Fikih informasi: Muhammadiyah's perspective on guidance in using social media[1]

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Abstract

This paper examines a recent product of Muhammadiyah's collective *ijtihad*, namely *Fikih Informasi* (*fiqh* of information). *Fikih Informasi* is one of the outcomes of the 30th National Meeting of Majelis Tarjih dan Tajdid (Muhammadiyah's Council of Religious Affairs). *Fikih Informasi* represents Muhammadiyah's attempt to provide guidance for its members and the Muslim community at large, on usage of social media, which is based on Islamic teachings. The term *fikih* is an Indonesian word adapted from Arabic word *fiqh* and Majelis Tarjih's understanding of the term does not entirely resemble the classical concept of *fiqh* as understood by the majority of Muslim jurists. For this reason, in the first instance, this article will explore Majelis Tarjih's conception of the word *fikih* then will proceed to examine its application in the context of social media usage.

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[1]We wish to thank Mrs. Lenore Tardif for editing the English.

During this process, the paper will argue that Majelis Tarjih employs the term *fikih* in its literal and Quranic meaning rather than using it in its technical sense. As a result, instead of merely referring *fikih* as the body of legal provisions which it represents, Majelis Tarjih presents *fikih* as a comprehensive guidance tool, consisting of three levels of hierarchically structured norms. As a consequence, *Fikih Informasi* does not only contain "dos and donts" but also the philosophical principles and sets of values to which users of social media should adhere. In these contexts, this paper critically discusses the limitations of *Fikih Informasi*, both in its framework as well as in its content.

Makalah ini membahas produk ijtihad kolektif Muhammadiyah baru-baru ini, yaitu Fikih Informasi. Fikih Informasi adalah salah satu hasil dari Pertemuan Nasional ke-30 Majelis Tarjih dan Tajdid (Dewan Urusan Agama Muhammadiyah) ke-30. Fikih Informasi mewakili upaya Muhammadiyah untuk memberikan panduan bagi para anggotanya dan komunitas Muslim pada umumnya, tentang penggunaan media sosial yang didasarkan pada ajaran Islam. Istilah fikih adalah kata Indonesia yang diadaptasi dari kata Arab fiqh dan pemahaman Majelis Tarjih tentang istilah itu tidak sepenuhnya menyerupai konsep klasik fiqh sebagaimana dipahami oleh mayoritas ahli hukum Islam. Untuk alasan ini, dalam contoh pertama artikel ini akan mengeksplorasi konsepsi Majelis Tarjih tentang kata fikih kemudian akan melanjutkan untuk memeriksa penerapannya dalam konteks penggunaan media sosial. Selama proses ini, makalah ini akan berpendapat bahwa Majelis Tarjih menggunakan istilah fikih dalam arti literalnya dan al-Qur'an daripada menggunakannya dalam pengertian teknis. Akibatnya, alih-alih hanya menyebut fikih sebagai badan ketentuan hukum yang diwakilinya, Majelis Tarjih menghadirkan fikih sebagai alat panduan yang komprehensif, yang terdiri dari tiga tingkat norma terstruktur secara hierarkis. Sebagai konsekuensinya, Fikih Informasi tidak hanya berisi "dos and don'ts" tetapi juga prinsip-prinsip filosofis dan serangkaian nilai yang harus dipatuhi oleh pengguna media sosial. Dalam konteks ini, makalah ini secara kritis membahas keterbatasan Fikih Informasi, baik dalam kerangka kerjanya maupun dalam kontennya.

Keywords: *Fikih Informasi*; *Social media*; *Muhammadiyah*; *Guidance*

Introduction

As social beings, humans have, through history, developed various tools in order to facilitate their social networking. Each turning point in human history has been marked by the discovery of new and revolutionary means of communication. Over the past two centuries, the media of communication and interaction have evolved and increasingly matured into necessary parts of everyday social practices within human societies.[2] Since the important invention of the optical telegraph, scientists have been trying to develop better communication tools. Their efforts resulted in the important invention of the telephone which now can transmit sound considerable distances. Later, the invention of the radio and television made it possible to broadcast not only sound but also captured pictures and videos. By utilizing communication theory, which was developed as a necessity during the Second World War, computer scientists of the 1950s and early 1960s discovered how to build a network of computers and create computer-mediated communication, which was later used for military purposes. Later on, the network became public so that in 1989 the invention and concept of a World Wide Web marked the beginning of the era of the Internet.[3] In the early 2000s, a financial crisis caused many internet start-up companies to go bankrupt. This economic disaster prompted Tim O'Reilly to develop what he called the Web 2.0. According to O'Reilly, his new additions were what were lacking in the predecessor 2.0 Web and included: radical decentralization, radical trust, participation instead of publishing, users as contributors, rich user experiences, the long tail, the web as a platform, control of one's own data, remixing data, collective intelligence, attitudes, better software by more users, play,

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[2]Jose van Dijck, *The Culture of Connectivity: A Critical History of Social Media*, New York: Oxford University Press, 2013, 5.

