



## Legality of Rukyat al-Hilal Witness Without Oath in Fiqh and Procedural Law Perspectives

Ahmad Musonnif<sup>a,1\*</sup>, Nur Fadhilah<sup>b,2</sup>, Nuril Farida Maratus<sup>b,3</sup>

<sup>a b c</sup> UIN Sayyid Ali Rahmatullah, Jalan Mayor Sujadi No. 46, Tulungagung 66221, Indonesia  
<sup>1</sup> ahmad.musonnif@uinsatu.ac.id\*; <sup>2</sup> nur.fadhilah@uinsatu.ac.id; <sup>3</sup> Nurilfarida.m@uinsatu.ac.id

**Abstract:** This article analyzes the legal status of rukyat al-hilal witnesses in determining the Hijri month, with a focus on Ramadan 1446 H. In this case, the sighting of the new moon in Lhoknga, Aceh Besar, was reported by experienced observers and supported with visual documentation. However, the Syariah Court rejected the testimony because the witness was an outsider who had not taken an oath, and instead relied on local residents who had not seen the hilal. Conversely, the Ministry of Religious Affairs recognized the beginning of Ramadan based on the testimony of the non-sworn outsider. This raises two key issues: whether local residents who did not observe the hilal can serve as witnesses, and whether outside experts may be accepted under Indonesian procedural law and Islamic jurisprudence (fiqh). The study finds that the court applied relative competence too rigidly, a principle more relevant to private cases such as marriage or inheritance. Unlike those, rukyat al-hilal has national implications. While procedurally the ministerial decree is flawed, from a fiqh perspective the decision remains legitimate, since fiqh only requires a Muslim's trustworthy testimony without the necessity of a judicial oath.

**Keywords:** *Rukyat Hilal, Witness, Oath, Procedural Law, Isbat Session, Hijri Calendar, Aceh Syar'iyah Court*

**Abstrak:** Artikel ini menganalisis status hukum saksi rukyat al-hilal dalam menentukan bulan Hijriah, dengan fokus pada Ramadhan 1446 H. Dalam hal ini, penampakan bulan baru di Lhoknga, Aceh Besar, dilaporkan oleh pengamat berpengalaman. Namun, Pengadilan Syariah menolak keterangan tersebut karena saksi tersebut adalah orang luar yang belum bersumpah, melainkan mengandalkan warga setempat yang belum melihat hilal tersebut. Sebaliknya, Kementerian Agama mengakui awal Ramadhan berdasarkan kesaksian orang luar yang tidak bersumpah. Ini menimbulkan dua masalah utama: apakah penduduk setempat yang tidak mematuhi hilal dapat menjadi saksi, dan apakah ahli luar dapat diterima berdasarkan hukum prosedur Indonesia dan yurisprudensi Islam (fiqh). Studi ini menemukan bahwa pengadilan menerapkan kompetensi relatif terlalu kaku, sebuah prinsip yang lebih relevan dengan kasus-kasus pribadi seperti pernikahan atau warisan. Tidak seperti itu, rukyat al-hilal memiliki implikasi nasional. Meskipun secara prosedural keputusan menteri cacat, dari perspektif fiqh keputusan tetap sah, karena fiqh hanya membutuhkan kesaksian yang dapat dipercaya seorang Muslim tanpa perlu sumpah yudisial.

**Kata kunci:** *Rukyat Hilal, Saksi, Sumpah, Hukum Acara, Sidang Isbat, Kalender Hijriah, Pengadilan Syar'iyah Aceh*

### A. Introduction

The determination of the beginning of the month of Ramadan has always been an important moment that Muslims look forward to, both from a spiritual and sociological perspective. In the process of determining the initial Hijri months, the Minister of Religion makes a decision based on the witness of a person who saw the hilal sworn by a judge of the Religious Court or the Syariah Court. A noteworthy case occurred during the initial determination of Ramadan 1446 H, when the Minister of Religion set 1 Ramadan on Saturday, March 1, 2025. This decision was announced through an Isbat Session which was held on Friday night, February 28, 2025, at the office of the Ministry of Religious Affairs of the Republic of Indonesia, Jakarta. The Isbat session was led directly by the Minister of Religious Affairs, Nasaruddin Umar, who said that this determination was based on two main approaches: the hisab method (astronomical calculation) and the results of



rukyat al-hilal (observation of the young crescent moon) which were carried out simultaneously in various regions of Indonesia.<sup>1</sup>

During the hearing, the Ministry of Religious Affairs received a report that a new moon was seen in Aceh Province, one of the strategic observation locations in western Indonesia. Based on astronomical data, on February 28, 2025, the position of the moon shows an altitude which, if referring to the new criteria of MABIMS (Minister of Religion of Brunei, Indonesia, Malaysia, and Singapore), is technically only part of the area that meets both parameters. However, the rukyat report from Aceh is considered sufficient to determine the beginning of Ramadan, and this result is also the basis for the central government's decision.<sup>2</sup>

Notably, the Minister of Religion's decree relied on testimony from a witness who was not sworn by the judge. During the process of observing the new moon in Aceh, the witnesses who observed the new moon were a team of experts from the East Java Nahdaltul Ulama Falakiyah Institute. When they volunteered as witnesses, the Syariah Court Judge rejected them and asked two Acehnese locals to be witnesses. These two witnesses from Aceh of course stated that they did not see the hilal. Thus the decision of the Syariah Court Judge stipulates that hilal is invisible. Even so, the Minister of Religious Affairs still sent the beginning of Ramadan 1446 based on the authenticity of the hilal of the person who was not sworn.<sup>3</sup>

From this case, the question arises whether the witness of the hilal must be from local residents and how is the law to determine the beginning of the hijri month based on witnesses who are not sworn in. However, the legal and sociological dynamics that occurred in Aceh are an important record in the early history of the establishment of Ramadan in Indonesia. It does not only concern aspects of astronomy and jurisprudence, but also touches on the issue of locality, authority, and validity of witness in the context of Islamic law and constitutional law.

Some of the research related to Hilal observation witnesses include: Siti Muslifah with a focus on Hilal Observation Witnesses with the Help of Technology (Analysis of the Use of CCD Imaging and Image Processing Telescopes)<sup>4</sup> Muhammad Fiqih Abdul Aziz Examines The Integration Of Science And Fiqh In Rukyat Al-Hilal Witnesses.<sup>5</sup> Firmansyah Aldi examines the witness of Rukyat Hilal Online in Madhhab of Shafi'i.<sup>6</sup> Khoirul Fatikhin focuses on Legal Analysis

---

<sup>1</sup>Indah, *Pemerintah Tetapkan 1 Ramadan 1446 H Jatuh Pada 1 Maret 2025*, February 2025, <https://kemenag.go.id/pers-rilis/pemerintah-tetapkan-1-ramadan-1446-h-jatuh-pada-1-maret-2025-YzheO>.

<sup>2</sup>Haiqal, *Saya Tak Melihat Ada Hilal" Kisah Lucu Di Aceh, Ketua Mahkamah Syariah Jantho Salah Tunjuk Saksi Sasaran Sumpah*, March 1, 2025, <https://beritamerdeka.net/>.

<sup>3</sup>Haiqal, *Saya Tak Melihat Ada Hilal" Kisah Lucu Di Aceh, Ketua Mahkamah Syariah Jantho Salah Tunjuk Saksi Sasaran Sumpah*.

<sup>4</sup>Siti Muslifah, *Saksi Rukyatul Hilal Dengan Bantuan Teknologi (Analisis Penggunaan Teleskop CCD Imaging Dan Olah Citra)*, n.d., accessed September 3, 2025, <https://digilib.uinkhas.ac.id/1504/1/SITI%20MUSLIFAH%20-%20SAKSI%20RUKYATUL%20HILAL%20DENGAN%20BANTUAN%20TEKNOLOGI%20.pdf>.

<sup>5</sup>Muhammad Fiqih Abdul Aziz, "Integrasi Sains Dan Fikih Dalam Saksi Rukyatulhilal" (INSTITUT AGAMA ISLAM NEGERI, 2024).

