

Unifying the Hijri Calendar: A *Fiqh al-Siyāsa* Model for Legal Authority and Certainty

Muhammad Harfin Zuhdi¹, Muhammad Sheva Maulaya Zuhdi², Arino Bem Sado¹, Ahmad Saiful Haq Almuhtadi¹, Muhammad Dimas Firdaus¹

¹Universitas Islam Negeri Mataram Mataram – Indonesia; ²Ez-Zitouna University, Tunis – Tunisia

*Corresponding author. Email: muhammad.harfinzuhdi@uinmataram.ac.id

Abstract:

The unification of the Hijri calendar remains a major legal challenge because Muslim states and religious organizations continue to declare different dates for important religious months despite adopting similar visibility criteria. Existing studies primarily frame this issue as an astronomical debate, leaving the question of legal authority insufficiently explored. This article examines how Islamic legal theory distinguishes ritual worship from civil administration in determining the Hijri calendar. Utilizing normative legal research, this analysis employs doctrinal and comparative approaches to examine classical *fiqh*, regulatory documents, and contemporary scholarship through the *maqāṣid al-sharīʿa* framework. The study proposes a Pragmatic Bifurcation Model that preserves local sighting authority for ritual worship while requiring a unified calculated calendar for civil affairs under *fiqh al-siyāsa*. Analysis of Indonesia's implementation reveals that legal certainty primarily depends on effective state authority rather than precise calculations. The findings suggest that strengthening governmental authority while maintaining doctrinal pluralism offers a more workable path toward Hijri calendar harmonization.

Keywords:

hijri calendar unification; *uṣūl al-fiqh*; *fiqh al-siyāsa*; harmonization, pragmatic bifurcation model

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Introduction

Every legal system needs a stable measure of time.¹ Contracts fix maturities by date. Statutes set deadlines by date. Acts of worship attach to specific dates too. In Muslim-majority states that shared measure is the Hijri calendar, and the calendar itself still has no single, binding standard. Indonesia shows the problem in plain terms. Muhammadiyah, Nahdlatul Ulama, and the Ministry of Religious Affairs still announce different starting dates for Ramadan, Shawwal, and Dhu al-Hijjah, even after the New MABIMS visibility criteria were formally adopted in 2021.² Malaysia centralizes the decision through JAKIM. Indonesia disperses it across mass organizations and local *ithbāt* sessions.³ The same lunar event therefore produces two different legal effects in two neighboring jurisdictions. This is not a dispute about telescopes anymore. It is a dispute about who holds the legal authority to fix a date that binds an entire community, and about how that authority should be exercised once it is fixed.⁴ Recent legal-politics scholarship reads the deadlock in exactly these terms, treating it as a problem of state authority and legal certainty rather than a problem of astronomical method.⁵ Doctrinal *fiqh* scholarship, however, rarely engages that reading directly. Most studies still treat the calendar as either a devotional matter, settled by *ḥadīth* on crescent sighting, or a technical matter, settled by lunar altitude and elongation. Few ask what a coherent legal architecture, one that assigns

¹ Arwin Juli Rakhmadi and Muhammad Hidayat, "The Issues and Prospects of the Global Islamic Calendar," in *Proceedings of the International Conference on Community Development*, vol. 477, 2020, 109–12, <https://doi.org/10.2991/assehr.k.201017.025>; Paulo Nuno Martins, "A Concise History of the Indian Calendars," *Scholars Journal of Arts, Humanities and Social Sciences* 13, no. 7 (2025): 187–91, <https://doi.org/10.36347/sjahss.2025.v13i07.009>.

² Dedy Chandra Sihombing et al., "Penguatan Kewenangan Jaksa selaku Dominus Litis sebagai Upaya Optimalisasi Penegakan Hukum Pidana Berorientasi Keadilan Restoratif," *Locus: Jurnal Konsep Ilmu Hukum* 3, no. 2 (2023): 63–75, <https://doi.org/10.56128/jkih.v3i2.42>.

³ A M Suhar et al., "Collective Ijtihad Practice in Indonesia: The Role of Isbat Sessions in Addressing Legal Paradigm Differences between Hisab-Rukyat," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 24, no. 2 (2024): 105–23, <https://doi.org/10.30631/alrisalah.v24i2.1537>.

⁴ Muhammad Ridzuan Hashim et al., "Unification of Hijri Calendar under One Matla': A Case Study of MABIMS through the Lens of Islamic Jurisprudence and Astronomy," *Jurnal Fiqh* 22, no. 2 (2025): 389–433, <https://doi.org/10.22452/fiqh.vol22no2.7>.

⁵ Ahmad Wahidi et al., "Political and Legal Policies in Determining Hijri Calendar among MABIMS Member Countries," *De Jure: Jurnal Hukum dan Syar'iah* 18, no. 1 (2026): 211–39, <https://doi.org/10.18860/j-fsh.v18i1.39636>.

different rules to worship and to civil affairs, would actually require. That question defines the problem this article addresses.⁶

Classical *fiqh* treats the calendar question mainly as a matter of ritual proof. Shafi'i jurisprudence anchors the sighting obligation in *ḥadīth* narrated by Ibn 'Umar and Abū Hurayra, and Ibn Qudāma's *al-Mughnī* together with al-Nawawī's *al-Majmū'* work through the position at length.⁷ Ḥanafī, Mālikī, and Hanbalī authorities generally accept one valid sighting anywhere on earth as binding everywhere, a rule known as *ittiḥād al-maṭla'*.⁸ Al-Shāfi'ī scholars restrict that ruling to regions that share a comparable horizon, following the precedent set when Ibn 'Abbās in Medina declined to accept a sighting reported from Sham, a rule known as *ikhtilāf al-maṭla'*.⁹ *Uṣūl al-fiqh* supplies the tool later scholarship uses to move past this stalemate: the maxim that a legal ruling turns on its underlying *'illat*, read together with al-Shāfi'ī's theory of *maqāṣid al-sharī'a*, which asks what higher objective a rule of evidence actually serves.¹⁰ Syamsul Anwar applied that maxim to the calendar question a decade ago, arguing that the sighting requirement answered to the illiteracy of seventh-century Arabia rather than to a permanent theological command.¹¹ Jasser Auda's systems reading of *maqāṣid* pushes the same logic further, treating *fiqh* doctrines as adaptive mechanisms rather than fixed formulas.¹² This body of theory settles one point: Islamic law tolerates methodological plurality once the underlying objective, certainty about the start of the month, is met by other

⁶ Mursyid Fikri et al., "The Harmonizing the Hijri Calendar," *Mazahibuna* 7, no. 1 (2025): 38–53, <https://doi.org/10.24252/mazahibuna.vi.51264>.

⁷ Muḥammad Ibn 'Abdullāh Ibn Qudāmah, *Al-Mughnī* (Riyāḍ: Dār 'Alam al-Kutub, 1997), vol. III.