[3]Brian Winston, *Media, Technology and Society: A History: From the Telegraph to the internet*, London: Routledge, 2002, 33.

and undetermined user behavior.[4] It was the development of Web 2.0 that allowed computer scientists and programmers to build platforms where users were no longer mere consumers of contents, but also, very importantly, became active as creators of content. This process paved the way for the development of the present-day era of social media.

As a result of social media being one of the most recent developments in the field of communication and information technology, there is a growing interest among scholars of multiple disciplines in studying this influential form of media. In this process, each scholar has tended to approach, the phenomenon of social media, from their specific point of view and suggest different definitions depending on their approach.[5] One of the definitions that often cited is that of Kaplan,[6] who defines social media as "a group of Internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allows the creation and exchange of User Generated Content". According to Van Dijk, in spite of the broad aspects of social media, there are characteristics that he calls "social media logic" which explains the processes, principles, and practices which these platforms process information, news, and communication. The first characteristic is *programmability* which is defined as the ability of a social media platform to trigger and steer users' creative or communicative contributions, while users, through their interaction with these coded environments, may in turn influence the flow of communication and information activated by such a platform; the second is *popularity*, which means social media platforms have a sophisticated mechanism to filter out popular items and influential people, as well as the ability to influence

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[4]Christian Fuchs, *Social Media: A Critical Introduction*, London: SAGE Publications, 2014, 33-42.

[5]Michael Mandiberg, *The Social Media Reader*, New York and London: NYU Press, 2012, 2.

[6]Andreas M. Kaplan and Michael Haenlein, "Users of the World, Unite! The Challenges and Opportunities of Social Media", *Business Horizons*, Volume 53, Number 1 (2010) , 60.

or manipulate these rankings; the third is *connectivity*, which is a strategic tactic that effectively enables human connectedness while, at the same time, pushing automated connectivity; the fourth is *datafication*, meaning that social media can track instantaneous movements of individual user behavior, aggregate this data, analyze it, and subsequently translate the results into valuable information about individuals, groups, or society at large.[7] Regarding the datafication, Wendy Chun has pointed out that interactive real-time interfaces empower users and "buttress notions of personal action, freedom, and responsibility," while at the same time they empower platforms to steer and exploit users' activities.[8]

Taking into consideration the above-mentioned characteristics, social media has noticeable positive as well as negative impacts on various aspects of human life. In sociological and communicational aspects, the development of social media has transformed traditional one-way communication into multi-dimensional, two-way, peer-to-peer communication.[9] As a result of social media, face-to-face communication slowly lost its role as the main form of social interaction. People can now interact with each other using numerous platforms such as Facebook, Twitter, Instagram, WhatsApp all of which enable them to communicate on a daily basis and without having to meet in real life. Ironically, easy and instant access to information, along with the ability to share and reshare the news is the exact impetus behind the emergence of the massive misinformation in the age of social media. Every day, information is being circulated on the Internet via social media, especially Facebook and Twitter, without verification and clarity of investigatory thinking. Unfortunately, the spreading of hoaxes

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[7]Jose van Dijck and Thomas Poell, "Understanding Social Media Logic", *Media and Communication*, Volume 1, Number 1 (2013), 5-10.

[8]Wendy Hui Kyong Chun, *Programmed Visions: Software and Memory*, Cambridge: MIT Press, 2011, 74.

