fonds) to continue his studies at Normal Islam.²⁵ The Islamic Normal Education Institute was founded in 1931 AD, in the city of Padang, the capital of West Sumatra Province. It is a proud educational institution in its time because it was founded by Mr. Mahmud Yunus, an alumnus of Al-Azhar, Cairo, Egypt. Abuya studied at the Islamic Normal for about 3 months before finally resigning with respect.²⁶ After leaving Normal Islam, he met one of the students from Aceh who had lived in West Sumatra for a long time, namely Ismail

²² Musliadi, p. 14

²³ Muhibbudin Waly, *Ayah Kami Abuya Syaikh Muhammad Waly Al-Khalidy*, p. 85

²⁴ Musliadi, *Abuya Syaikh Muda Waly Al-Khalidy Syaikhul Islam Aceh*, p. 15

²⁵ Muhibbudin Waly, p. 91

²⁶ Muhibbudin Waly, p. 91

Yakub, the translator of the book *Ihya Ulumuddin* who advised Abuya not to rush back to Aceh before looking around and walking around the city of Padang maybe this would be beneficial. He followed Pak Ismail Yakub's advice. A few days later, he saw the city of Padang accompanied by Mr. Ismail Yakub. But after that, he walked alone without being accompanied again.²⁷

3. Works by Abuya Muda Waly

While Abuya Muda Waly was still alive, he also wrote several books in several fields of religious knowledge. As we have seen above, Abuya is not only active in da'wah, but in the interim, he also takes the time to write, compose and pour his souvenirs into his own ink.²⁸

Among his works are the following:

a. *Kitab Al-Fataawa*

The book of *Al-Fataawa* is the book of Abuya Muda Waly, written by one of his disciples, Abu Basyah Kamal. In this kitan, Abuya explains several laws that concentrate in the field of Fiqh, all laws related to worship, laws, rules and procedures of amaliyah that are in accordance with the Shafi'i madhhab are in it. The languages used in the book are Arabic and Jawi. Regarding the form of the content, it starts with a question, then the answer and explanation from Abuya directly. The questions in it are not from Abuya, but all the questions are collected from various regions, including Aceh Singkil, Aceh Besar, Banda Aceh, and several other places.²⁹

b. *Kitab Tanwirul Anwar*

If we know the book *Kasful Asrar* by Sheikh Muhammad Saleh bin Abdullah, then this book of *Tanwirul Anwar* is a lecture from the book. This is another book from one of the writings of young Abuya Waly Al-Khalidi. In the book, Abuya explains several special concepts related to the lessons of monotheism, from basic monotheism to the highest ones. Abuya explained it in detail, directed and accompanied by the right postulates in explaining the problem of monotheism in it. In it, Abuya explains the nature of tauhid to Allah, both for a public servant to those who have attained the fact of high tauhid education, besides that Abuya also explains some of the meanings of the sentence of tauhid that are difficult in it. So that what he explains can be easily

²⁷ Muhibbuddin Waly, pp. 92-93

²⁸ Muhibbuddin Waly, *Ayah Kami Abuya Syeikh Muhammad Waly Al-Khalidy*, p. 314

²⁹ Muhibbuddin Waly, p. 314

understood and absorbed from what he wrote. There is a reason why Abuya narrates this book from the original book, *Kasful Asrar*. Of course, there are several reasons, including that Abuya felt the need to explain some of the contents of the book in it, Abuya corrected some words, meanings and even the content of the writing, which, according to Abuya, in the book had some errors. So Abuya also published the results of his study in his book, *Tanwirul Anwar*. This book is based on Malay and Arabic, just like the previous book of Al Fatataw.³⁰