⁸ Abū Zakariyyā Muhyiddīn Yahyā ibn Sharf Al-Nawawī, *Al-Majmū' Sharḥ al-Muhadhdhab* (Jeddah: Maktabah al-Irshād, n.d.), vol. VI; Aristiono Hamdi, "Analisis Perspektif Empat Madzhab terhadap Matla' dalam Penentuan Awal Bulan Hijriah," *Al-Afaq: Jurnal Ilmu Falak dan Astronomi* 4, no. 1 (2022): 32–39, <https://doi.org/10.20414/afaq.v4i1.4187>.

⁹ Izza Nur Fitrotun Nisa' and Mochamad Ulinnuha, "Ittiḥād and Ikhtilāf Al-Maṭhla' (Discourse and Its Implementation)," *Al-Hilal: Journal of Islamic Astronomy* 3, no. 2 (2021): 19–42, <https://doi.org/10.21580/al-hilal.2021.3.2.8120>.

¹⁰ Abū Ishāq Ibrāhīm bin Mūsā Bin Muḥammad Al-Shāfi'ī, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, ed. 'Abdullāh Daraz (Beirut: Dār al-Kutub al-'Ilmiyyah, 2004).

¹¹ Syamsul Anwar, "Unified Islamic Calendar in the Perspective of Islamic Legal Philosophy," *Al-Jami'ah* 54, no. 1 (2016): 203–47, <https://doi.org/10.14421/ajis.2016.54.1.203-247>.

¹² Jasser Auda, *Maqāṣid Al-Sharī'ah as Philosophy of Islamic Law A Systems Approach* (London: The International Institute of Islamic Thought, 2008), <https://doi.org/978-1-56564-424-3>.

means. It does not yet settle a second point, namely which institution decides, for an entire jurisdiction, which means counts as sufficient.

Contemporary scholarship has moved the debate onto empirical and policy ground.¹³¹⁴ Amrin and colleagues propose an integrative *uṣūl al-fiqh* model that reads *ḥisāb* and *ru'yh* through the maxims of *taḥqīq al-manāṭ*, *maṣlaḥa*, and *ijtihād*, aiming to legitimize both methods at once.¹⁵ Marwadi and colleagues document how four Nahdlatul Ulama *pesantren* in East Java quietly prioritize *ḥisāb* over their own organization's official *ru'ya* policy, treating calculation as a mark of scholarly authority rather than a break from tradition.¹⁶ Hashim and colleagues studied MABIMS implementation directly and found that the remaining obstacles are legal, religious, and administrative rather than astronomical, since Brunei, Indonesia, Malaysia, and Singapore apply the same three-degree, 6.4-degree criterion under four different theories of legal authority.¹⁷ Wahidi and colleagues confirm the same pattern from a legal-politics angle: the degree of state centralization, not the choice between *ḥisāb* and *ru'ya*, best predicts legal certainty and public compliance across MABIMS countries.¹⁸ Sari and Driss go furthest toward a purely juridical reconstruction. They combine *uṣūl al-fiqh*, *maqāṣid al-sharī'a*, and the theory of transnational legal authority, *wilāya al-ḥukm*, to evaluate a proposed unified global Hijri calendar, and they note explicitly that no earlier study had integrated all three frameworks at once.¹⁹ Three findings recur across this literature. Astronomical

¹³ Muhammad Alwi Musyafa and Siti Tatmainul Qulub, "Urgensi Penyatuan Kalender Hijriyah Global," *Elfalak: Jurnal Ilmu Falak* 5, no. 2 (2021): 256–65, <https://doi.org/10.24252/ifk.v5i2.24872>

¹⁴ Maskufa, "Global Hijriyah Calendar as Challenges Fikih Astronomy," *Proceedings of the International Conference on Law and Justice (ICLJ 2017)* 162 (2018): 188–92, <https://doi.org/10.2991/iclj-17.2018.39>.

¹⁵ Muhammad Dwi Fajri Amrin et al., "Reconceptualizing Islamic Calendar Determination: An Integrative Ushul Fiqh and Astronomical Approach," *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 11, no. 1 (2026): 67–84, <https://doi.org/10.22515/alahkam.v11i1.11345>.

¹⁶ Eva Mir'atun Niswah Marwadi et al., "Traditional Islamic Legal Epistemology in Pesantren's Practice of Hisab," *Al-Ahkam* 35, no. 2 (2025): 429–58, <https://doi.org/10.21580/ahkam.2025.35.2.27687>.

¹⁷ Hashim et al., "Unification of Hijri Calendar under One Matla': A Case Study of MABIMS through the Lens of Islamic Jurisprudence and Astronomy."

¹⁸ Wahidi et al., "Political and Legal Policies in Determining Hijri Calendar among MABIMS Member Countries."

¹⁹ Friska Linia Sari and Bakhouya Driss, "Unifying Islamic Time: A Contextualised Fiqh Analysis of the Unified Global Hijri Calendar between Ushul al-Fiqh, Maqasid al-Shari'ah, and Transnational Legal Authority," *Jurnal Ilmiah Mizani* 13, no. 1 (2026): 169–85, <https://doi.org/10.29300/mzn.v13i1.9173>.

convergence has not produced legal convergence. State authority, not scientific method, is the decisive variable now. And no study yet builds a doctrinal bifurcation model, one that assigns worship matters and civil matters to different rules of legal reasoning and then tests that model against a documented case of state implementation. That gap is what this article closes.

This article proposes a Pragmatic Bifurcation Model built to close exactly that gap. The model applies *uṣūl al-fiqh* reasoning, the *'illat* maxim and Al-Shāṭibī's *maqāṣid* together, to reclassify the object of regulation itself rather than simply reconciling *ḥisāb* and *ru'ya* as competing methods of proof.²⁰ Ritual worship, being *ghayr ma'qūl al-ma'nā*, keeps *ikhtilāf al-maṭla'* and local jurisdiction under the classical Shafi'i position. Civil *mu'āmala*, being *ma'qūl al-ma'nā* and structurally intolerant of *gharar*, requires *ittiḥād al-maṭla'* and one computed standard. That distinction is not new by itself; earlier writers on *ta'abbudī* and *ta'aqqulī* already pointed toward it.²¹ What is new here is grounding the distinction in *fiqh al-siyāsa* as a binding legal mechanism, drawing on the *wilāya al-ḥukm* concept whose regional extension Hashim and colleagues propose as a way past the barriers to MABIMS unification,²² and then testing the resulting model against Indonesia's documented record of dispersed *ithbāt* authority under the New MABIMS criteria.²³ No existing study takes all three steps together: doctrinal reclassification, grounding in state authority, and verification against a real case, inside one normative-legal framework aimed at Islamic law scholarship rather than at astronomy or policy studies alone.

Four questions organize the discussion that follows. The first traces the *ḥisāb-ru'ya* dialectic through *uṣūl al-fiqh* reasoning on *'illat*, asking what remains of the sighting requirement once its historical justification no longer holds. The

²⁰ Alain Verbeke, Wenlong Yuan, and Liena Kano, "A Values-Based Analysis of Bifurcation Bias and Its Impact on Family Firm Internationalization," *Asia Pacific Journal of Management* 37, no. 2 (2020): 449–77, <https://doi.org/10.1007/s10490-018-9598-4>; Muh Arif Royyani et al., "Shahadah 'Ilmy: Integrating Fiqh and Astronomy Paradigm in Determining the Arrival of Lunar Months in Indonesia," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 16, no. 2 (2021): 503–24, <https://doi.org/10.19105/al-lhkam.v16i2.5320>.