[9]Pierre Berthon, Leyland Pitt, and Colin Campbell, "Ad Lib : When Customers Create the Ad", *California Managment Review*, Volume 50, Number 4 (2008), 6–30.

and decisive news in cyberspace often resulted in harmful and even fatal accidents.[10] The effect of misinformation on social media has become more dangerous to the young generation who tend to follow new social norms and their values are being shaped by social media. A study shows that teen's perception of norms and values concerning sexuality is deeply shaped by social media; it produces values and norms about sexuality, deciding what kind of sexualities are supported, repressed, or disciplined.[11]

The impact of social media can also be seen in the economic sector. Since the first appearance of social media, marketers have noticed the potential effect of such technology in business.[12] Consumers are increasingly using social media sites to search for information and turning away from traditional media, such as television, radio, and magazines. Aside from the opportunity of low-cost advertisement for business owners, social media sites also allow consumers to air their complaints so that the business owners can receive feedback about their products in real-time, computer-mediated communication.[13] Furthermore, massive usage of social media allows business analysts to gain information about consumers' data that includes their demographics, their likes and their dislikes. The result is that this information can be analysed and used to plan marketing strategies. For instance, one study shows that data, gathered from tweets, could be analyzed in order to predict box-office movie revenues. This prediction was so accurate that it outperformed conventional market-predictor such as Hollywood Stock Exchange. Furthermore, the researchers argue that the methods they have developed can be extended to more diverse topics,

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[10]Newton Lee, *Facebook Nation: Total Information Awareness*, New York: Springer, 2014, 104.

[11]Sander De Ridder, "Social Media and Young People's Sexualities: Values, Norms, and Battlegrounds", *Social Media + Society*, Volume 3, Number 4 (2017), 9.

[12]W. Glynn Mangold and David J. Faulds, "Social Media: The New Hybrid Element of the Promotion Mix", *Business Horizons*, Volume 52, Number 4 (2009), 357–365.

[13]Kevin Curran, Sarah Graham, and Christoper Temple, "Advertising on Facebook", *International Journal of E-Business Development*, Volume 1, Number 1 (2011), 26–33.

ranging from the future rating of products to influencing agenda setting and election outcomes.[14]

The advance of social media also affects the psychological aspects of human life. Psychologically, three personality traits that are central to social media usage and its effect on the psychological behavior of users are extraversion, neuroticism, and openness to experience.[15] Additionally, according to the American Academy of Pediatrics, there are frequent online expressions of offline behaviors of social media users. These expressions are bullying, clique-forming, and sexual experimentation and have introduced problems online such as cyberbullying, privacy issues, and "sexting".[16] Research also correlates between the addiction of social media usage and psychopathology, especially in the phenonomon of cyberbullying. Based on Kagan Kircaburun, Zsolt Demetrovics, Orsolya Király, and Mark D. Griffiths, cyberbullying perpetrators have higher scores in problematic social media use such as dissociative experiences, Cluster B traits, depression, childhood emotional trauma, and low self-esteem.[17] Social media can also be linked to the decrease of happiness among active users.[18]

One of the most discussed impacts of social media is that is playing an

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[14]Sitaram Asur and Bernardo A. Huberman, "Predicting the Future with Social Media", Proceeedigs of *2010 IEEE/WIC/ACM, International Conference on Web Intelligence and Intelligent Agent* Tecnology, Volume 1, 2010, 492–499.

[15]G. S. O'Keeffe and K. Clarke-Pearson, "The Impact of Social Media on Children, Adolescents, and Families," *Pediatrics*, Volume 127, Number 4 (2011), 800–804.

[16]K. Kircaburun et al., "Childhood Emotional Trauma and Cyberbullying Perpetration Among Emerging Adults: A Multiple Mediation Model of the Role of Problematic Social Media Use and Psychopathology", *Internationnal Journal of Mental Health and Addiction*, (May 2018), 1-19.

[17]Stoney Brooks, "Does Personal Social Media Usage Affect Efficiency and Well-Being?", *Computer in Human Behavior*, Volume 46 (2015), 26–37.

[18]H. Kwak, C. Lee, H. Park, and S. Moon, "What is Twitter, a social network or a news media?", *Proceedings of the 19th international conference on World wide web - WWW '10*, 2010, 591.

arguably significant role in the dynamics of political life in some countries. Using social media to seek information, including news, has been linked to greater political participation.[19] Such participation is not merely online participation, but also offline participation that manifests itself in many forms and area of political expressions.[20] In important result, is that social media have been used to organize political activism and coordinate revolution in several countries, such as the Philippines, Belarus, Tunisia, Egypt, Indonesia, and some other Asian countries.[21] According to Owen, social media such as Facebook, Twitter, and YouTube are often claimed to be central in their role as a facilitating medium for contemporary protest movements.[22] However, recent findings also reveal the negative impacts of social media on political activism and participation. People who gain their political information through social media are prone to be the victims of deliberate misinformation commonly known as "fake news".[23] Unsurprisingly, a study that investigated the usage of social media as a predictor of political knowledge showed that increased use of social media, for news consumption and news sharing, was negatively related to levels of political knowledge.[24] Moreover, the recent political scandal involving Facebook and Cambridge Analytica in the USA proved that

[19]H. Kwak, C. Lee, H. Park, and S. Moon, "What is Twitter...