c. *Permata Intan dan Intan Permata*

The Book of *Permata Intan dan Intan Permata* is a book written by Abuya to explain and explain all the problems of belief in Allah, which are in accordance with the postulates of the text as his main reference to explain some of the problems of tauhid in it. The book Abuya gave two names that were the same but actually different. And even in it, he does give two different parts of explanation, so it is very natural that this book is titled *Permata intan and Intan Permata*, which are two names of books that accompany the description of monotheism in two different sub-theme discussions. If in *Permata Intan* Abuya explains the problems regarding the essence of Allah, the essence of Allah's messenger and the Shahadah to the Messenger, then in the book *Intan Permata* Abuya explains some information about the beliefs of tauhid and the essence of shahada according to Manhaj Ahlussunnah Wal Jamaah. These two books have the same discussion, although they give different names, but the content in them is the same; that is, both explain certain essences in monotheism. The introduction to the language is the same as the previous book; this book is in Jawi Arabic and Arabic.³¹

d. *Hasyiyah Tuhfah Al-Muhtaj*

This book is a collection of book notes written by Abuya to provide more lectures and provide specific information on the book *Tuhfatul Muhtaj*. As for the book *Tuhfatul Muhtaj* is a book that contains all the most complete discussions of fiqh, this book was written by Shaykh Ibn Hajar Al-Haitami, a famous Fiqh scholar who is good at mastering every fiqh knowledge in all its affairs. Young Abuya

³⁰ Muhibbudin Waly, pp. 315-316

³¹ Muhibbudin Waly, pp. 316-317

Waly has been able to read the book, and he is even able to comment and provide additional explanations for the book *Tuhfahtul Muhtaj*.³²

The Concept of Dharuri Bisy Syaukah

1. Definition of Dharuri bisy Syaukah

On October 14, 1957, Abuya was invited by the first president of the Republic of Indonesia, Ir. Soekarno, to the Cipanas Palace, Abuya, the young Sheikh Wali was invited along with Abu Muhammad Hasan Krueng Kalee, and several other scholars from all over Indonesia, around 500 people, to discuss the status of the Indonesian state and its president in the review of Islam, whether it is legal or not. These Acehese scholars departed from Medan's Polonia Airport. And on that trip, Tgk. H. Syihabuddin Syah or Tgk Keumala also took Abuya to the airport.³³

Upon Abuya's arrival in Jakarta, he met with scholars from other regions including from Sumatra, Java, and other regions throughout Indonesia. After these scholars gathered at the state palace, the president welcomed and conveyed the purpose and purpose of his invitation. The President said: "I ask the scholars present to formulate the name of my existence and position as President of the Republic of Indonesia".³⁴

Each scholar from various representatives conveyed their attitudes and views. Masyumi and Muhammadiyah scholars categorically rejected the legitimacy of Soekarno as a legitimate president in the Islamic review, because he was not appointed by *the Ahlul Hilli Wal Aqdi* (an institution tasked with selecting, appointing, and supervising the Caliph/leader in Islamic politics). Until it was the turn of a charismatic scholar from Java who had the title of *Sulthanul Ulama*, he also said that it was invalid for various reasons and arguments.³⁵

When everyone was close to that conclusion, the leader asked the clerics from Aceh about their views. Abu Krueng Kalee invited Abuya Sheikh Muda Waly to speak up. Abuya said Soekarno was legitimate to become an emergency president. The reason is that it has *saukah* (strong power). His power is as the commander-in-chief in charge of the Indonesian police and national army. In essence, Abuya and Abu

³² Muhibbudin Waly, p.318

³³ Musliadi, *Abuya Syeikh Muda Waly Al-Khalidy Syaikhul Islam Aceh*, p. 201-202

³⁴ Musliadi, p. 202

³⁵ Musliadi

Krueng Kalee consider that the Indonesian government and President Soekarno are legitimate to be called a government (*Ulul Amri*) according to Islam, even though it is *dharuri bissyaukah*.³⁶

This was refuted by the Sultan of Ulama. Then Abuya read the postulates from Matan Tuhfah, who acknowledged the validity of *Ulil Amri Dharuri Bissyaukah*. This reason was refuted by Sultanul Ulama. Finally, Abuya, who was sitting down, immediately got up and said by borrowing a sentence that was once spoken by Caliph Umar Bin Khattab:

Tafaqqahu qabla an tasuudu...! Tafaqqahu qabla an tasuudu...! (Study Fiqah before you are appointed as a leader.) The words were repeated up to three times. Then Abuya asked Abu Krueng Kalee's approval for his remarks: "Kon nyo menan, Abu?" (Isn't that the ashes?) Abu Krueng Kalee replied: "Nyoe betoy" (yes, that's right).