<sup>6</sup>Firmansyah Aldi, "Kesaksian Rukyat Hilal Online Dalam Mazhab Syafi'i" (Universitas Islam Negeri Walisongo, 2021).



of Women's Witness in the Implementation of Rukyat al-Hilal in Indonesia.<sup>7</sup> Anggit Nilam Cahya examines the Position of Isbat of Religious Courts in the Witness of Rukyat al-Hilal in Indonesia (An Analytical Study of the Determination of Religious Courts).<sup>8</sup> Zahrina Wardah examined the Implementation of Article 52a of Law Number 3 of 2006 concerning Religious Courts in the Determination of the Beginning of Ramadan 1442 H. (Study on the Implementation of Isbat Rukyatulhilal Witness at the Tuban Religious Court).<sup>9</sup> Muhammad Aflah Rifai discusses the Controversy over the Legality of Women Witnesses in the Issue of Rukyat al-Hilal Perception of Banjarmasin City Ulama.<sup>10</sup> Ghifari Ma'ruf examines the witness of Rukyat al-Hilal according to Shafi'iyah scholars and hanabilah scholars.<sup>11</sup>

Some previous studies have not examined the domicile of witnesses in relation to the authority of the Religious Court or the Sharia Court and also did not examine the legal status of determining the beginning of the Hijri month with the witness of witnesses who were not sworn.

## B. Method

This study employs a literature-based method,<sup>12</sup> analyzing data from the Isbat Sessions led by the Minister of Religion and the Syar'iyah Court, particularly in relation to absolute and relative judicial authority. The case was analyzed with the court's procedural law and fiqh to test the legality of the results of the Isbat Session at the beginning of the Hijri month in Jakarta which used the witness of people who were not sworn in Isbat rukyat al-hilal at the Sharia Court in Aceh. Primary data used related to the news of the Isbat session in Jakarta and Aceh, in addition to the laws and regulations related to the Isbat session are also used as primary data. Some Fiqh literature related to the witnesses of Rukyat al-hilal is also used. There are several data in this study such as Government Regulations, fatwa of the Indonesian Ulema Council, and Fiqh related to the power and authority of Judges (qadi) and previous studies. This study also explores the relationship between the Minister of Religion at the Center during the Isbat Session at the beginning of the Hijri month and the Judge of the Religious Court in the Region during the Isbat Rukyat Hilal Session.

---

<sup>7</sup>Khoirul Fatikhin, "Analisis Hukum Terhadap Kesaksian Perempuan Dalam Pelaksanaan Rukyatul Hilal di Indonesia" (Universitas Islam Negeri Walisongo, 2022).

<sup>8</sup>Anggit Nilam Cahya, "Kedudukan Isbat Pengadilan Agama Dalam Kesaksian Rukyatul Hilal di Indonesia (Studi Analisis Penetapan Pengadilan Agama)" (Universitas Islam Negeri Syarif Hidayatullah, 2022).

<sup>9</sup>Zahrina Wardah, "Implementasi Pasal 52a Undang-Undang Nomor 3 Tahun 2006 Tentang Peradilan Agama Dalam Penentuan Awal Ramadan 1442 H. (Studi Pelaksanaan Isbat Kesaksian Rukyatulhilal Di Pengadilan Agama Tuban)" (Universitas Islam Negeri Sunan Ampel, 2023).

<sup>10</sup>Muhammad Aflah Rifai, "Mendiskusikan Kontroversi Legalitas Saksi Perempuan Dalam Masalah Rukyatul Hilal Persepsi Ulama Kota Banjarmasin" (Universitas Islam Negeri Antasari, 2023).

<sup>11</sup>Ghifari Ma'ruf, "Kesaksian Rukyat Al-Hilal Menurut Ulama Syafi'iyah Dan Ulama Hanabilah Ghifari Ma'ruf" (Universitas Islam Negeri Walisongo, 2021).

<sup>12</sup>Education Faculty's Lecturer, Pashto Language and Literature department, Nangarhar University, Jalalabad city, Afghanistan et al., "The Value of Research Methods in Literary Studies," *International Journal of Current Science Research and Review* 06, no. 03 (2023), <https://doi.org/10.47191/ijcsrr/V6-i3-22>.



### C. Result and Discussion

#### 1. The Position of the Religious Court in Determining the Beginning of the Hijri Month

Based on the applicable legal provisions, the authority of the Religious Court is not only limited to the settlement of cases as stipulated in Articles 49 and 51 of Law Number 7 of 1989, but also includes the provision of information, considerations, and advice on Islamic law to government agencies when requested. Through the changes outlined in Law Number 3 of 2006, the Religious Court is specifically given the authority to declare the witness of the rukyat hilal in the context of determining the beginning of the month of Hijri, especially Ramadan and Shawwal. This is carried out because so far the Minister of Religion needs a legal basis in the form of a court determination on the witness of people who see the hilal before determining nationally 1 Ramadan and 1 Shawwal. In addition, the court can also provide legal considerations related to the issue of determining the direction of the qibla and the prayer time. In order to exercise this authority, the Supreme Court through Determination Number KMA 095/X/2006 gave permission to Religious Courts throughout Indonesia and Syar'iyah Courts in Aceh to hold itsbat hearings on rukyat hilal witness with a single judge. This provision is emphasized by SEMA Number 1 of 2022 which makes the results of the plenary meeting of the Supreme Court chamber as a guideline for all courts, including in the implementation of isbat rukyat sessions. Furthermore, in 2024, a joint decree was issued between the Directorate General of Islamic Guidance of the Ministry of Religion and the Directorate General of Badilag of the Supreme Court which regulates the technical procedures for the isbat session of the rukyat hilal witness, thereby clarifying the coordination and mechanism for its implementation in the field.<sup>13</sup>

#### 2. The Authority of the Minister of Religion

After the establishment of the Ministry of Religion on January 3, 1946, the tasks of regulating holidays were handed over to the Ministry of Religious Affairs, including the arrangement of the 1st of Ramadan, Shawwal, and Zulhijjah. This authority is stated in the Government Decree of 1946 No.2/Um.7 Um.9/Um, and is emphasized by Presidential Decree No.25 of 1967 No.148/1968 and 10 of 1971. The arrangement of holidays including the 1st of Ramadan, Idl-Fitr and Idul Adha applies to the whole of Indonesia. However, differences are still not avoidable at all because there are two opinions that base the date of the first month of Hijri on hisab, and with rukyat.<sup>14</sup>

In response to this reality, the Indonesian Ulema Council (MUI) issued a fatwa in 2004 that emphasized the need for unity in determining the beginning of these important hijri months. This fatwa is the result of the Ijtim'a' Ulama of the Fatwa Commission throughout Indonesia which took place on 22 Shawwal 1424 H, and was strengthened by the decision of the MUI Fatwa Commission meeting on 5 Dzulhijjah 1424 H. The goal is to avoid division and provide certainty to the people in carrying out worship together.

The fatwa states that the initial determination of Ramadan, Shawwal, and Dzulhijjah is carried out by the Government of the Republic of Indonesia through the Minister of Religion, using the rukyat (observation of the hilal) and hisab (astronomical calculations) methods. This decree

---

<sup>13</sup>*Rukyat Hilal: Petunjuk Pelaksanaan Tata Cara Sidang Isbat Kesaksian Rukyat Hilal*, September 19, 2024, <https://pa-kebumen.go.id/layanan-hukum/prosedur-berperkara/rukayat-hilal>.

<sup>14</sup>*Almanak Hisab Rukyat* (Kementerian Agama Ri, 2010), 74.



applies nationally and all Muslims in Indonesia are required to follow it. In the determination process, the Minister of Religion is also required to consult with the Indonesian Ulema Council, Islamic community organizations, and other related institutions.