[20]Clay Shirky, "The Political Power of Social Media: Technology, the Public Sphere, and Political Change," *Foreign Affairs*, Volume 90, Number 1 (2011), 28–41.

[21]Clay Shirky, "The Political Power of Social Media: Technology, the Public Sphere, and Political Change," *Foreign Affairs*, Volume 90, Number 1 (2011), 28–41 and N. Shah, P. Purayil Sneha, and S. Chattapadhyay (Ed.), *Digital Activism in Asia Reader*, 2015, 10. See at https://meson.press/wp-content/uploads/2015/08/9783957960511-Digital-Activism-Asia-Reader.pdf

[22]Stephen Owen, "Monitoring Social Media and Protest Movements: Ensuring Political Order Through Surveillance and Surveillance Discourse," *Social Identities*, Volume 23, Number 6 (2017), 688–700.

[23]Hunt Allcott and Matthew Gentzkow, "Social Media and Fake News in the 2016 Election", *Journal of Economic Perspective*, Volume 31, Number 2 (2017), 211–236.

[24]Michael A. Cacciatore et al., "Is Facebook Making Us Dumber? Exploring Social Media Use as a Predictor of Political Knowledge", *Journalism & Mass Communication Quartelly*, 2018, 404.

even in a country with a long history of relatively stable democracy, social media has the capability to negatively influence the result of an election.[25]

The above-mentioned impacts of social media have been affecting the lives of its active users around the world, including Indonesia. According to a survey conducted by two British media companies, We Are Social and Hootsuite, in January 2018, among 7.593 billion the Earth's population, 3.196 billion are active social media users with 42 % penetration.[26] Among 265,4 millions of Indonesian population, 130 millions are active internet users with 49% penetration. This makes Indonesia the eighth largest Internet user in the world.[27] On average, Indonesian users spent 23 minutes of their time every day on social media platforms such as WhatsApp, Facebook, Instagram, and Line.[28] Taking into consideration that 87.2% of the Indonesian population is Muslim, it can be inferred that most of these users are Muslim.[29] The Indonesian Muslims use the Internet and social media in particular in various aspects of their life including education, economics, and politics.[30] However, Indonesian Muslim citizens are not immune to the negative impact of social media usage. Among the incidents, that have raised concerns in recent years, are that via social media, massive amounts of online terrorist propaganda

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[25]Carole Cadwalladr and Emma Graham-Harrison, "Revealed: 50 Million Facebook Profiles Harvested for Cambridge Analytica in Major Data Breach," in https://www.theguardian.com/news/2018/mar/17/cambridge-analytica-facebook-influence-us-election accessed 10/06/2018.

[26]S. Kemp, "Digital in 2018 in Southeast Asia", *We Are Soc.*, 2018, 362.

[27]Nurdin Nurdin, "To Research Online or Not to Research Online: Using Internet-Based Research in Islamic Studies Context", *Indonesian Journal of Islam and Muslim Societies*, Volume 7, Number 1 (2017), 31.

[28]S. Kemp, "Digital in 2018 in Southeast Asia", *We Are Soc.*, 2018, 362.

[29]Badan Pusat Statistik, "Sensus Penduduk 2010 - Penduduk Menurut Wilayah Dan Agama Yang Dianut," in BPS, accessed August 5, 2018, http://sp2010.bps.go.id/index.php/site/tabel?tid=321&wid=0.