The meeting finally concluded the agreement of the ulama in accordance with what was stated by the Acehese ulama. First, the independence of the Republic of Indonesia is legal. Second, the president of the Republic of Indonesia Soekarno is the legitimate president in the position of *Ulil Amri bis saukah*.³⁷ *Ulil Amri Bissyaukah* is a government that has had power for a while (transitional government) until the formation of a legitimate and correct government. This government is considered by some scholars to be legitimate as long as the leader is not infidels, and does not deny the existence of the shari'a laws, either in terms of *I'tiqat* (belief), *'Inad* (disobedience), or *Istihzak* (insulting Islamic law) even if they do not apply some of them, they must realize that it is a sin, and do not justify their actions that do not apply the law of Allah SWT.³⁸

2. *Dharuri Bisy Syaukah* According to Abuya Muda Waly

On 13 Muharram 1373, coinciding with September 21, 1953, a bloody event erupted in Aceh, or the Daud Beureh rebellion, as the government was called, which at that time was led by the prime minister, Mr. Ali Sastromidjojo. At that time, Tengku Muhammad Daud Bereueh, former military governor of Aceh Langkat and Tanah Karo and former first Governor of Aceh, proclaimed Aceh as an Islamic state and took up arms against the government. The proclamation was announced by

³⁶ Musliadi, p. 203

³⁷ Musliadi, p. 204

³⁸ Mutiara Fahmi Razali et al, *Tengku Haji Muhammad Hasan Krueng Kalee* (Banda Aceh: Yayasan Darul Ihsan Tgk. H. Hasan Krueng Kalee), 2010, p. 126

Tengku Muhammad Daud Beureueh at his own residence, namely in the village of Usi meunasah Dayah, Blang Malu (Mutiara District).³⁹

The causes of the eruption in Aceh include the following:⁴⁰

- a. In 1949, based on the Deputy Prime Minister's regulation in lieu of government regulation number 8/ December/ WKPM, the first province of Aceh. with its governor Tengku Muhammad Daud Beureuh has even caused tensions.
- b. In 1950, the 10th Division of the Indonesian National Army for the Aceh area, was reduced to a regiment under the leadership of Major Nadzir, who was left-wing. while the previous Commander of Definition 10, Colonel Husein Yusuf, was dismissed. This caused tension and anxiety, as almost all the members of the division were made up of central youths and sympathizers and this caused anxiety among them.
- c. In the meantime, the mobrig army unit consisting of Acehese sons was transferred outside the Aceh area to Tapanuli, Java, and Sulawesi, finally followed by the transfer of Muhammad Insha, the Aceh Regional Police Chief and Yusuf Effendi, the young commissioner of the Police to Medan. This also adds to the anxiety.
- d. In addition, in August 1950, a raid was held in Aceh to look for illegal weapons confiscated from Japan, where it was suspected that the PUSA people were the ones who kept them. All government officials were raided, including the house of Tengku Muhammad Daud Beureuh, the former Governor of Aceh himself. Because the demolition was carried out unnaturally, it added to the heat of the atmosphere and anxiety.
- e. In mid-1951, the atmosphere in Aceh became more turbulent, due to the increase in the BKR movement, led by Tengku Ali Lamlagang. Because they submitted a resolution to the government, among its contents were the following:
 - 1) Demand that the assembly that takes care of the heritage of the Cumbok faction (the feudals who were milled by the wheels of the December 1945 revolution, which is largely controlled by the PUSA, where the event is famous for the Cumbok incident), be replaced with another neutral body.