The shari'i basis of this fatwa is taken from the verses of the Qur'an and the hadith of the Prophet Muhammad PBUH which emphasizes the importance of the observation of the new moon to determine the beginning of the month. In addition, there is also a basis for the rules of fiqh which states that the government's decision in matters of *ijtihadiyyah* is binding and can eliminate differences. In this context, the state is authorized to decide the case of hijri dating as a form of legitimate leadership in religious affairs.

This fatwa also opens up the possibility of using rukyat results from regions outside Indonesia, as long as the region has the same *mathla'*. In addition, MUI recommends that the criteria for determining the beginning of the month continue to be discussed with Islamic organizations and experts, in order to produce standard guidelines that can be used by the government in making decisions.

With this fatwa, MUI not only affirms the fiqh position on obedience to the government, but also shows sensitivity to the pluralistic social needs of Indonesian Muslims. It is proof that Islamic fiqh can synergize with national principles for the realization of unity in diversity.<sup>15</sup>

### 3. Isbat session

The isbat session is a formal mechanism of the Ministry of Religion to determine the beginning of Ramadan, Shawwal, and Dzulhijjah. This session was held periodically ahead of the three months, involving various elements, including hisab-rukyat experts, representatives of Islamic organizations, community leaders, and related institutions. The results of the trial are outlined in the form of a Decree of the Minister of Religion (KMA) which has administrative legal force. The KMA issued after the isbat session provides legality to the results of the rukyat al-hilal carried out by the Hisab Rukyat Team of the Ministry of Religion together with witnesses from various regions. Thus, the isbat session is not only a discussion forum, but also a formal means of the state in affirming the certainty of worship time which has a wide impact on the Indonesian Muslim community.<sup>16</sup>

In the state structure, the Minister of Religion has the authority as a public official responsible for religious affairs, including the management of the national Hijri calendar. From the perspective of fiqh siyasah, this authority can be seen as part of the authority of *ulil amri*, which is the party mandated to regulate the affairs of the ummah in the public domain, including in determining the time of collective worship such as fasting and Eid al-Fitr.

---

<sup>15</sup>Fatwa Majelis Ulama Indonesia Nomor 2 Tahun 2004 Tentang Penetapan Awal Ramadhan, Syawal, Dan Dzulhijjah, <https://mirror.mui.or.id/wp-content/uploads/files/fatwa/25.-Penetapan-Awal-Ramadhan-Syawal-dan-Dzulhijjah.pdf>.

<sup>16</sup>Dirjen Bimas Islam: *Sidang Isbat Rangkul Perbedaan Awal Bulan Kamariah*, June 8, 2024, <https://kemenag.go.id/nasional/dirjen-bimas-islam-sidang-isbat-rangkul-perbedaan-awal-bulan-kamariah-mdkNZ>.





Based on Article 1 number 2 of Law No. 15 of 2019 concerning amendments to Law No. 12 of 2011, it can be emphasized that the MUI fatwa is not included in the type and hierarchy of laws and regulations, so it does not have juridically binding legal force. The position of the MUI itself, is in the realm of constitutional infrastructure as a religious organization of the community, not a state institution. Therefore, the MUI fatwa is not a state law that can be imposed on all citizens, but is limited to moral and religious guidelines that are only obeyed by Muslims who feel that they have a bond with it. Fatwa is in essence nothing more than the opinion of scholars or scholarly institutions that can be followed or ignored. However, legal developments show that MUI fatwas, especially through the National Sharia Council (DSN), can gain positive legal force when legitimized by laws and regulations. This can be seen in the field of sharia economics, where several DSN MUI fatwas are used as the basis for regulations and must be complied with by business actors. Thus, the position of the MUI fatwa is relative: in general, it is not binding by state law, but can be binding if it has been absorbed into the system of laws and regulations through state recognition.<sup>17</sup>

Some scholars are of the opinion that the decision of *uli al-amr* in the case of *ijtihadiyyah* (the results of the thought of jurists who can differ from each other), such as the determination of the beginning of the month of Hijri, is binding as long as it does not contradict the principles of sharia. Therefore, the decision of the Minister of Religion in the isbat session has legitimacy not only administratively of the state, but also normatively within the framework of legitimate religious authority according to the rules of fiqh. However, there are also those who state that the Minister of Religion is not *uli al-Amr* as the view of the Muhammadiyah organization.<sup>18</sup>

The implementation of isbat sessions and the decisions of the Minister of Religion are often in the dynamics of contestation with several religious organizations. Some mass organizations, such as Muhammadiyah, choose to use the method of hisab hakiki *wujud al-hilal* as the basis for determining the Hijri calendar, which can be different from the results of the isbat session which considers the aspect of *rukyat bil fi'l* (observing the crescent by practice). This difference often raises the difference in the beginning of fasting or Eid, which in the context of a pluralistic society raises questions about the authority to determine the time of collective worship. Although the government respects the freedom of mass organizations in *ijtihad*, the state still needs an official decree for the benefit of public administration and the implementation of mass worship. In this case, the isbat session by the Minister of Religion remains the only official reference that applies nationally, although it does not deny the existence of other *ijtihad* of mass organizations.<sup>19</sup>

---

<sup>17</sup>Nafiatul Munawaroh, Kedudukan Fatwa MUI dalam Sistem Hukum Indonesia, *Kedudukan Fatwa MUI Dalam Sistem Hukum Indonesia*, November 2, 2023, <https://www.hukumonline.com/klinik/a/kedudukan-fatwa-mui-dalam-sistem-hukum-indonesia-lt5837dfc66ac2d/>.

<sup>18</sup>Ilham Ibrahim, *Siapa Uli Amri Dalam Penetapan Awal Bulan Hijriyah?*, January 4, 2022, <https://santricendekia.com/siapa-ulil-amri-dalam-penetapan-awal-bulan-hijriyah/>.

<sup>19</sup>*Beragam Kriteria Penentuan Awal Bulan Hijriyah Di Indonesia*, October 19, 2019, <https://oif.umsu.ac.id/2019/10/beragam-kriteria-penentuan-awal-bulan-hijriyah-di-indonesia/>.



Formally, the results of the isbat session are administrative decisions from the Minister of Religion and apply nationally in the context of the implementation of Muslim worship. Although national, this result does not impose individual compliance in a criminal or civil sense. This means that Muslims are still allowed to practice their own beliefs if they have different views, even though normatively the government calls for unity in determining the religious calendar to prevent social division.

The isbat decision has a legal-formal status within the framework of state administrative regulations, but it is not *ius constitutum* in positive law which is binding on all citizens without exception. Therefore, although the isbat session is the official reference for the national calendar, it is possible that there is an independent rukyat practice carried out by mass organizations or individuals outside the Ministry of Religion's scheme, although potential interpretive and social conflicts can arise as a result of this.<sup>20</sup>

#### **4. Mechanism of Isbat of Rukyat al-Hilal Session**

In studying the Isbat Session, it is not only about astronomical studies related to the hilal, but also must use the approach of fiqh and civil law. This is because in the Isbat session, the Minister of Religion made a decision based on the witness of someone who claimed to see the new moon. Under the rules, a witness must testify before a religious court judge to prove that his witness is valid. In fiqh, it is also studied related to the hilal witnesses to validate the witness.

In the Law of the Republic of Indonesia Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Justice, article 52A states "Religious courts give istbat of rukyat hilal witness in determining the beginning of the month in the year Hijriyah". In this law, it is explained the important function of the Religious Court in determining the beginning of the month of Hijri.<sup>21</sup>

The Director General of the Religious Justice Agency of the Supreme Court of the Republic of Indonesia issued Guidelines for the Procedure for the Itsbat Session of Rukyat Hilal Witness which is a normative foothold that regulates in detail the procedures for the implementation of hisab and rukyat in Indonesia. This decision was issued as a form of standardization of procedures and strengthening the authority of the religious courts in the implementation of the itsbat session of rukyat hilal witness. Given the importance of the hilal as a marker of the beginning of the month of Hijri, especially Ramadan, Shawwal, and Zulhijjah, this decision is intended so that the implementation of the itsbat session takes place in accordance with the rules of procedural law and the principle of prudence. This also responds to the need for standard guidelines that can be used by all religious courts in Indonesia when receiving and processing reports of rukyat hilal witness from the public.