[30]Nurdin Nurdin, "To Research Online or Not to Research Online: Using Internet-Based Research in Islamic Studies Context", *Indonesian Journal of Islam and Muslim Societies*, Volume 7, Number 1 (2017), 34.

and resultant recruitments,[31] hate speech culture, hoaxes and the spread of pornographic material are occurring.[32]

There have been some efforts, conducted by both the Indonesian government and various non-government activists, to minimize the negative impacts of social media usage among Indonesian people. Efforts have includes a government policy to ban social media platforms such as Tumblr and Telegram.[33] Meanwhile, non-government activists continue to carry out online *da'wah* responding to terrorists' propaganda as well as the spreading of pornographic images and videos.[34] However, there should be also an effort to "immunize" Indonesian social media users against these negative impacts of social media. Such efforts can be achieved by providing a set of guidance material to assist their use and creative activity in all their social media activities. In this case, the role of religion is essential as the basis of such guidance because the Indonesian population is religious. In Indonesia, the voice of religious authorities such as fatwa of the ulama are still influential and therefore have the potential to be an important tool in this element of social engineering and social control.[35]

One of the Islamic religious authorities in Indonesia that is concerned with the issue of social media usage is Majelis Tarjih dan Tajdid

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[31]Gabriel Weimann, "Terrorist Migration to Social Media," *Georgetown Journal of International Affairs*, Volume 16, Number 1 (2015), 180–187.

[32]Eva F. Nisa, "Social Media and the Birth of an Islamic Movement: ODOJ (One Day One Juz) in Contemporary Indonesia", *Indonesia and The Malay World*, Volume 46, Number 134 (February 2018), 25.

[33]Andrew Griffin, "Tumblr blocked in Indonesia for providing people in Muslim-majority country with access to porn", in https://www.independent.co.uk/life-style/gadgets-and-tech/news/tumblr-porn-blocked-indonesia-why-muslim-majority-country-pornography-blogging-a8242186.html accessed 12/06/2018.

[34]Eva F. Nisa, "Social Media and the Birth of an Islamic Movement: ODOJ (One Day One Juz) in Contemporary Indonesia", *Indonesia and The Malay World*, Volume 46, Number 134 (February 2018), 25.

[35]R. Michael Feener, *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia*, London: Oxford University Press, 2014.

Muhammadiyah (Muhammadiyah's Council for Religious Affairs). In the recently held the 30th National Meeting, the council issued *Fikih Informasi* (*fiqh* of information) which now represents the council's attempt to provide guidance for its members, and the Muslim community at large, in the use of social media which is based in Islamic teachings. Although some of the recent products of *ijtihad* issued by Majelis Tarjih, such as *Fikih Anti Korupsi* (the *fiqh* of Corruption eradication), *Fikih Air* (the *fiqh* of water conservation), and *Fikih Kebencanaan* (the *fiqh* of disaster management), bear the term *Fikih* or *fiqh* in their titles, Majelis Tarjih's understanding of *fiqh* is not entirely parallel or similar to the classical and technical concept of *fiqh* as understood by the majority of Muslim jurists. Therefore, before examining the content and the relevance of *Fikih Informasi* as a guideline in using social media, this paper will firstly explore the concept of *fiqh* in general, according to Majelis Tarjih dan Tajdid Muhammadiyah.

Majelis Tarjih's concept of *Fiqh*

Throughout its history, the meaning of the term *fiqh* has changed and evolved. In the time of the Companions (*al-ṣaḥābah*) and the Followers (*al-tābi'īn*), the term *fiqh* was understood simply as "deep understanding" in line with the literal meaning of the term. It was deemed to be the opposite of *'ilm* (knowledge) i.e knowledge about the religion based on *riwāyah* (narrations). Therefore, scholars who solved religious problems by directly quoting Quranic or hadith narrations were considered as people who possessed knowledge. Likewise, people, who know a lot about stories or history of the events of the past, were considered to be people who have knowledge. In contrast, the person who tries to solve the problems by deducing or comparing Quranic verses or hadiths to the problem to be solved was considered to be the person of *fiqh*. Likewise, a person who is able to give advice or guidance based on logical reasoning is called a

person who has mastered the *fiqh*.[36]

From the era of the eponym Imams of the schools of law, the term *fiqh* became more technical, it was no longer understood as merely deep understanding or subjective judgment, but rather a form of systematic reasoning based on a set of general principles. It is in this sense that we understand the usage of the term by Imam Abu Hanifah, in the title of one of his works namely *al-Fiqh al-Akbar,* in which he discusses various topics of Islamic theology. Later, Imam al-Shafi'i employed the term *fiqh* in a narrower sense, confined to the knowledge of legal aspects of Islam. It was during these times that *fiqh* is often defined as "a science of Islamic legal rulings (*furū'iyyah*) which have been obtained through reasoning or *istidlāl* from their detailed sources (*tafṣīlī*)."[37] In the latest development, *fiqh* refers not only to these legal rulings but also to the vast corpus of juristic scholarship and jurisprudential texts produced by Muslim jurists.