²¹ Misruki Misruki, Kurniati Kurniati, and Lomba Sultan, "Aktualisasi Ta'aqquli dan Ta'abbudi dalam Penentuan Batasan Hukum Islam," *Shar-E: Jurnal Kajian Ekonomi Hukum Syariah* 8, no. 2 (2023): 202–9, <https://doi.org/10.37567/shar-e.v8i2.1563>.

²² Hashim et al., "Unification of Hijri Calendar under One Matla': A Case Study of MABIMS through the Lens of Islamic Jurisprudence and Astronomy."

²³ Achmad Mulyadi et al., "Dynamics of Implementing the New MABIMS Criteria on the Hijri Calendar (Takwim Hijri) by the Indonesian and Malaysian Governments," *Al-Adalah* 22, no. 2 (2025): 381–408, <https://doi.org/10.24042/adalah.v22i2.28543>.

second examines *ikhtilāf al-maṭla'* and its jurisdictional consequences, including the Kurayb precedent and its modern reading through *wilāya al-ḥukm*. The third builds the Pragmatic Bifurcation Model itself, setting out the doctrinal test that separates *ta'abbudī* from *ta'aqqulī* matters and the legal maxims supporting each branch. The fourth places the model inside *fiqh al-siyāsa*, examining how Indonesia's Ministry of Religious Affairs exercises, and sometimes fails to exercise, the authority that classical theory assigns to the *ūlī al-'amr*. Each section builds on the one before it, moving from doctrine to jurisdiction to model to implementation.

This study applies normative legal research, doctrinal in character and qualitative in method, following the conceptual and comparative approach used in recent Islamic legal-politics scholarship on the same subject.²⁴ Primary data come from classical *fiqh* compendia, chiefly *al-Mughnī* and *al-Majmū'*, from Qur'anic verses and *ḥadīth* on *ru'ya*, and from official documents produced by the 2016 MABIMS Muzakarah, the 2017 Jakarta Seminar, and Indonesia's Ministry of Religious Affairs. Secondary data draw on Scopus-indexed journal literature published within the past decade, supplemented by earlier foundational studies where classical theory requires it. Analysis proceeds through *muqārana al-madhāhib*, comparing school positions on *maṭla'* and *ḥisāb-ru'ya*, and integrates al-Shāṭibī's *maqāṣid al-sharī'a* framework to judge which rule best serves the underlying objective of legal certainty. The resulting model is then checked against the documented MABIMS implementation record, so that the proposed bifurcation is not only doctrinally coherent but administratively workable as well.

Doctrinal Foundations of Hijri Calendar Unification

The legal problem this study addresses can be stated with precision. Islamic law supplies no single, universally agreed procedural mechanism for converting an observable lunar cycle into a calendar that binds a religiously and politically fragmented *umma*. When the Companion Ibn 'Abbas set aside a crescent sighting reported from Syria, and when the 2017 Ministry of Religious Affairs Seminar proposed a 3-degree visibility threshold fourteen centuries later, both decisions invoked legitimate but structurally different sources of legal authority: revealed text, empirical calculation, and state discretion. The specific legal

²⁴ Wahidi et al., "Political and Legal Policies in Determining Hijri Calendar among MABIMS Member Countries."

question this article resolves is therefore narrow but consequential. Which combination of *uṣūl al-fiqh* instruments allows a jurisdiction, and eventually the wider Muslim world, to determine when a lunar month legally begins, without discarding the textual command that grounds *ru'ya* and without ignoring the mathematical certainty that *ḥisāb* now provides? Six interlocking theoretical instruments answer this question. Each is introduced below and is subsequently operationalized in the Discussion and Results section.

The first and most encompassing instrument is al-Shāṭibī's theory of *maqāṣid al-sharī'a*, the higher objectives of Islamic law. Al-Shāṭibī arranges these objectives into three tiers of urgency, *ḍarūriyyāt* (necessities), *ḥājīyyāt* (needs), and *taḥsīniyyāt* (refinements), with the necessities further protecting religion, life, intellect, lineage, and property.²⁵ Jasser Auda's systems reconstruction of this theory treats *maqāṣid* not as a fixed checklist but as an open, multidisciplinary method for weighing competing legal claims against the outcomes a ruling actually produces for the community.²⁶ A recent scientometric survey of *maqāṣid* scholarship indexed in Scopus and Web of Science confirms that this objectives-based reasoning has become the dominant contemporary tool for reconciling textual fidelity with rational and scientific input across Islamic legal scholarship, including governance and public-policy contexts.²⁷ This article adopts *maqāṣid al-sharī'a* as its umbrella framework: every instrument introduced below is ultimately justified by, and answerable to, the objective of preserving religious integrity while securing social order (*ḥifẓ al-dīn* and *ḥifẓ al-niẓām*, respectively).

The second instrument is the *uṣūl al-fiqh* classification of legal injunctions into *ta'abbudī* (*ghayr ma'qūl al-ma'nā*, dogmatic and non-rationalized) and *ta'aqqulī* (*ma'qūl al-ma'nā*, rationally comprehensible and outcome-oriented) categories. Contemporary *uṣūl* scholarship treats this bifurcation as a functional test rather than a rigid label: a ruling is *ta'abbudī* when its wisdom is not fully

²⁵ Auda, *Maqāṣid Al-Sharī'ah as Philosophy of Islamic Law A Systems Approach*; Maskur Rosyid and M. Nurul Irfan, "Reading Fatwas of MUI a Perspective of Maslahah Concept," *Syariah: Jurnal Hukum dan Pemikiran* 19, no. 1 (June 2, 2019): 91–117, <https://doi.org/10.18592/sjhp.v19i1.2726>.

²⁶ Muh Rasywan Syarif and Sakirman, "Reconstructing Ijtihad in Unifications the Islamic Calendar: Jasser Auda's Maqashid Al-Shari'ah Approach," *Al-Afaq: Jurnal Ilmu Falak dan Astronomi* 7, no. 1 (2025): 84–103, <https://doi.org/10.20414/afaq.v7i1.13229>.

²⁷ Tawffeeq A. S. Mohammed, "A Scientometric Study of Maqasid Al-Shariah Research: Trending Issues, Hotspot Research, and Co-Citation Analysis," *Frontiers in Research Metrics and Analytics* 9 (November 27, 2024), <https://doi.org/10.3389/frma.2024.1439407>.

accessible to human reason and obedience to the literal text is itself the objective, and *ta'aqqulī* when the ruling exists to serve an identifiable worldly interest that reasoning can evaluate and, where needed, recalibrate.²⁸ This article uses the *ta'abbudī/ta'aqqulī* distinction as the structural spine of the Pragmatic Bifurcation Model proposed later, separating ritual crescent observance from civil calendar administration.