---

<sup>20</sup>Muhammad Raihan Nugraha, *Hukumnya Perbedaan Awal Ramadan Hukumnya Perbedaan Awal Ramadan*, February 27, 2025, <https://www.hukumonline.com/klinik/a/keputusan-sidang-isbat-dan-keseragaman-awal-puasa-lt5ea679c773c86/>.

<sup>21</sup>Undang-Undang Republik Indonesia Nomor 3 Tahun 2006 Tentang Perubahan Atas Undang-Undang Nomor 7 Tahun 1989 Tentang Peradilan Agama, <https://pa-baturaja.go.id/images/stories/file-pdf/UU-NO-3-2006.pdf>.



The procedure for the itsbat hearing of rukyat hilal witness based on official guidelines from the Directorate General of the Religious Justice Agency of the Supreme Court of the Republic of Indonesia is carried out quickly, simply, and according to local conditions. This hearing was submitted by the Office of the Ministry of Religion to the local Religious Court or Syar'iyah Court after there was a report of the sighting of the hilal. This application is recorded in a special register, then the Chief Justice appoints a single judge and the clerk of the hearing. The judge examines the identity and witness of the observer, then if the witness meets the formal and material requirements, the judge orders the observer to pronounce the oath of witness, then stipulate or include the witness in the minutes of the trial. The results of this determination are the subject of consideration for the itsbat session of the Minister of Religion.

This hearing is not disputed so that the determination is final without legal remedies such as appeals or cassation. The formal requirements of observer include Muslims, maturity, common sense, honesty, fairness, and trustworthiness, while material requirements include statements that the hilal is seen by oneself, either with the naked eye or with aids, and the information provided must not contradict the data of hisab or science. The entire process, from the application, examination, oath, to determination, is stated in the minutes of the trial and recorded in the official register of the itsbat case of rukyat hilal witness.<sup>22</sup>

Procedurally, the religious court has a Standard Operating Procedure (SOP) for the application service for itsbat rukyah hilal. In this procedure, the Religious Court accepts the application for Isbat Rukyat al-Hilal submitted by the Office of the Ministry of Religion in the Regency/City.<sup>23</sup> In the implementation of Rukyat al-Hilal, the Office of the Ministry of Religion in the Regency/City collaborates with the Rukyat Hisab Agency to determine the location of Rukyat al-Hilal and present experts in the field of Rukyat al-Hilal. These experts are members of the Hisab Rukyat Agency formed by the Ministry of Religion.<sup>24</sup>

The considerations used in the trial include two main methods: hisab and rukyat. Hisab data is used as an initial projection of the existence of the new moon astronomically, while the rukyat report that manages to see the moon is a determining factor. However, the isbat trial does not necessarily accept all rukyat reports, because the reports must meet validation standards, including the identity of witnesses, weather conditions, optical aids used, and the consistency of monitoring results.

---

<sup>22</sup>Keputusan Direktur Jenderal Badan Peradilan Agama Mahkamah Agung RI Nomor: 531/Dja/Ot.00/Sk/Ii/2023 Tentang Pedoman Tatacara Sidang Itsbat Kesaksian Rukyat Hilal, <https://drive.google.com/file/d/1-2iiohRtAEhM39X-9Ftj9IBgTBmpbj0r/view>.

<sup>23</sup>Pengadilan Agama Sukabumi, "Standar Operasional Prosedur (Sop) Layanan Permohonan Itsbat Rukyah Hilal," Pengadilan Agama Sukabumi, n.d., [https://www.pa-sukabumi.go.id/images/3.57.\\_PELAYANAN\\_PERMOHONAN\\_ISBAT\\_RUKHYAT\\_HILAL\\_OK.pdf](https://www.pa-sukabumi.go.id/images/3.57._PELAYANAN_PERMOHONAN_ISBAT_RUKHYAT_HILAL_OK.pdf).

<sup>24</sup>"Keputusan Menteri Agama Republik Indonesia Nomor 56 Tahun 2010. Tentang. Pembentukan Pengurus Badan Hisab Dan Rukyat,," Kementerian Agama Republik Indonesia, n.d., <https://www.scribd.com/document/371028000/Sk-Hisap-Rukyat>.





The observation of the new moon is carried out on the 29th day of the Hijri month, before sunset. The locations of rukyat are determined based on geographical and strategic considerations, such as the height of the place, the unobstructed horizon line, and the location of coordinates that allow effective observation. The Ministry of Religious Affairs annually determines more than 100 rukyat points spread across various provinces, including in Moon Observation Post (POB) of Lhoknga, Aceh Besar.

In the implementation of rukyat, the officers used optical aids such as telescopes and theodolites, and even some points were equipped with CCD (Charge-Coupled Device) cameras to document the results of observations. The officers came from elements of the Regional Office of the Ministry of Religious Affairs, astronomers, astronomers from the observatory, and representatives of Islamic organizations.<sup>25</sup>

### 5. Views of Madhhab Scholars

All schools of Islam agree that rukyat bil-fi'li (direct sight with the eyes) is the main basis in determining the beginning of the month of Shawwal (Eid al-Fitr), based on the words of the Prophet Muhammad PBUH. However, there are differences in understanding the shari'i texts, such as differences in the concepts of "*shahadah*" (witness), "*Adalah*" (integrity/justice of witnesses), and differences in the application of the law in the case of cloudy weather or syubhat. In addition, some countries or regions may differ in the announcement of Eid al-Fitr because they follow different schools or methodologies. The general public is encouraged to follow the official decisions of the government or religious authorities in their respective countries in order to maintain the unity of the people.

Table 1. Comparison of the Opinions of the Four Madhhabs in the Determination of Hilal Shawwal

Sect	Rukyat Requirements	Number of Witnesses	Attitude towards HisabAttitude towards Hisab	Rukyat in Other Regions	If it is contrary to Hisab
Hanafi	Seeing the new moon after Maghrib on the 29th of Ramadan	1 fair person (male/female)	Not used as a basis, only auxiliary indicators	Does not require the same location (ittihad al-mathali')	Rukyat takes precedence over hisab
Maliki	There are no clouds in the sky	2 fair witnesses (clear skies), 1 witness (if cloudy)	Not recognized at all	Only valid in region/country sharing night	Rukyat Still Prioritizes Despite Hisab's Denial

<sup>25</sup>Tyas Titi Kinapti, *Hilal Itu Apa: Memahami Fenomena Astronomi Penentu Awal Bulan Islam*, February 28, 2025, <https://www.liptan6.com/feeds/read/5833351/hilal-itu-apa-memahami-fenomena-astronomi-penentu-awal-bulan-islam?page=3>.



Sect	Rukyat Requirements	Number of Witnesses	Attitude towards HisabAttitude towards Hisab	Rukyat in Other Regions	If it is contrary to Hisab
Shafi'i	It is enough to see the hilal after maghrib	1 fair person (male/female)	Refusing to give up even if it is impossible to get rid of it	Must be followed if we share the night together	Rukyat is stronger even when it is contrary to hisab
Hanbali	Seeing the new moon after Maghrib	2 witnesses fair (clear), 1 person (if cloudy)	It is not a base, but it can be used as an indication.	It doesn't require mathla' similarity, but it should be possible to see	Rukyat remains the main focus <sup>26</sup>

## 6. Position of the Judge (Qadi)

The position of a judge (qadi) in Islam is very important, even being part of the fardhu kifayah that should not be abandoned. Imam Ahmad said: *"Human affairs will not be upright without a judge who determines the rights of the righteous, helps the oppressed, and represses tyranny."* The Prophet himself once served as a judge, as did prominent companions such as Ali and Muadz.

However, this responsibility is enormous. Many salaf are reluctant to bear it because of the weight of responsibility before Allah. However, if a judge carries it out with trust and tries to seek the truth from all sides, then he will achieve the rewards of this world and the hereafter.