The strict and narrow usage of the term, in turn, raises criticism from some scholars; Abu Hamid al-Ghazali (d. 1111/505) for instance, argues that the strict usage of the term is a blameworthy corruption of the original meaning of the term.[38] In modern times, one of the notable critics of this usage is Egyptian scholar Muhammad al-Ghazali (d. 1996/1416) who criticized the jurists who gave the term limited legal meaning. Furthermore, he also criticized the overemphasis that the jurists have put on the legalistic side of Islam at the expense of broader aspects of Islamic teachings.[39] Majelis Tarjih's reformulation of the concept of *fiqh* is in line with these criticisms. In some of his writings, Syamsul Anwar, who is the current chief of Majelis Tarjih, emphasizes the importance of

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[36]Joseph Schacht, "Fiḳh," in P. Berman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs (ed.) *Encyclopaedia of Islam, Second Edition*, Leiden: E. J. Brill, 1991, 886.

[37]Wahbah az-Zuhaili, *Al-Fiqh al-Islāmī wa Adillatuhū* , Damascus : Dar al-Fikr, 1989, 14-16

[38]Kenneth Garden, *The First Islamic Reviver: Abu Hamid al-Ghazali and His Revival of the Religious Sciences*, New York: Oxford University Press, 2014, 114 .

[39]Muhammad al-Ghazali, *Kaifa Nata'āmal ma'a al-Qur'ān*, Cairo: Nahḍat Miṣr, 156-157.

reinterpreting the classical concept of *fiqh* to formulate more nuanced *fiqh* in facing modern challenges.[40] Therefore, according to him, the meaning of the term *fiqh* is not merely a collection of concrete rules derived from legislative sources and as understood by the vast majority of Muslim jurists in the period and after the eponym Imams of the schools of law. Following Anwar's conception, Majelis Tarjih restored the meaning of the term to its original meaning in the Quran, which is within a deep understanding of the religion. By freeing the term *fiqh* from its limited legal meaning, the exploration of the concept of *fiqh* is able to be more responsive to new challenges is possible.[41] Anwar then offers what he calls the theory of norms as a framework to reformulate the new *fiqh*. In the theory that is partly borrowed from Hans Kelsen's general theory of norm, Syamsul proposes that *fiqh* should be presented as comprehensive guidance, which consists of three levels of hierarchically structured norms, where the higher norms underly the norms beneath it.[42]

The first and highest norm is the basic values (*al-qiyām al-asāsiyyah*). These values are the universal principles of Islam that underlie Islamic law, such as justice, equality, freedom, human dignity, human brotherhood and others. These basic values can continue to grow and evolve with the creativity of mujtahids in extracting them out of two main sources of Islamic teachings, namely the Qur'an and the Prophetic Sunnah.[43]

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[40]See for example Syamsul Anwar, "Teori Pertingkatan Norma dalam Usul Fikih", *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, Volume 50, Number 1 (June 2016) and Syamsul Anwar, *Studi Hukum Islam Kontemporer*, Jakarta: RM Books, 2007, 35-44.

[41]See for example Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah, *Fikih Air Perspektif Muhammadiyah*, Yogyakarta: Majelis Tarjih dan Tajdid & Majelis Lingkungan Hidup PP Muhammadiyah, 2015, vi.

[42]Syamsul Anwar, "Teori Pertingkatan Norma dalam Usul Fikih", *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, Volume 50, Number 1 (June 2016).

[43]Syamsul Anwar, *Manhaj Tarjih Muhammadiyah*, Yogyakarta: Majelis Tarjih dan Tajdid PP Muhammadiyah, 2018, 29-30; Syamsul Anwar, "Teori Pertingkatan Norma dalam Usul Fikih", *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, Volume 50, Number 1 (June 2016) and Syamsul Anwar, *Studi Hukum Islam Kontemporer*, Jakarta: RM Books, 2007, 35-44.