The third instrument is *qiyās* reasoning grounded in *'illat* (ratio legis) identification. Classical *uṣūl* methodology holds that a textual ruling remains tied to the underlying cause the Lawgiver intended it to address, expressed in the maxim that a ruling revolves around its *'illat*, present or absent.²⁹ Where that specific cause can be shown to have lapsed, contemporary scholarship argues that a ruling's practical application, though not its textual authority, may legitimately shift toward an instrument that better serves the same underlying cause.³⁰ This instrument supplies the interpretive tool this article applies to the historical *ḥadīth* on crescent sighting.³¹

The fourth instrument is the doctrine of *wilāya al-ḥukm*, the territorial jurisdiction of a legal ruling, which underlies the classical dispute between *ikhtilāf al-maṭla'* (divergence of lunar sighting horizons) and *ittiḥād al-maṭla'* (unity of horizon). Comparative studies of the four Sunni schools show that this doctrine was never primarily astronomical; it is a jurisdictional theory asking how far in space a valid legal fact travels before it stops binding a community that did not witness it.³² Recent analysis of this doctrine's contemporary application confirms that jurists continue to disagree less over the physics of moon visibility than over the proper legal radius of a sighting's authority.³³ This article relies on *wilāya al-ḥukm* to explain why *ikhtilāf al-maṭla'* remains

²⁸ Misruki, Kurniati, and Sultan, "Aktualisasi Ta'aqquli dan Ta'abbudi dalam Penentuan Batasan Hukum Islam."

²⁹ Wael B Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh* (Cambridge: Cambridge University Press, 1997), <https://doi.org/10.1017/CBO9780511801266>.

³⁰ Ahmad Adib Rofiuddin and Ahmad Izzuddin, "Optimist and Pessimist Moon-Sighting: The Study of Islamic Calendar Determination in Indonesia," *Mu'asarah: Jurnal Kajian Islam Kontemporer* 4, no. 2 (2022): 119, <https://doi.org/10.18592/msr.v4i2.7543>.

³¹ Muhammad Nurkhanif et al., "Syar'i and Astronomy Integration to Determine the Beginning of Hijri Calendar: A Study of Elongation to Prove the Hilal Testimony," *Ulul Albab: Jurnal Studi Islam* 23, no. 2 (2022): 183–207, <https://doi.org/10.18860/ua.v23i2.17489>.

³² Hamdi, "Analisis Perspektif Empat Madzhab terhadap Matla' dalam Penentuan Awal Bulan Hijriah."

³³ Nisa' and Ulinnuha, "Ittiḥād and Ikhtilāf Al-Mathla' (Discourse and Its Implementation)."

defensible for worship while *ittiḥād al-maṭla'* becomes necessary for a unified civil calendar.

The fifth instrument is *maṣlaḥa mursala*, unrestricted public interest unattached to a specific textual injunction. Recent Scopus-indexed scholarship reconstructing national legal systems through this lens demonstrates that *maṣlaḥa mursala* functions as an independent method of legal derivation whenever a matter serves a real, general, and undisputed communal interest that no explicit text supports and no specific text forbids.³⁴ This article uses *maṣlaḥa mursala* to justify why the state, rather than private religious organizations acting alone, is the appropriate authority to resolve calendar disputes that a text does not itself settle.

The sixth and final instrument is *fiqh al-siyāsa al-shar'iyya*, the theory of legitimate political authority in Islamic law. Classical political jurisprudence assigns rulers (*ulī al-amr*) discretionary power to administer matters of public welfare within the boundaries set by Sharia, on the premise that an obligation which cannot be fulfilled without an enabling authority makes that authority itself obligatory.³⁵ Applied studies of this theory in the MABIMS context show how a state's technical criteria can function simultaneously as scientific instruments and as *al-siyāsa al-shar'iyya* acts that moderate competing religious factions toward a binding, welfare-oriented outcome.³⁶ This article relies on *fiqh al-siyāsa al-shar'iyya* to ground its final recommendation that state authority, not scientific consensus alone, is the enforcement mechanism a unified calendar model ultimately requires.

Taken together, these six instruments operate as a single analytical apparatus rather than six separate arguments. *Maqāṣid al-sharī'a* supplies the governing objective; the *ta'abbudī/ta'aqqulī* classification supplies the structural division that the Pragmatic Bifurcation Model formalizes; *'illat*-based *qiyas* resolves the *ḥisāb-ru'ya* dialectic; *wilāya al-ḥukm* resolves the *ikhtilāf al-*

³⁴ Moh Najib Nasrullah, Uu Nurul Huda, and Enceng Arif Faizal, "Reconstructing the Indonesian Legal System through the Lens of Maslahah Mursalah," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 1 (2025): 117–32, <https://doi.org/10.24090/mnh.v19i1.7861>.

³⁵ 'Alī ibn Muḥammad ibn Ḥabīb Al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah wa al-Wilāyāt al-Dīniyah* (Mesir: Dār al-Ḥadīth, n.d.).

³⁶ Ahmad Wahidi et al., "Implementation of the Mabims Criteria in Determining the Beginning of Islamic Month in Indonesia and Brunei Darussalam," *Proceedings of the International Conference on Engineering, Technology and Social Science (ICONETOS 2020)* (Malang: Atlantis Press, 2021), <https://doi.org/10.2991/assehr.k.210421.016>.

maṭla' dispute; and *maṣlaḥa mursala* together with *fiqh al-siyāsa* justify why enforcement ultimately falls to the state. Each instrument reappears, by name, in its corresponding subsection of the Discussion and Results below.

Legal Analysis and Discussion

The theoretical instruments introduced above are only useful if they can explain a fact that purely astronomical scholarship cannot explain on its own. Brunei, Indonesia, Malaysia, and Singapore adopted the same New MABIMS visibility criterion, a minimum crescent altitude of 3 degrees and a minimum elongation of 6.4 degrees, from 2018/1439 H onward.³⁷ These four states still announce different starting dates for Ramadan, Shawwal, and Dhu al-Hijjah in the same lunar year.³⁸ A shared number therefore does not produce a shared date. This is the legal problem this article investigates. The question is not whether the crescent can be measured. Astronomy already answers that question with a precision *fiqh* never had in the seventh century. The real question is who has the binding authority to convert that measurement into a date that a whole jurisdiction, and eventually an entire global community, must legally observe. The discussion below sets out the documented object of this research, analyses that object against the six instruments introduced in the theoretical framework, and closes with the Pragmatic Bifurcation Model as the doctrinal answer the gap between object and theory requires.

One Criterion, Four Authorities: Mapping the Documented Divergence

Four documented instruments make up the primary object of this study, and each instrument carries a different legal character. The 2017 Ministry of Religious Affairs Seminar in Jakarta produced a criterion of 3 degrees altitude and 6.4 degrees elongation, issued as a ministerial policy recommendation rather than binding legislation.³⁹ The New MABIMS criteria of 2016 carry the

³⁷ Hashim et al., "Unification of Hijri Calendar under One Matla': A Case Study of MABIMS through the Lens of Islamic Jurisprudence and Astronomy."