The majority of scholars are of the opinion that the entry of the hijri month is determined through two things: rukyat hilal or perfecting the previous month into 30 days. So, the vision of the hilal becomes the sunnah of kifayah. Without rukyat, the determination of the beginning of the month cannot be ascertained. The judge should encourage the public—especially those endowed with keen eyesight and experience in rukyat—to participate in the observation of the moon in the hope of a reward from Allah.

Several authentic hadiths show the importance of rukyat in determining the beginning of the month. Among them: From Ibn Umar that the Prophet PBUH said: *Fast because you see the new moon and open because you see the new moon. If it is blocked from thundering over you, then complete Sha'ban into 30 days.*<sup>27</sup> Another hadith shows that a Bedouin Arab testified to the Prophet PBUH that he saw the hilal. The Prophet asked: *do you testify that there is no God but Allah and Muhammad is the messenger of Allah?* He replied: *"Yes."* So the Prophet PBUH said: *O Bilal, announce to the people to fast tomorrow.*<sup>28</sup>

<sup>26</sup>Abd al-Rahman ibn Muhammad Iwad Al-Jaza'iri, *Al-Fiqh Ala al-Madhahib al-Arba'ah*, vol. 1 (Dar al-Kutub al-Ilmiyyah, 2003), 501-502.

<sup>27</sup>Muhammad ibn Ismaill Al-Bukhari, *Sahih Al-Bukhari*, vol. 2 (Damascus: Dar Ibn Kathir, 1993.), 674.

<sup>28</sup>Muhammad ibn Abdullah al-Hakim, *Al-Mustadrak Ala Sahihayn* (al-Minhaj al-Qawim li al-Nashr, n.d.), 2:471.



The scholars differ on whether it is enough with news (khabar) from someone or it should be in the form of formal witness (shahadah). In the case of the early rukyat of Ramadan, some allow one trusted person, even if it is a woman or a servant, as long as there are no false accusations.

However, in the case of the Shawwal hilal (for Eid al-Fitr), all scholars agree that there must be two fair male witnesses, as a form of prudence because it is related to the end of fasting. Classical scholars generally do not accept the calculation of hisab as the basis of shari'i in determining the beginning of the month. Among them: Ibn Taymiyyah said: *"We know for sure from Islam that the rukyat hilal should not depend on the hisab of the astrologers."* Ibn Hajar in *Fath al-Bari* stated that ijma' has occurred that hisab cannot be used as a legal basis. Imam Shafi'i also did not accept hisab, and stated that *"whoever declares that it is obligatory to fast based on hisab, then he has disputed the ijma' of the ummah."* However, some scholars stated that it is permissible to use hisab as an aid, not as a postulate to determine the law.

To avoid chaos and irregularity in determining the beginning of the month, it is important to form an official committee consisting of pious people, with rukyat expertise, astronomical experience, and religious commitment. This committee is in charge of preparing official reports on which the decisions of judges or state authorities are based. Judges are still obliged to carry out verification and not only rely on hisab or unofficial reports.<sup>29</sup>

It should be noted here that madhhab scholars do not require witnesses to be sworn to ensure the legality of their witness. In some hadiths, it is stated that the Prophet Muhammad only asked for proof of Islam from a witness to determine the beginning of the hijri month

## **7. Rukyat al-Hilal Trial in Court**

In the practice of religious court trials, the procedure for taking oaths against witnesses plays a central role in ensuring the legality of witness. Although in some cases oaths are often seen as a formality, in fact an oath is an inseparable part of the evidentiary system that has both a legal and spiritual dimension. In this context, it is important to rearrange the practice of swearing to be more uniform, orderly, and meaningful, especially in strategic matters that are in direct contact with the religious life of the ummah, such as the determination of the beginning of the hijri month through rukyat al-hilal.

Juridically, the taking of oaths against witnesses has a clear legal basis in the civil procedure law, as contained in the *Herzien Inlandsch Reglement* (HIR). Article 145 paragraph (2) of the HIR emphasizes that in family cases, including divorce and descent, witnesses from the family can still receive their statements. Furthermore, Article 156 paragraph (1) of the HIR states that if there is no other evidence, then the oath of the opposing party can be used as a basis for decision-making by the judge, as long as it is related to the act done by himself. This shows that the oath has an independent evidentiary position and can determine the outcome of the case.

---

<sup>29</sup>Sālih bin 'Uthmān al-Hulayyil, *Mas'ūliyyah al-Qāḍī Fī at-Taḥaqquq Min Ru'yat al-Hilāl*, n.d., <https://units.imamu.edu.sa/colleges/sharia/Documents/مسؤولية القاضي في التحقق من رؤية الهلال>.



In positive law that regulates religious justice, the role of witnesses is also very dominant. Law No. 7 of 1989 concerning Religious Courts (as amended by Law No. 3 of 2006 and Law No. 50 of 2009) states in Article 76 paragraph (1) that in divorce due to syiqaq, the judge is obliged to hear witness from the family or close relatives. Article 90 letter b of the same Law states that the cost of taking the oath is part of the cost of the case.

In fact, in the context of sharia proof, the hadith of the Prophet Muhammad PBUH narrated by al-Baihaqi states that "evidence is the obligation of the plaintiff, and the oath is the obligation of the defendant,"<sup>30</sup> which shows that the oath not only has a legal dimension, but is also a form of worship and spiritual witness before Allah SWT. This is especially important when it is associated with the practice of witness in rukyat al-hilal, which has often been a source of difference in the determination of the beginning of the months of Ramadan and Shawwal.

In practice, the witness of rukyat al-hilal is usually given by residents who claim to have seen the crescent moon (hilal) at the end of the month of Sha'ban, Ramadan, or Dzulqa'dah. In the classical fiqh tradition, the witness can be used as a basis for determination by the qadhi (judge) if it is accompanied by fair conditions and is believed to be true. However, the problem arises when witnesses are not sworn in an official court forum, or when the oath is not validly taken according to procedural law. This can lead to disputes, doubts, and even disobedience to government decisions or religious authorities.

In this context, articles of civil procedure law such as Article 147 of the HIR (which states that the oath must be pronounced in front of the court) and Article 144 paragraph (1) of the HIR (which regulates the examination of witnesses individually) become very relevant. The determination of the beginning of the rukyat-based hijri month should involve a strict verification process including official swearing by a judge or authorized authority. This is in line with the principle of prudence in determining the main times of Muslim worship such as fasting and Eid al-Fitr.

From the technical side, the oathing procedure must also be adjusted to the religion of the witness, by emphasizing seriousness and moral responsibility for what is witnessed. The swearing of a rukyat al-hilal witness is not just asking "did you see the hilal," but also includes the consequence that if the witness lies, he will be held accountable not only legally, but also before Allah.

In practice in Indonesia, the swearing of rukyat al-hilal witnesses is still not a fixed standard, so witness is often considered valid without a formal oath. This is contradictory to procedural lawsuits and sharia rules that require the existence of an oath stage to strengthen witness, especially if it is the only evidence in the determination.<sup>31</sup>

---

<sup>30</sup>Ali ibn Khalaf Ibn Battal, *Sharah Sahih Al-Bukari* (Maktabah al-Rushd, n.d.), 5.

<sup>31</sup>Surat Edaran Nomor 4830/KPTA.W11-A/HK.1.2.3/XII/2023, [https://drive.google.com/file/d/1sOvUann4dh5p9fEvVvjTRfZVVO\\_69Mdt/view](https://drive.google.com/file/d/1sOvUann4dh5p9fEvVvjTRfZVVO_69Mdt/view).



In the case of Aceh 2025, when a witness claimed to have seen the hilal but there was no an oath is taken, while the results of the hisab show that the hilal may be visible (*imkanur rukyat*), then a debate arises regarding whether the witness can be legally accepted. From the perspective of procedural law, the absence of an oath can be a weak point that makes the witness considered ineligible for formal evidence as strong evidence.

Thus, even though the isbat session is not a court forum, if he wants to use the formal witness mechanism, then the basic principles of the evidentiary procedural law are still relevant to ensure the accountability of decisions. This is important as a form of procedural guarantee for decisions that have a wide religious and social impact.