In finding the basic values, Majelis Tarjih adopts a method that was introduced by al-Shatibi (d. 790/1388), namely *al-istiqrā' al-ma'nawī* (inductive reading) which is done by collecting all Quranic and Sunnaic text on one topic and then inducing the relevant inner spirit or universal objectives (*maqa'ṣid*) of Islamic teaching, to the topic.[44] Al-Shatibi asserts that, unlike the atomistic deductive method, inductive reading of overall texts leads to certain knowledge that comes from thematic recurrence and inductive confirmation of ethical principles and values.[45] One example of the basic values developed by Islamic scholars is the concept of *maṣlaḥah* (public interest) that has undergone significant development from one generation of scholars into the next generation.[46]

The second layer of the norm is the general principles (*al-uṣūl al-kulliyyah*) that is the derivative of the basic values. An example of this principle is the principle that there should be no harm and no reciprocated harm (*lāḍarar wa lā ḍirār*). Finally, the third norm is the detail legal provisions (*al-aḥkām al-far'iyyah*). This is a derivative of the previous norm or the general principles. The provisions of this last layer are expressed in the form of practical and concrete rules such as halal, haram, mandatory and others.[47] In addition, it can also be a law in the form of *waḍ'ī* rules on marriage, buying and selling, and so forth.[48] These three layers of norms are arranged in a hierarchical way in which the abstract norms are concretized or

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[44]Syamsul Anwar, *Manhaj Tarjih Muhammadiyah*, Yogyakarta: Majelis Tarjih dan Tajdid PP Muhammadiyah, 2018, 28.

[45]Ibrahim ibn Musa al-Shatibi, *al-Muwāfaqāt*, Dar Ibn Affan, 1997, I, 28 and A. Raquib, *Islamic Ethics of Technology: An Objectives' (Maqasid) Approach*, The Other Press, 2015, 44-45.

[46]Felicitas Opwis, "Maslaha in Contemporary Islamic Legal Theory", *Islamic law Society.*, Volume 12, Number 2 (2005), 182–188.

[47]Syamsul Anwar, *Manhaj Tarjih Muhammadiyah*, Yogyakarta: Majelis Tarjih dan Tajdid PP Muhammadiyah, 2018, 29-30.

[48]Majelis Tarjih dan Tajdid Muhammadiyah "Fikih Anak dan Konsep Fikih Baru dalam Muhammadiyah" in https://tarjih.or.id/fikih-anak-dan-konsep-fikih-baru-dalam-muhammadiyah/ accessed 18/06/2018.

embodied in more concrete norms.[49] For example, in *Fikih Air* (The *Fiqh of Water*), it is stated that from the basic value of public interests (*mas}lah}ah*), we can derive the general principle that there should be no harm and no reciprocated harm, which then concretized in a detailed rule that it is incumbent upon Muslims to maintain the cleanliness of rivers and not to dispose garbage in the rivers.[50] Another example of the application in the product of Majelis Tarjih's ijtihad is its fatwa that it is permissible to elect a woman as a leader.[51] This concrete rule is derived from the principle that men and women have equal political and civil rights, which is a derivative of equality as one of the basic values of Islamic teachings.[52]

Fikih Informasi and its relevance as a guidance for social media users

Fikih Informasi (*fiqh* of information) is one of results of 30th Tarjih national annual meeting held in Makassar in January 2018. It is divided into five chapters, namely Introduction, Philosophical and Ideological Bases, Media and Media Theory, Civilized Information Management, and Closing.[53] Specific discussions relating to guidelines for communicating in social media are contained in the fourth chapter, namely Information Management. In this chapter, the three-tiered norms of the *fiqh* of information are described. The first and foremost basic value of *Fikih Informasi* is *tauḥīd* (the oneness of god) as the essence of the message of

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[49]Syamsul Anwar, *Manhaj Tarjih Muhammadiyah*, Yogyakarta: Majelis Tarjih dan Tajdid PP Muhammadiyah, 2018, 29-30.

[50]Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah, *Fikih Air Perspektif Muhammadiyah*, Yogyakarta: Majelis Tarjih dan Tajdid & Majelis Lingkungan Hidup PP Muhammadiyah, 2015, viii.

[51]Majelis Tarjih dan Tajdid PP Muhammadiyah, "Fatwa tentang Kebolehan Wanita Menjadi Pemimpinng," official site of Majelis Tarjih, accessed June 1, 2018, https://tarjih.or.id/fatwa-tentang-kebolehan-wanita-menjadi-pemimpin/

[52]Syamsul Anwar, *Studi Hukum Islam Kontemporer*, Jakarta: RM Books, 2007, 35-44.

[53]Majelis Tarjih dan Tajdid PP Muhammadiyah, *Draf Materi Munas Tarjih XXX*, Yogyakarta: Majelis Tarjih dan Tajdid PP Muhammadiyah, 2018, 138-226.