³⁹ Muhibbudin Waly, *Ayah Kami Abuya Syaikh Muhammad Waly Al-Khalidy. Father of Education Aceh* (Aceh Besar: Al-Waliyah Publising), 2016 p. 159

⁴⁰ Muhibbudin Waly, pp. 163-164

- 2) Demand that the existing Pamong Praja be replaced. Because they are PUSA people who are considered incompetent, this also applies to judicial and police employees.
- 3) Demanding that general elections be held, this adds to the tension in Aceh.

In early 1951, the Province of North Sumatra was formed, with Tapanuli and the city of Medan as the center of government. As a result, the actions taken by the central government caused Tengku Muhammad Daud Beureuh and his followers there to become restless as PUSA people. This became the center of motivation for the rebellion of Daud Beureuh on September 21, 1953.⁴¹ In addition to the background that gave rise to the rebellion, another thing to note is how quickly the rebellion came and without prior preparation. This is due to an urgent situation that demands quick action. Contrary to what was anticipated, this was one of the most important factors that led to the rebellion's failure.

So that Aceh was not united in the rebellion, moreover, some important clerics in Aceh, including Abuya Muda Waly, were not informed at all about the determination they were forced to make to rebel against the central government.⁴² Finally, several prominent clerics in Aceh, including Tengku Haji Hasan Krueng Kalee, young Abuya Waly, Tengku Abdul Salam meuraxa, and Tengku Saleh Meusigit Raya, rejected Daud Beuruh's movement because they knew the reason was related to worldly matters rather than religious ones. As a result, they issued the fatwa on behalf of the scholars.⁴³

Since they happen to be in PERTI, they are seen more in the name of PERTI, even though PERTI is nothing more than a forum for Ahlussunnah Wal Jamaah. Without PERTI, they would not have established a religion based on the book of Islamic law that has been held by Acehnese scholars and other Indonesian Islamic scholars. These scholars consider the rebellion to be a group that in Islamic law is called *Al-Bughah*, that is, people who oppose the legitimate government by rebelling, not obeying their government. Or by hindering the implementation of laws and regulations related to the public interest.⁴⁴

⁴¹ Muhibbudin Waly, p. 165

⁴² Muhibbudin Waly, p. 165

⁴³ Muhibbudin Waly, p. 165

⁴⁴ Muhibbudin Waly, p. 165-167

Even though the central government is headed by a Muslim head of state who is responsible for the central government, they have such authority and power, even though they themselves are individuals who commit sins, such as not praying, and so on. The Bughahs had to be exterminated, and Abu Bakr (a.s.) Siddiq did so when he became the Commander of the Believers, even though the people of that time had apostatised from his religion. In addition, during the time of the Commander of the Believers Sayyidina Ali RA, during the time of his fourth caliph, the Bughahs, who were considered apostates, also had to be eradicated.⁴⁵ This is the form of law that has been mentioned many times in Islamic law books circulating among Indonesian Islam, including the famous book of *syarah Minhajut Thalibin* by Qalyubi and Umairah, let alone the book *Tuhfatul Muhtaj* by a great scholar who is famous for the Shafi'i sect, namely Ibn Hajar Al Haitami. This is the handle of Abuya Muda Waly and the scholars above. Therefore, West and South Aceh are not as volatile as other districts.⁴⁶

As for the opinion of some people who say that the scholars above are hostile to Tengku Muhammad Daud Beureuh, so that it seems to be hostile to him, it is not true. It has never been heard that Abuya Muda Waly denounced Tengku Daud Beureuh. But Abuya regretted why it was not from the first time Tengku Muhammad Daud Beureuh consulted according to Islamic law with the scholars, regarding the problems faced by Aceh, so that nothing could be achieved without bloodshed.⁴⁷ *Safinatus Salamah Wan Najah* is the name of an organisation led directly by Abuya Muda Waly, which aims to develop religious fatwas and da'wah in a broad sense.