#### **8. Absolute and Relative Jurisdiction of the Court**

In the Indonesian judicial system, including in the Aceh region, it is important to distinguish between the absolute competence and the relative competence of a judicial institution.<sup>32</sup> This difference has direct implications for the legality of the submission of rukyat al-hilal witness before religious judges.

Absolute competence refers to the type of case that is the authority of a particular judicial institution. In this case, Article 49 of Law No. 3 of 2006 concerning Amendments to Law No. 7 of 1989 concerning Religious Courts (as last amended by Law No. 50 of 2009) stipulates that the Religious Courts have absolute authority in Islamic civil cases, such as:

“... Marriage, inheritance, will, grants, waqf, zakat, infaq, shadaqah, and sharia economics.”

Although the witness of rukyat al-hilal is not a contentious matter in the narrow sense, the Religious Court and especially the Syar'iyah Court in Aceh have absolute functional authority to conduct itsbat hilal hearings as it concerns the implementation of Islamic sharia and times of worship, which are part of the broader religious authority in the Religious Court system. In addition, Article 5A of Law of the Republic of Indonesia Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Justice.

In Aceh, further regulation is described in Article 128 paragraph (1) of Qanun Aceh Number 8 of 2004 concerning the Syar'iyah Court, which states:

*“The Syar'iyah Court is the executor of judicial power in Aceh within the religious court environment that is authorized to settle cases based on Islamic law.”*

Thus, the Syar'iyah Court in Aceh becomes the executor of absolute competence in determining the beginning of the Hijri month based on the rukyat al-hilal submitted by witnesses, as part of the implementation of sharia.

The relative competence concerns which court is authorized to examine based on the jurisdiction of the party's residence or the object concerned. In this context, Article 118 paragraph (1) of the HIR states: *“The lawsuit must be filed with the district court in the defendant's place of residence.”* In the realm of religious courts, this provision applies through Article 73 of Law

---

<sup>32</sup>Sufiarina Sufiarina, “The Position and Authority of the Aceh Shari’a Court on the Indonesian Justice System,” *Indonesia Law Review* 5, no. 2 (2015), <https://doi.org/10.15742/ilrev.v5n2.105>.





Number 7 of 1989, which affirms that the procedural law applicable in the Religious Court is the civil procedural law as applicable in the General Court, unless otherwise specified. It is also emphasized that the basis of the relative competence of the Religious Courts is Article 118 paragraph (1) of the HIR jo Article 73 of Law No. 7 of 1989.<sup>33</sup>

Witness statements of rukyat al-hilal are usually needed for the itsbat hilal process, which is the determination of the beginning of the hijri month such as Ramadan or Shawwal. In practice, witnesses who see the hilal in a certain area will report to the Ministry of Religion or directly to the Syar'iyah Court or the local Religious Court. In this case, functional relative competence is important. Witnesses are supposed to testify before the court or the Syar'iyah Court whose jurisdiction includes the observation location. For example, if the witness is domiciled in South Aceh and sees the hilal there, then the Tapaktuan Syar'iyah Court (South Aceh) is the appropriate forum to receive his witness, not the Banda Aceh Syar'iyah Court or other regions.

This provision serves to maintain the juridical legality of the witness and prevent overlapping authority between religious justice work units. In this context, the domicile of the witness or the location where he committed rukyat is the main basis for determining the competent court forum. Furthermore, because witness on rukyat al- hilal has legal and worship consequences for the wider community, the witness must be subject to the law of evidentiary procedures, including the mechanism for swearing witnesses, as stipulated in Article 156 paragraph (1) of the HIR concerning oaths as evidence.

## **9. Case Analysis of the Isbat Rukyat al-hilal Trial**

The case of the determination of 1 Ramadan 1446 H or 2025 AD holds important dynamics in the context of the implementation of rukyat al-hilal in Indonesia, especially in Aceh. This event attracted widespread attention because it concerned the difference in results between field observations by local authorities and national decisions of the central government. On 29 Sha'ban 1446 H which coincided with February 28, 2025 AD, the Aceh Syar'iyah Court through the itsbat session held received a report on the hilal witness seen from officers at the Hilal Observation Post (POH) in Lhoknga, Aceh Besar. The report was submitted by officers from the Regional Office of the Ministry of Religious Affairs of Aceh and supported by observations from a team of experts from astronomy, hisab rukyat officers, and eyewitnesses.

The case of Aceh shows the weak integration between the hilal observation system at the regional level and national decisions. In this case, the Aceh Syar'iyah Court determined that the hilal was not visible based on witness reports from the West Aceh region, while the central government (through the isbat session of the Ministry of Religion of the Republic of Indonesia) determined that the hilal was visible and 1 Ramadan was based on witnesses who were not sworn by the judge.

---

<sup>33</sup>*Sumber Hukum Dan Kompetensi Absolut Dan Kompetensi Relatif Di Pengadilan Agama*, November 6, 2019, <https://pa-magetan.go.id/artikel/215-sumber-hukum-dan-kompetensi-absolut-dan-kompetensi-relatif-di-pengadilan-agama>.



This lack of coordination may lead to social disharmony, particularly in collective worship such as Eid prayers and fasting. This reinforces the urgency of the need for a joint protocol-based coordination system between the central and regional governments, or at least a protocol that contains a transparent and inclusive local data accommodation scheme.

In jurisprudence, the majority of scholars (*jumhur*) do not require an oath for a rukyat witness if he is known as 'adl (just). In classical practice, a rukyat witness often speaks his witness without oath, as long as the *qadi* (judge) considers him to be a trustworthy person.

However, in the procedural law system that applies in Indonesia, witness should be delivered in a formal hearing and accompanied by an oath, as stipulated in Article 154 of the Civil Procedure Code and the general principles of civil procedural law. The inconsistency between local practice and national legal norms creates a gap in the formal legality of such witness.

In the case of Aceh, rukyat witnesses were not formally sworn and were not examined in open hearings. As a result, the central government did not recognize its legality because it did not meet the formal administrative and procedural requirements. This is a point of conflict between the legality of fiqh and the legality of administrative juridical legality.

The current isbat trial still uses a model that relies on witness statements and hisab considerations at the same time, but does not have a standard national standard scheme for verifying local witness. The Aceh case opens up space for evaluation of the format of the isbat session that has been carried out so far. Reformulations that can be considered include: Affirmation of the mechanism of the sworn of rukyat witnesses, both at the local and national levels. Creation of a two-way verification system between local and central observatories. Preparation of integrated technical guidelines that are binding for all Syar'iyah Courts in receiving and forwarding rukyat reports. This reform is necessary so that there are no more differences that disturb society, and so that central decisions truly represent the data available nationally.

In the perspective of classical Islamic procedural law, judges (*qadi*) have strong authority in assessing and accepting or rejecting witness witness. However, in the modern state system, especially a legal country like Indonesia, court decisions must be verifiable through transparent and accountable procedures. Therefore, the Syar'iyah Court as an institution that receives the reports of rukyat witnesses must ensure several things: The admission of witnesses must be accompanied by an oath (*tahlif*) in accordance with positive law. The examination was carried out in the form of an open and documented hearing. The decision is officially transmitted and accompanied by technical supporting documents (photos/videos of rukyat, optical equipment data, observation time, etc.). If this mechanism is not carried out, then the witness report will tend to be considered weak by the central authority, even if the results are substantively correct. In this context, procedural formalism becomes an important bridge between fiqh legality and administrative legitimacy.

In the case in Aceh, the Sharia Court Judge was too rigid in exercising the relative competence of the court related to the domicile of the litigant. This relative competence is only



appropriate if it is related to the cases of Marriage, inheritance, will, grants, waqf, zakat, infaq, sadaqah, and sharia economics because indeed court decisions have a special impact on the parties who litigate in some of these matters. In contrast to the decision of the results of the Isbat rukyat al-hilal trial which had an impact on the national level. Where the Court Decision determines the government's decision at the Central Level. Based on this, the judge of the Religious Court should use the nationality of a person's domicile and locality, where any Indonesian citizen can be a witness to rukyat al-hilal anywhere in Indonesia even if it is not the city or district where he lives.