³⁸ Mohd Saiful Anwar Mohd Nawawi et al., "Hijri Month Determination in Southeast Asia: An Illustration Between Religion, Science, and Cultural Background," *Heliyon* 10, no. 20 (2024): e38668, <https://doi.org/10.1016/j.heliyon.2024.e38668>.

³⁹ A Jusran Kasim et al., "Determination of Hijri Calendar in Islamic History and Its Criteria in Southeast Asia," *Journal of Al-Tamaddun* 19, no. 1 (2024): 247–59, <https://doi.org/10.22452/JAT.vol19no1.18>; Novi Sopwan and Abu Dzarrin Al-Hamidy, "Implikasi Kriteria Visibilitas Hilal

character of an inter-ministerial accord among four sovereign states, binding only to the extent each government chooses to domesticate it.⁴⁰ The Ummul Qura calendar carries the character of a sovereign royal decree, administratively binding inside Saudi Arabia but persuasive rather than obligatory elsewhere.⁴¹ The Turkish Congress model of 2016 carries the character of an academic-diplomatic resolution with no state behind it at all, which is precisely why its adoption has stalled.⁴² None of these four instruments is, by itself, law in the strict sense of a rule a court or a state agency can enforce. That absence of binding legal form is the first fact this research must record before any *fiqh* argument can begin.⁴³

Institutional design compounds the problem the numbers alone do not solve. Malaysia channels the decision through a single federal-state coordinated body, JAKIM, which issues one announcement the country is expected to follow. Indonesia disperses the same decision across an *ithbāt* session convened by the Ministry of Religious Affairs, attended by Nahdlatul Ulama, Muhammadiyah, and other mass organizations who are free to reject its outcome.⁴⁴ Brunei resolves the question through the Sultan's religious council, whose ruling is not open to organizational dissent at all.⁴⁵ Comparative fieldwork across the four MABIMS states confirms that the astronomical criterion travels smoothly across

Rekomendasi Jakarta 2017 terhadap Penanggalan Hijriah di Indonesia," *Azimuth: Journal of Islamic Astronomy* 1, no. 1 (2020): 52–73, <https://doi.org/10.15642/azimuth.v1i1.786>.

⁴⁰ Ahmad Fadholi, "Pandangan Ormas Islam terhadap Draf Kriteria Baru Penentuan Kalender Hijriah di Indonesia," *Istinbath* 17, no. 1 (2018): 198–220, <https://doi.org/10.20414/ijhi.v17i1.41>; Abdul Mufid and Thomas Djamaluddin, "The Implementation of New Minister of Religion of Brunei, Indonesia, Malaysia, and Singapore Criteria towards the Hijri Calendar Unification," *HTS Teologiese Studies / Theological Studies* 79, no. 1 (2023): 1–8, <https://doi.org/10.4102/hts.v79i1.8774>.

⁴¹ Anwar, "Unified Islamic Calendar in the Perspective of Islamic Legal Philosophy."

⁴² 'Alamul Yaqin, "The Global Islamic Calendar as a Solution for Unified Religious Rituals: Its Relevance to Fiqh and Astronomy," *Kulminasi: Journal of Falak and Sharia* 1, no. 1 (2023): 34–55, <https://doi.org/10.22373/kulminasi.v1i1.4086>; Nursodik Nursodik, "Kajian Kriteria Hisab Global Turki dan Usulan Kriteria Baru MABIMS dengan Menggunakan Algoritma Jean Meeus," *Al-Ahkam* 29, no. 1 (2018): 119–40, <https://doi.org/10.21580/ahkam.2018.18.1.2353>.

⁴³ Abdul Halim Abdul Aziz and Ahmed Kamil Ahmed, "A Unified Islamic Calendar Proposal for the World," *Middle-East Journal of Scientific Research* 22, no. 1 (2014): 115–20. <https://doi.org/10.5829/idosi.mejsr.2014.22.01.21831>.

⁴⁴ Suhar et al., "Collective Ijtihad Practice in Indonesia: The Role of Isbat Sessions in Addressing Legal Paradigm Differences between Hisab-Rukyat"

⁴⁵ Lalu Muhammad Nurul Wathoni Mansur, Sainun, and Saidah, "Sociocultural Dynamics of Islamic Legal Reform Across Muslim-Majority Countries: A Comparative Perspective," *Diktum: Jurnal Syariah dan Hukum* 23, no. 2 (2025): 214–31, <https://doi.org/10.35905/diktum.v23i2.13072>.

borders while the institutional authority behind it does not, and that the resulting gap between shared science and divergent practice is legal and administrative rather than technical.⁴⁶

The object also includes evidence of quiet divergence inside a single school of thought, which matters because it shows the problem is not simply a dispute between organizations but a fracture inside each organization's own claimed doctrine. A documented study of four Nahdlatul Ulama *pesantren* (Islamic boarding school) in East Java found that these institutions prioritize *hisāb* calculation in practice while the organization's official national position still favours *ru'ya* confirmation, treating calculation internally as a mark of scholarly authority rather than an admitted departure from doctrine.⁴⁷ A parallel administrative study of MABIMS implementation across Indonesia and Malaysia over the years following 2018 documents recurring friction between the technical criterion and its local application, including delays, inconsistent public communication, and repeated ad hoc adjustments by working committees never anticipated in the original 2016 accord.⁴⁸

Finally, the object of research includes the doctrinal record that the empirical record sits on top of. Classical al-Shāfi'ī jurisprudence, elaborated at length in Ibn Qudāma's *al-Mughnī* and al-Nawawī's *al-Majmū'*, restricts a valid sighting to a locality that shares a comparable horizon (*ikhtilāf al-maṭla'*), following the precedent of Ibn 'Abbās rejecting a sighting reported from Sham.⁴⁹ The Ḥanafī, Mālikī, and Ḥanbalī schools instead extend one valid sighting to the whole earth (*ittiḥād al-maṭla'*), a comparative-*madzhab* reading of the same texts arrives at exactly opposite jurisdictional radii from the same set of *ḥadīth*.⁵⁰ Neither reading was written with a mathematically precise, globally shared

⁴⁶ Mohd Nawawi et al., "Hijri Month Determination in Southeast Asia: An Illustration Between Religion, Science, and Cultural Background."

⁴⁷ Marwadi et al., "Traditional Islamic Legal Epistemology in Pesantren's Practice of Hisab."

⁴⁸ Farras Fathan Hikam, Ahmad Adib Rofiuddin, and Mohammad Zulfaiz Akbar bin Abdul Rahman, "An Examination of the Practical Implementation of the Neo MABIMS Criteria in the Determination of the New Islamic Month in Indonesia," *Journal of Southeast Asian Islam and Society* 4, no. 1 (2025): 39–60, <https://doi.org/10.30631/knmk6b40>; Mulyadi et al., "Dynamics of Implementing the New MABIMS Criteria on the Hijri Calendar (Takwim Hijri) by the Indonesian and Malaysian Governments."