Abuya Muda Waly has never issued a fatwa on behalf of PERTI or any other organisation. He was famous as a great scholar of PERTI (Persatuan Tarbiyah Islamiyah) because most of his students were members of PERTI, which at that time was the only forum to defend and fight for Aqidah and Amaliah Ahlussunnah wal Jamaah in the Aceh area, especially in South and West Aceh. However, he is not an administrative member of PERTI.⁴⁸ According to Mr. S. M. Amin's book, one of the fatwas of *Safinatus Salamah wan Najah* is, "Another way for rebels other than gun violence to achieve the desired change still exists, namely through elections." On this basis, the group concluded that the rebellion

⁴⁵ Muhibbuddin Waly, p. 167

⁴⁶ Muhibbuddin Waly, p. 167

⁴⁷ Muhibbuddin Waly, p. 167

⁴⁸ Muhibbuddin Waly, p. 173-174

of Tengku Muhammad Daud Bereueh, now known as Bughah or Mazmum, was haram in Islam, and it was obligatory for Muslims to assist the government in fighting them.⁴⁹

Abuya also argued, even gave a fatwa that Indonesia does not need to establish Darul Islam, or what is often referred to as an Islamic country, because our country has been referred to as Darul Islam or an Islamic country in Islamic law. Because it is the businessmen or Muslims who have the power to lead our society and country, in addition, the Islamic state, also known as Darul Islam, was legally extended to East Nusa Tenggara after Indonesia took over West Irian. Therefore, there is no longer a need to create a forum because there is already what is known as Darul Islam, or Islamic state, legally. However, the most important thing is how to govern the container, which is a state that is subject to Islamic rules, either directly or indirectly.⁵⁰

The above Abuya fatwa is based on the law that has been revealed by Islamic law scholars, among others from a book famous among Southeast Asian Islamic scholars, the book *Bughyatul Mustarsidi fi Talkhiishi Fatawa ba'dhil Aimmati minal mahmin Kutubun Syata lil Ulamaail Mujtahidin*, by the Mufti of Egypt, namely Sayyid Abdurrahman bin Muhammad bin Husein bin Umar, who is famous by the call of Baa-Alawi.⁵¹ In terms of the government of the Republic of Indonesia, Abuya also said through *Safinatus Salamah wan Najah* that the government of the Republic of Indonesia is not infidel, dhalim, or wicked as alleged.⁵² Based on the decision of the scholars in Bogor, which was also attended by Abuya Sheikh Muda Waly and Abu Sheikh Hasan Krueng Kalee, President Soekarno was not a kafir. Therefore, it is unlawful to rebel. However, it is still wicked, which means it is not free from sin. And if the sin comes from itself, such as abandoning prayer, it is a personal sin. If the laws or regulations contain sins, Muslims should not obey those laws and regulations.⁵³

Then because Ir. Soekarno as the Head of State did not have enough necessary conditions as the head of state, as required by Islamic law, but he had power in a broad sense, namely "ability", so that he was able to become president, the Bogor Alim Ulama Congress gave the title "*Waliyul Amri Adh Dharuri Bisy Syaukah*", namely the head of State

⁴⁹ Muhibbudin Waly, p. 174-175

⁵⁰ Muhibbudin Waly, p. 177

⁵¹ Muhibbudin Waly, p. 178

⁵² Muhibbudin Waly, p. 180

⁵³ Muhibbudin Waly, p. 186-187

who is an emergency has the strength and ability, as the Head of State who leads the nation and its citizens.⁵⁴

CONCLUSION

This research shows that *Waliyul Amri Dharury Bisyy Syaukah* is one of the ideas proposed by Abuya Muda Waly, which was approved by all scholars who attended the congress at the Cipanas State Palace, Bogor. The concept means that the head of state, in an emergency situation, has the power and ability to lead the nation and its citizens. The agreement stipulated the legality of President Soekarno as Head of State.

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⁵⁴ Muhibbudin Waly, p. 187

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