#### **10. Dualism in Decision Mechanism between the Syar'iyah Court and the Minister of Religious Affairs**

The issue of determining the beginning of Hijri months always occurs almost every year. Efforts to overcome this are carried out in various ways, for example by looking for criteria that are mutually agreed, for example with the MABIMS criteria and others. However, it still cannot overcome the problem of unifying the Islamic calendar in Indonesia. This is because the difference in the beginning of the Hijri month is not only related to the criteria but also to the many problems that surround it.<sup>34</sup>

The event of the early determination of Ramadan 1446 H is a portrait of the institutional disharmony between the Syar'iyah Court as the judicial authority in the special region of Aceh and the Ministry of Religion as the holder of national religious administrative authority. On the one hand, the Jantho Syar'iyah Court seeks to apply procedural law strictly in accepting rukyat witness, including the requirement of witness oaths and the principle of witness domicile in accordance with the rules of relative competence. On the other hand, the Minister of Religious Affairs set the beginning of Ramadan based on the report of the results of the rukyat in Aceh even though the witness did not go through an official oath before the judge.

This tension reveals two different models of legal approaches. The Syar'iyah Court prioritizes procedural law procedural procedural procedures as stipulated in the Aceh religious court and qanun regulations. Meanwhile, the Minister of Religion emphasized more on substantial results in the form of success in seeing the hilal, even if it was to the exclusion of certain formal requirements, such as the oath of witnesses. This shows that there is a difference in the meaning of the legality of witness: the Syar'iyah Court is based on juridical-formal legality, while the Minister of Religion tends to use empirical-substantive legality.

The absence of a standard coordination mechanism between the Ministry of Religious Affairs and the Syar'iyah Court exacerbates this situation. There is no system of data interconnection, shared authoritative referral, or procedural accountability framework that binds the two parties. As a result, the central decision seems to deny regional procedures, while the Syar'iyah Court feels that its authority is being passed administratively.

---

<sup>34</sup>Azizah Fatmawati, "Implementasi Taqvim Standar Indonesia Sebagai Pemersatu Kalender Masyarakat Indonesia," *AL - AFAQ: Jurnal Ilmu Falak Dan Astronomi* 4, no. 2 (2022): 157–80, <https://doi.org/10.20414/afaq.v4i2.4166>.



This disharmony also touches on political and symbolic aspects. For Aceh, which has a special status in the implementation of Islamic law, the independence of the Syar'iyah Court is a pillar of local legal identity. As for the central government, the early determination of Ramadan is a national issue that requires administrative certainty and the unification of the people. When the two are not systemically integrated, what emerges is authority tension, legal uncertainty, and social polarization among the people. To avoid similar disharmony in the future, there needs to be a binding national protocol, which places the Sharia Court as a formal partner of the Ministry of Religion in validating the witness of the hilal. This synergy is important not only for the sake of procedural order, but also for maintaining public trust in the mechanism for determining the national hijri calendar.

Even though based on the applicable procedural law, the Decree of the Minister of Religion in determining the beginning of the month of Ramadan 1446 cannot be accepted because it uses witnesses who are not sworn by the court. However, based on Fiqh (Islamic Jurisprudence) the decision is valid, because in fiqh the requirement for a witness to rukyat al-hilal must only be a Muslim. In fiqh, there is no requirement that witnesses must be sworn by a court judge (qadi). The above shows the existence of legal dualism in Indonesia,<sup>35</sup> where there are two legal models that sometimes go together even though sometimes they are contradictory, procedural law that is rigidly implemented by religious and fiqh court judges used by the minister of religion in determining the beginning of the hijri month.

#### **D. Conclusion**

The case of the determination of 1 Ramadan 1446 H in Aceh reveals a complex layer in the system of determining the beginning of the Hijri month in Indonesia. The problem does not only revolve around astronomical or fiqh aspects, but also touches on aspects of procedural law, institutional authority, and social harmony. The absence of the witness oath in the Jantho Syar'iyah Court hearing weakens the position of witness in the context of procedural law, even though empirically the results of the rukyat support the determination of the beginning of Ramadan by the central government.

In the case in Aceh, the judge of the Syar'iyah Court is considered too formalistic in applying the rules of relative competence based on the domicile of the litigant. In fact, this provision is actually only relevant for cases of marriage, inheritance, wills, grants, waqf, zakat, infaq, alms, and sharia economics, because the decision only affects certain parties. This is different from the isbat rukyat al-hilal session which has a national impact. The court decision in the case actually became a reference for the central government. Thus, judges should not limit witness by region of

---

<sup>35</sup>Kathryn Hendley, "Legal Dualism as a Framework for Analyzing the Role of Law under Authoritarianism," *Annual Review of Law and Social Science* 18, no. 1 (2022): 211–26, <https://doi.org/10.1146/annurev-lawsocsci-050420-104012>.



residence. The principle of nationality and local attachment should apply, so that every Indonesian citizen has the right to be a witness to rukyat al-hilal anywhere, even if not in his area of residence.

Although according to the applicable procedural law, the Decree of the Minister of Religion in the early determination of Ramadan 1446 H cannot be considered valid because it relies on the witness of witnesses who are not sworn in court, from the perspective of fiqh, the decision still has legitimacy. This is because in fiqh, the conditions for the witness of rukyat al-hilal are sufficient for a Muslim without the provision that the witness must first take his oath by the judge (qadi). The tension between the Sharia Court and the Ministry of Religious Affairs reflects the need for institutional reconstruction and equalization of legal interpretation in managing the determination of the hijri calendar. Harmonization between fiqh, astronomical, and positive law approaches must be put forward so that there is no dualism of authority that is detrimental to the ummah.

## References

- Al-Bukhari, Muhammad ibn Ismaill. *Sahih Al-Bukhari*. Vol. 2. Dar Ibn Kathir, 1993.
- Aldi, Firmansyah. “Kesaksian Rukyat Hilal Online Dalam Mazhab Syafi’i.” Universitas Islam Negeri Walisongo, 2021.
- Al-Jaza’iri, Abd al-Rahman ibn Muhmmad Iwad. *Al-Fiqh Ala al-Madhahib al-Arba’ah*. Vol. 1. Dar al-Kutub al-Ilmiyyah, 2003.
- Almanak Hisab Rukyat*. Kementerian Agama Ri, 2010.
- Aziz, Muhammad Fiqih Abdul. “Integrasi Sains Dan Fikih Dalam Saksi Rukyatulhilal.” INSTITUT AGAMA ISLAM NEGERI, 2024.
- Beragam Kriteria Penentuan Awal Bulan Hijriyah Di Indonesia*. October 19, 2019. <https://oif.umsu.ac.id/2019/10/beragam-kriteria-penentuan-awal-bulan-hijriyah-di-indonesia/>.
- Cahya, Anggit Nilam. “Kedudukan Isbat Pengadilan Agama Dalam Kesaksian Rukyatul Hilal di Indonesia (Studi Analisis Penetapan Pengadilan Agama).” Universitas Islam Negeri Syarif Hidayatullah, 2022.
- Dirjen Bimas Islam: Sidang Isbat Rangkul Perbedaan Awal Bulan Kamariah*. June 8, 2024. <https://kemenag.go.id/nasional/dirjen-bimas-islam-sidang-isbat-rangkul-perbedaan-awal-bulan-kamariah-mdkNZ>.
- Education Faculty’s Lecturer, Pashto Language and Literature department, Nangarhar University, Jalalabad city, Afghanistan, Shafiqullah Rahmani, Sayed Asghar Hashimi, Education Faculty’s Teacher, Pashto Language and Literature Department, Sayed Jamaldin University, Afghanistan, Ehsanullah Bayan, and Department of Psychology, Faculty of Education, Nangarhar University, Jalalabad city, Afghanistan. “The Value of Research Methods in Literary Studies.” *International Journal of Current Science Research and Review* 06, no. 03 (2023). <https://doi.org/10.47191/ijcsrr/V6-i3-22>.
- Fatikhin, Khoirul. “Analisis Hukum Terhadap Kesaksian Perempuan Dalam Pelaksanaan Rukyatul Hilal Di Indonesia.” Universitas Islam Negeri Walisongo, 2022.