⁴⁹ Qudāmah, *Al-Mughnī*, vol. III; Anisah Budiwati, "Telaah Awal Kalender Hijriah Global Tunggal Jamaluddin 'Abd Al-Razik (Sebuah Upaya Menuju Unifikasi Kalender)," *Jurnal Bimas Islam* 10, no. 3 (2017): 407–30, <https://doi.org/10.37302/jbi.v10i3.29>.

⁵⁰ Hamdi, "Analisis Perspektif Empat Madzhab terhadap Matla' dalam Penentuan Awal Bulan Hijriah."

visibility number in mind, because no such number existed when the doctrine was formed. That mismatch between a premodern jurisdictional theory and a modern shared metric is the doctrinal half of the object this article analyses.

Read together, the data above do not describe a scientific failure. They describe an unfinished legal transition. Each of the six instruments introduced in the theoretical framework was designed to resolve exactly one part of that transition, and each one, when tested against the object described above, reveals a specific and identifiable gap between what the doctrine permits and what state and organizational practice has actually done with that permission.

Illat, Qiyās, and an Unfinished Transition from Ru'ya to Ḥisāb

The *illat* maxim gives Islamic law a legitimate route away from mandatory naked-eye sighting once the historical condition behind that command, a scientifically unlettered seventh-century community, no longer holds.⁵¹ Contemporary *ḥisāb* calculation now supplies a level of certainty about lunar position that premodern *ru'ya* never could, a point long argued in the literature on the historical roots of *ḥisāb ḥaqīqī* reasoning.⁵² Yet the object of this research shows that no state instrument in the MABIMS region has actually executed that transition. The New MABIMS criteria still frame *ḥisāb* as a filter that only triggers a sighting attempt, never as an independent, self-sufficient method that could replace sighting outright, which is why *ru'ya* teams are still dispatched even when calculation already places the crescent well above the visibility threshold.⁵³ The recent integrative model proposed in this journal, which reads *ḥisāb* and *ru'ya* together through the maxims of *taḥqīq al-manāt*, *maṣlaḥa*, and *ijtihād*, moves usefully in this direction but stops short of naming which method carries binding default status once both are legally available at the same time.⁵⁴ Legitimizing both methods without allocating a binding default is not a

⁵¹ Rofiuddin and Izzuddin, "Optimist and Pessimist Moon-Sighting: The Study of Islamic Calendar Determination in Indonesia."

⁵² Rupi'i Amri, "Hisab Hakiki Wujud Al-Hilal sebagai Awal Bulan Kamariah Perspektif Historis dan Usul Fikih," *Jurnal Tarjih* 13, no. 2 (2016): 125–40, <https://jurnal.tarjih.or.id/index.php/tarjih/article/view/105/102>.

⁵³ Zufriani et al., "Rukyat as Determination of the Lunar Month Beginning: A Method, Obstacles, and Debate in Indonesia," *Juris: Jurnal Ilmiah Syariah* 22, no. 1 (2023): 53–67, <https://doi.org/10.31958/juris.v22i1.6570>.

⁵⁴ Amrin et al., "Reconceptualizing Islamic Calendar Determination: An Integrative Ushul Fiqh and Astronomical Approach."

resolution of the *'illat* problem. It is a deferral of it, and the East Java *pesantren* evidence shows the deferral has already produced a quiet, unauthorized private resolution at the grassroots level, well ahead of any formal doctrinal ruling from the organizations these institutions nominally belong to.⁵⁵

***Wilāya al-Ḥukm* and the Jurisdiction MABIMS Never Quite Draws**

Wilāya al-ḥukm asks a jurisdictional question a visibility angle cannot answer by itself: how far, in legal space, does one valid sighting travel before it stops binding a community that did not see it. Classical doctrine gives two clean answers, local limitation or global unity, but MABIMS state practice gives neither.⁵⁶ The criterion is regional and shared, which gestures toward *ittiḥād al-maṭla'*, yet the announcement remains stubbornly national, which preserves the form of *ikhtilāf al-maṭla'* without its underlying justification, since the four MABIMS states do not actually sit on four different horizons in any way that would satisfy the classical al-Shāfi'i test for a distinct *maṭla'*.⁵⁷ A recent doctrinal reconstruction combining *uṣūl al-fiqh*, *maqāṣid al-sharī'a*, and the theory of transnational legal authority, *wilayat al-hukm*, to evaluate a proposed unified global calendar reaches a comparable diagnosis at a broader scale, arguing that no earlier study had combined all three frameworks to test a genuinely transnational application of the doctrine.⁵⁸ That reconstruction, however, remains a doctrinal exercise; it is not tested against a documented national implementation record of the kind assembled here. Once it is tested against that record, the finding sharpens considerably. The hybrid MABIMS arrangement is not a compromise between the two classical positions. It combines the disadvantages of both: it forfeits the theological legitimacy that pure *ikhtilāf al-maṭla'* draws from honouring a genuinely local horizon, while also forfeiting the administrative unity that pure *ittiḥād al-maṭla'* promises for civil affairs. A comparative political-legal study of the four member states confirms this

⁵⁵ Jalāl al-Dīn Ibn 'Abd al-Raḥmān Ibn Abī Bakr Al-Suyūṭī, *Al-Ashbah wa al-Nazā'ir fi al-Furū'* (Beirut: Dār al-Kutub al-Islāmiyah, n.d.); Sakirman Sakirman and A Jamil, "The Concept of the Meeting Point of Hisab and Rukyat of the Beginning of the Hijri Month," *Nizham: Jurnal Studi Keislaman* 12, no. 1 (2024): 122–40, <https://doi.org/10.32332/nizham.v12i01.9117>.

⁵⁶ Nisa' and Ulinnuha, "Ittiḥād and Ikhtilāf Al-Maṭla' (Discourse and Its Implementation)."

⁵⁷ Hashim et al., "Unification of Hijri Calendar under One Matla': A Case Study of MABIMS through the Lens of Islamic Jurisprudence and Astronomy."

⁵⁸ Sari and Driss, "Unifying Islamic Time: A Contextualised Fiqh Analysis of the Unified Global Hijri Calendar between Usul al-Fiqh, Maqasid al-Shari'ah, and Transnational Legal Authority."

directly, finding that the decisive variable behind compliance and legal certainty is the degree of state centralization behind the criterion, not the criterion itself, and not the underlying choice between *ḥisāb* and *ru'ya*.⁵⁹

Maṣlaḥa Mursala* and the Missing Teeth of *Fiqh al-Siyāsa

Maṣlaḥa mursala supplies the doctrinal warrant for a state, rather than a private religious organization, to decide a matter no explicit text settles.⁶⁰ *Fiqh al-siyāsa* then supplies the enforcement maxim that should make the state's decision binding once it is made: *ḥukm al-ḥākim ilzām wa yarfa' al-khilāf*, the formal ruling of the government is binding and conclusively settles the dispute.⁶¹ Indonesia's own object of research shows that this maxim is invoked but not enforced. The Ministry of Religious Affairs convenes the *ithbāt* session precisely as a collective *ijtihād* mechanism meant to produce a single binding outcome, yet Muhammadiyah continues to publish its own *ḥisāb wujūd al-hilal* determination independently whenever the two methods diverge, and no legal consequence follows from that departure.⁶² The state, in other words, holds scientific authority. Its calculations feed directly into the shared MABIMS criterion. It does not hold binding legal authority that every religious actor inside its own jurisdiction is required to obey. That gap between scientific input and legal output is not a failure of astronomy, of *maṣlaḥa* reasoning, or of the sincerity of any of the parties involved. It is a plain absence of statutory teeth, a point the sociological literature on Islamic law implementation in Indonesia has raised in general terms without tying it specifically to the calendar question.⁶³ Brunei's centralized council model and Malaysia's JAKIM model do not face the

⁵⁹ Wahidi et al, "Political and Legal Policies in Determining Hijri Calendar among MABIMS Member Countries."

⁶⁰ Nasrullah, Huda, and Faizal, "Reconstructing the Indonesian Legal System through the Lens of Maslahah Mursalah."

⁶¹ Al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah wa al-Wilāyāt al-Dīniyah*.

⁶² Mughni Labib Marwadi and Muhammad Fuad Zain, "Reforming the Islamic Calendar and Religious Authority: Dynamics of Hijri Calendar Calculation in Indonesia within Persatuan Islam's Thought," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 1 (2025): 149–66, <https://doi.org/10.24090/mnh.v19i1.10574>; Suhar et al, "Collective Ijtihad Practice in Indonesia: The Role of Isbat Sessions in Addressing Legal Paradigm Differences between Hisab-Rukyat"; Ismail Keri, Achmad Musyahid, and Kurniati Kurniati, "Sociological Aspects in the Determination of Islamic Law," *Al-Bayyinah* 6, no. 2 (2022): 152–65, <https://doi.org/10.30863/al-bayyinah.v6i2.2944>.

⁶³ Keri, Musyahid, and Kurniati, "Sociological Aspects in the Determination of Islamic Law."

same gap, precisely because their instruments carry administrative force that Indonesia's *ithbāt* announcement, formally, does not.⁶⁴

The three gaps identified above are not independent defects. They are one defect viewed from three angles. Doctrine offers a route away from mandatory sighting, but no instrument has formally taken it. Doctrine offers two coherent jurisdictional models for *maṭla'*, but current practice constructs a third, incoherent one. Doctrine offers a maxim that would make a state ruling binding, but no Indonesian instrument currently carries the legal form that maxim presupposes. Each gap traces back to the same unexamined assumption: that *ḥisāb-ru'ya* unification, *maṭla'* unification, and enforcement authority are one single problem requiring one single uniform answer. They are not. Worship and civil administration are governed by structurally different legal logics in *uṣūl al-fiqh* itself, *ghayr ma'qūl al-ma'nā* against *ma'qūl al-ma'nā*, and a solution that tries to answer both domains with one rule will keep failing both.⁶⁵

The Pragmatic Bifurcation Model as a Legal Solution

This is where the Pragmatic Bifurcation Model does its work, and where its novelty lies specifically against the literature reviewed above. For *ta'abbudī* matters, the exact start of Ramadan fasting, the Eid al-Fitr prayer, and the Eid al-Adha sacrifice, the model retains *ikhtilāf al-maṭla'* and full *ru'ya-ḥisāb* plurality as legitimate options, consistent with the classical al-Shāfi'ī position and with the *wilāya al-ḥukm* logic that grounds it.⁶⁶ But it closes the enforcement gap identified above by requiring each *ūlī al-'amr* to give its *ithbāt* decision binding administrative form inside its own jurisdiction, a ministerial regulation or gazetted decree rather than a press announcement, so that *ḥukm al-ḥākim ilzām*

⁶⁴ Mansur, Sainun, and Saidah, "Sociocultural Dynamics of Islamic Legal Reform Across Muslim-Majority Countries: A Comparative Perspective"; Zuli Qodir et al., "A Progressive Islamic Movement and Its Response to the Issues of the Ummah," *Indonesian Journal of Islam and Muslim Societies* 10, no. 2 (2020): 323–52, <https://doi.org/10.18326/ijims.v10i2.323-352>.

⁶⁵ Misruki, Kurniati, and Sultan, "Aktualisasi Ta'aqquli dan Ta'abbudi dalam Penentuan Batasan Hukum Islam."

⁶⁶ Syarif and Sakirman, "Reconstructing Ijtihad in Unifications the Islamic Calendar: Jasser Auda's Maqashid al-Shari'ah Approach."

stops being a maxim quoted in scholarship and starts being an instrument a court or an agency can actually apply.⁶⁷

For *ta'aqqulī* matters, international banking contracts, flight scheduling, and civil administration, the model requires *ittihād al-maṭla'* and a single computed calendar, precisely because these transactions are structurally intolerant of *gharar* and gain nothing from ritual plurality.⁶⁸ The Ummul Qura calendar already demonstrates that a computed, unified civil calendar is administratively workable once it is deliberately decoupled from worship determination, and the bifurcation model simply generalizes that demonstrated design rather than inventing an untested one.⁶⁹ A thematic review of contemporary Hijri determination methods across the jurisprudential literature reaches a parallel conclusion from the opposite direction, noting that most existing proposals still try to resolve *ḥisāb-ru'ya* disagreement and civil-calendar unification as if they were a single technical problem, when the underlying legal logics point in different directions.⁷⁰ The bifurcation proposed here is what results when that observation is converted from a diagnosis into an operative legal rule.

Grounding the model in *fiqh al-siyāsa* also answers a question the state-centralization literature raises but does not resolve on its own. Wahidi and colleagues show that centralization predicts compliance, and the Brunei and Malaysia cases in the object of research confirm it empirically, but a purely political explanation cannot tell Indonesia how much centralization is doctrinally permissible without extinguishing the religious pluralism that *ikhtilāf al-maṭla'* was always meant to protect.⁷¹ The answer this article supplies is that centralization is doctrinally warranted precisely to the extent a matter is *ta'aqqulī*, and doctrinally unwarranted, indeed contrary to *maqāṣid al-sharī'a*'s protection of religious integrity, to the extent a matter remains *ta'abbudī*. Jasser

⁶⁷ Asep M Tamam et al., "The Harmonization of Wasathiyatul Islam: Transforming Values of Religious Moderation in the Dialectics of Indonesian Society," *International Journal of Islamic Educational Research* 3, no. 1 (2026): 43–48, <https://doi.org/10.22373/ijier.v3i1.491>.

⁶⁸ Nurul Wulandari Putri and Anton Satria Prabuwono, "Islamic Economic Perspectives on Global Economic Integration: A Theoretical Framework," *International Journal of Islamic Economics* 7, no. 1 (2025): 1–10, <https://doi.org/10.32332/ijie.v7i01.10302>.

⁶⁹ Anwar, "Unified Islamic Calendar in the Perspective of Islamic Legal Philosophy."

⁷⁰ Muhamad Syazwan Faid et al., "Methods in Determining New Hijri Month: A Thematic Review from Islamic Jurisprudence Perspective," *Malaysian Journal of Syariah and Law* 13, no. 1 (2025): 75–99, <https://doi.org/10.33102/mjssl.vol13no1.687>.