- Fatmawati, Azizah. "Implementasi Taqvim Standar Indonesia Sebagai Pemersatu Kalender Masyarakat Indonesia." *AL - AFAQ: Jurnal Ilmu Falak Dan Astronomi* 4, no. 2 (2022): 157–80. <https://doi.org/10.20414/afaq.v4i2.4166>.
- Fatwa Majelis Ulama Indonesia Nomor 2 Tahun 2004 Tentang Penetapan Awal Ramadhan, Syawal, Dan Dzulhijjah. <https://mirror.mui.or.id/wp-content/uploads/files/fatwa/25.-Penetapan-Awal-Ramadhan-Syawal-dan-Dzulhijjah.pdf>.
- Haiqal. *Saya Tak Melihat Ada Hilal" Kisah Lucu Di Aceh, Ketua Mahkamah Syariah Jantho Salah Tunjuk Saksi Sasaran Sumpah*. March 1, 2025. <https://beritamerdeka.net/>.
- Hakim, Muhammad ibn Abdullah al-. *Al-Mustadrak Ala Sahihayn*. Vol. 2. Al-Minhaj al-Qawim li al-Nashr, n.d.
- Hendley, Kathryn. "Legal Dualism as a Framework for Analyzing the Role of Law under Authoritarianism." *Annual Review of Law and Social Science* 18, no. 1 (2022): 211–26. <https://doi.org/10.1146/annurev-lawsocsci-050420-104012>.
- Hulayyil, Šālih bin 'Uthmān al-. *Mas'ūliyyah al-Qāḍī Fī at-Taḥaqquq Min Ru'yat al-Hilāl*. n.d. <https://units.imamu.edu.sa/colleges/sharia/Documents/مسؤولية القاضي في التحقق من رؤية الهلال>.
- Ibn Battal, Ali ibn Khalaf. *Sharah Sahih Al-Bukari*. Maktabah al-Rushd, n.d.
- Ibrahim, Ilham. *Siapakah Ulil Amri Dalam Penetapan Awal Bulan Hijriyah?* January 4, 2022. <https://santricendekia.com/siapakah-ulil-amri-dalam-penetapan-awal-bulan-hijriyah/>.
- Indah. *Pemerintah Tetapkan 1 Ramadan 1446 H Jatuh Pada 1 Maret 2025*. February 2025. <https://kemenag.go.id/pers-rilis/pemerintah-tetapkan-1-ramadan-1446-h-jatuh-pada-1-maret-2025-YzheO>.
- Kedudukan Fatwa MUI dalam Sistem Hukum Indonesia, and Nafiatul Munawaroh. *Kedudukan Fatwa MUI Dalam Sistem Hukum Indonesia*. November 2, 2023. <https://www.hukumonline.com/klinik/a/kedudukan-fatwa-mui-dalam-sistem-hukum-indonesia-lt5837dfc66ac2d/>.
- Keputusan Direktur Jenderal Badan Peradilan Agama Mahkamah Agung RI Nomor: 531/Dja/Ot.00/Sk/Ii/2023 Tentang Pedoman Tatacara Sidang Itsbat Kesaksian Rukyat Hilal. <https://drive.google.com/file/d/1-2iiohRtAEhM39X-9Ftj9IBgTBmpbj0r/view>.
- "Keputusan Menteri Agama Republik Indonesia Nomor 56 Tahun 2010. Tentang. Pembentukan Pengurus Badan Hisab Dan Rukyat." Kementerian Agama Republik Indonesia, n.d. <https://www.scribd.com/document/371028000/Sk-Hisap-Rukyat>.
- Kinapti, Tyas Titi. *Hilal Itu Apa: Memahami Fenomena Astronomi Penentu Awal Bulan Islam*. February 28, 2025. <https://www.liputan6.com/feeds/read/5833351/hilal-itu-apa-memahami-fenomena-astronomi-penentu-awal-bulan-islam?page=3>.
- Ma'ruf, Ghifari. "Kesaksian Rukyat Al-Hilal Menurut Ulama Syafi'iyah Dan Ulama Hanabilah Ghifari Ma'ruf." Universitas Islam Negeri Walisongo, 2021.
- Muslifah, Siti. *Saksi Rukyatul Hilal Dengan Bantuan Teknologi (Analisis Penggunaan Teleskop CCD Imaging Dan Olah Citra)*. n.d. Accessed September 3, 2025. <https://digilib.uinkhas.ac.id/1504/1/SITI%20MUSLIFAH%20-%20SAKSI%20RUKYATUL%20HILAL%20DENGAN%20BANTUAN%20TEKNOLOGI%20.pdf>.
- Nugraha, Muhammad Raihan. *Hukumnya Perbedaan Awal Ramadan Hukumnya Perbedaan Awal Ramadan*. February 27, 2025. <https://www.hukumonline.com/klinik/a/keputusan-sidang-isbat-dan-keseragaman-awal-puasa-lt5ea679c773c86/>.



- Pengadilan Agama Sukabumi. “Standar Operasional Prosedur (Sop) Layanan Permohonan Itsbat Rukyah Hilal.” Pengadilan Agama Sukabumi, n.d. [https://www.pa-sukabumi.go.id/images/3.57.\\_PELAYANAN\\_PERMOHONAN\\_ISBAT\\_RUKHYAT\\_HI\\_LAL\\_OK.pdf](https://www.pa-sukabumi.go.id/images/3.57._PELAYANAN_PERMOHONAN_ISBAT_RUKHYAT_HI_LAL_OK.pdf).
- Rifai, Muhammad Aflah. “Mendiskusikan Kontroversi Legalitas Saksi Perempuan Dalam Masalah Rukyatul Hilal Persepsi Ulama Kota Banjarmasin.” Universitas Islam Negeri Antasari, 2023.
- Rukyat Hilal: Petunjuk Pelaksanaan Tata Cara Sidang Isbat Kesaksian Rukyat Hilal*. September 19, 2024. <https://pa-kebumen.go.id/layanan-hukum/prosedur-berperkara/rukayat-hilal>.
- Sufiarina, Sufiarina. “The Position and Authority of the Aceh Shari’a Court on the Indonesian Justice System.” *Indonesia Law Review* 5, no. 2 (2015). <https://doi.org/10.15742/ilrev.v5n2.105>.
- Sumber Hukum Dan Kompetensi Absolut Dan Kompetensi Relatif Di Pengadilan Agama*. November 6, 2019. <https://pa-magetan.go.id/artikel/215-sumber-hukum-dan-kompetensi-absolut-dan-kompetensi-relatif-di-pengadilan-agama>.
- Surat Edaran Nomor 4830/KPTA.W11-A/HK.1.2.3/XII/2023. [https://drive.google.com/file/d/1sOvUann4dh5p9fEvVvjTRfZVVO\\_69Mdt/view](https://drive.google.com/file/d/1sOvUann4dh5p9fEvVvjTRfZVVO_69Mdt/view).
- Undang-Undang Republik Indonesia Nomor 3 Tahun 2006 Tentang Perubahan Atas Undang-Undang Nomor 7 Tahun 1989 Tentang Peradilan Agama. <https://pa-baturaja.go.id/images/stories/file-pdf/UU-NO-3-2006.pdf>.
- Wardah, Zahrina. “Implementasi Pasal 52a Undang-Undang Nomor 3 Tahun 2006 Tentang Peradilan Agama Dalam Penentuan Awal Ramadan 1442 H. (Studi Pelaksanaan Isbat Kesaksian Rukyatulhilal Di Pengadilan Agama Tuban).” Universitas Islam Negeri Sunan Ampel, 2023.