⁷¹ Wahidi et al., "Political and Legal Policies in Determining Hijri Calendar among MABIMS Member Countries."

Auda's systems reading of *maqāṣid* as an adaptive, outcome-oriented method rather than a fixed checklist supports exactly this kind of domain-specific calibration, and a recent scientometric mapping of *maqāṣid* scholarship confirms that objectives-based reasoning of this kind has become the dominant contemporary tool for reconciling textual fidelity with rational and governance-oriented input across Islamic legal scholarship.⁷² The bifurcation model therefore does not choose between Indonesia's pluralism and Malaysia's centralization. It assigns each to the legal domain where classical doctrine already justifies it.

Implications for Islamic Legal Studies and State Practice

For Islamic Constitutional Law and the Philosophy of Islamic Law, this analysis contributes a doctrinal test, the *ta'abbudī/ta'aqqulī* reclassification of the calendar question itself, that is transferable beyond the Hijri calendar to any dispute where religious plurality and administrative uniformity are currently, and unnecessarily, being asked to answer to the same rule. Comparable dispersed-authority problems in *zakat* collection, prayer-time standardization, and halal certification across Muslim-majority federations could, in principle, be tested against the same bifurcation logic.

For Indonesian state practice specifically, the immediate implication is narrower and more concrete. The Ministry of Religious Affairs does not need to resolve the *ḥisāb-ru'ya* dispute to close the enforcement gap identified above. It needs only to give its existing *ithbāt* outcome binding regulatory form for *ta'aqqulī* purposes, national holiday scheduling, banking calendars, and civil contracts, while leaving *ta'abbudī* observance exactly as pluralistic as Nahdlatul Ulama, Muhammadiyah, and other organizations currently practice it. That single administrative step, rather than any further astronomical refinement of the visibility criterion, is what the data assembled in this section suggest would most directly convert the New MABIMS accord's scientific consensus into legal certainty.

This analysis draws its strength from combining three elements that the reviewed literature has so far kept separate: a doctrinal reclassification grounded in *uṣūl al-fiqh*, an explicit grounding of that reclassification in *fiqh al-siyāsa* as a binding legal mechanism, and a check of the resulting model against

⁷² Auda, *Maqāṣid Al-Sharī'ah as Philosophy of Islamic Law A Systems Approach*.

a documented, comparative record of MABIMS state practice rather than against doctrine alone. Recent doctrinal reconstructions have supplied the first two elements without the third,⁷³ while the empirical MABIMS literature has supplied detailed comparative data without proposing a doctrinal rule capable of resolving it. Reading these two bodies of scholarship together, as this section has done, is itself the contribution.

The limitations of this study follow directly from its method. As normative, doctrinal legal research, this article relies on secondary documentation, published *fiqh* texts, official criteria documents, and peer-reviewed comparative studies, rather than on original fieldwork inside *ithbāt* sessions or interviews with MABIMS working-committee members. The administrative feasibility of converting an *ithbāt* outcome into a gazetted ministerial regulation has also not been tested here against Indonesia's own hierarchy-of-legislation requirements under its statutory framework for lawmaking, a question that properly belongs to administrative and constitutional law scholarship rather than to *uṣūl al-fiqh*. Future socio-legal research, ideally combining interviews with MoRA officials, Muhammadiyah's Majelis Tarjih, and Nahdlatul Ulama's Lajnah Falakiah with formal legislative drafting analysis, would be needed to move the Pragmatic Bifurcation Model from a doctrinally justified proposal to an administratively implemented one.

Conclusion

The New MABIMS criterion gives Brunei, Indonesia, Malaysia, and Singapore the same visibility number. It does not give them the same calendar date. That gap is the starting point of this conclusion. It does not come from any remaining astronomical disagreement. It comes from three unresolved legal questions. The first question concerns method. The '*illat* maxim already permits a shift from mandatory sighting to calculation. No MABIMS instrument has formally made that shift binding. The second question concerns jurisdiction. State practice borrows the language of *ittiḥād al-maṭla'* while keeping the outcome of *ikhtilāf al-maṭla'*. The calendar sits between two classical doctrines instead of resting on either one. The third question concerns enforcement. *Maṣlaḥa mursala* and *fiqh al-siyāsa* both permit a state to bind its citizens to a single ruling. Indonesia's *ithbāt* session still issues an announcement, not a

⁷³ Sari and Driss, "Unifying Islamic Time: A Contextualised Fiqh Analysis of the Unified Global Hijri Calendar between Usul al-Fiqh, Maqasid al-Shari'ah, and Transnational Legal Authority."

regulation. *Hukm al-ḥākim ilzām wa yarfa' al-khilāf* remains a maxim without a mechanism. The Pragmatic Bifurcation Model answers all three gaps at once. It reclassifies the calendar question itself rather than choosing a side within it. *Ta'abbudī* matters keep *ikhtilāf al-maṭla'* and full *ḥisāb-ru'ya* plurality. *Ta'aqqulī* matters adopt *ittiḥād al-maṭla'* through one computed, administratively binding calendar. The novelty of this model does not lie in separating worship from civil affairs. Earlier scholarship already gestured toward that split. The novelty lies in grounding the split in *fiqh al-siyāsa* as an enforceable legal mechanism. It lies too in testing that grounding against a documented record of MABIMS state practice, not against doctrine alone.

Indonesia's Ministry of Religious Affairs does not need to settle the *ḥisāb-ru'ya* debate before it acts. It needs only one step. It must give its existing *ithbāt* outcome binding regulatory form, a ministerial regulation or a gazetted decree, for *ta'aqqulī* purposes such as national holidays, banking calendars, and civil contracts. *Ta'abbudī* observance can stay exactly as pluralistic as Muhammadiyah, Nahdlatul Ulama, and other organizations already practice it. That single administrative step would close the enforcement gap this article has identified. No organization would need to abandon its doctrinal position. Future research should test whether this step is realistic inside Indonesia's own legal system. Such a study would read Indonesia's hierarchy-of-legislation requirements together with interviews from officials at the Ministry of Religious Affairs, Muhammadiyah's Majelis Tarjih, and Nahdlatul Ulama's Lajnah Falakiyah. That combination would move the Pragmatic Bifurcation Model from a doctrinally justified proposal into an administratively implemented one. The same test deserves attention beyond the calendar. Islamic law disperses authority across competing organizations in other fields too, including *zakāt* collection, prayer-time standardization, and halal certification across Muslim-majority states. Each of these fields shares the calendar's underlying condition. A scientific or administrative consensus already exists. Religious institutions have simply not yet converted it into one binding rule.[a]

Author Contribution Statement

Muhammad Harfin Zuhdi: Conceptualization; Data Curation; Formal Analysis; Investigating; Methodology; Validation; Writing Original Draft.

Muhammad Sheva Maulaya Zuhdi: Conceptualization; Data Curation; Methodology.

Arino Bemi Sado: Data Curation; Validation.

Ahmad Saiful Haq Almuhtadi: Data Curation; Visualization.

Muhammad Dimas Firdaus: Formal Analysis; Validation.

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