Islam. The other basic values include *Siddīq* (honesty), *amānah* (trustworthy), *tablīgh* (conveying the right information) and *fa'ānah* (intelligent). These four values are essential because these are the characteristics of the Prophet Muhammad, who was a conveyor of divine information to humanity. In addition, justice (*'adālah*), moderation (*wasa'iyyah*), balance (*tawāzun*), staying away from useless activities (*al-tark mā lā ya'nīh*), and caring for others, are other values upon which the *Fikih Informasi* is reconstructed.[54]

Majelis Tarjih explains that the principle of *tauh}īd* in the *Fikih Informasi* represents the Muslim's creed that Allah and the His Prophet are the ultimate source of the true information, obtained through the holy book of the Qur'an and authentic Hadiths. *Siddīq* means that honesty and transparency and are essential in delivering and accepting information. *Tablīgh* implies that every Muslim and other members of society have an obligation to convey information that is beneficial to humanity. While the value of justice means that, every member of society has the same rights in conveying and receiving good and correct information. Nevertheless, not all correct information should be openly published, especially when the information will lead to misunderstanding and even prolonged conflict in the community. Therefore, *fa'ānah* is needed because without intelligence, one cannot distinguish true from false and more importantly, one will not be able to decide when to share or hold the information.[55]

Moderation and balance imply that, especially when dealing with controversial issues such as pointless debates about political or religious orientations on social media, one should always maintain ones neutrality. When facing such issues, one should adhere to the value of "staying away from useless activities". This value will also encourage believers to keep away from the habit of disseminating information of low value or worse,

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[54]Majelis Tarjih dan Tajdid PP Muhammadiyah, *Draf Materi Munas Tarjih XXX...*, 183-187.
[55]Majelis Tarjih dan Tajdid PP Muhammadiyah, *Draf Materi Munas Tarjih XXX...*, 183-187.

hoaxes. While one should avoid useless information, one should not be apathetic to events occurring in the society in which one lives, and for this reason, Majelis Tarjih includes "caring" as one of the basic values of *Fikih Informasi*.[56] From the above mentioned basic values, Majelis Tarjih derives five principles, namely; the principle of transparency, the principle of selectivity and being critical, the principle of information balance, the principle of freedom of producing, conveying and accessing information, and the principle of rationality and proportionality in engaging with information.[57]

From the principles, Majelis Tarjih derive several concrete rules (*al-aḥ kām al-far'iyyah*) which are divided into four categories. The first is how to verify information circulated in social media. In this section, Majelis Tarjih adopted methods to be used in the science of hadith verification (*naqd al-ḥadīth*) so as to clarify the validity of information as well as the reliability of the sources. An example of the method is to reject information coming from a *majhūl* (unknown) source.[58] The second section of the concrete rules is about the reality and morality of cyber space in which Majelis Tarjih warns social media users to be critical when receiving any propaganda, agitation or provocation spread by the so-called cyber armies. Furthermore, Majelis Tarjih encourages social media users to give priority to the principle of *tabayyun* (clarification).[59] In the third section, Majelis Tarjih gives a rather long explanation of how information has become a need of society, which turns information into an economic commodity. Consequently, it is important that users of social media must be constantly aware of this fact when publishing or receiving any information.[60]

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[56]Majelis Tarjih dan Tajdid PP Muhammadiyah, *Draf Materi Munas Tarjih XXX...*, 183-187.
[57]Majelis Tarjih dan Tajdid PP Muhammadiyah, *Draf Materi Munas Tarjih XXX...*, 187-190.
[58]Majelis Tarjih dan Tajdid PP Muhammadiyah, *Draf Materi Munas Tarjih XXX...*, 193-201.
[59]Majelis Tarjih dan Tajdid PP Muhammadiyah, *Draf Materi Munas Tarjih XXX...*, 201-204.
[60]Majelis Tarjih dan Tajdid PP Muhammadiyah, *Draf Materi Munas Tarjih XXX...*, 204-212.

The last section of *al-aḥkām al-far'iyyah* deals with the phenomena of the massive circulation of hoaxes in social media. In this section, Majelis Tarjih describes the characteristics of a hoax so that social media users can identify them. According to Majelis Tarjih, hoaxes can be identified by the following indications: (1) sensational and exaggerated in order to attract the attention of the recipient of the information; (2) being provocative and able to stir people's emotions; (3) information does not cover both sides of a controversial issue (4) encouraging the recipient to re-share it along with certain threats for those who refuse to do so; (5) hijacking the names of influential persons or institutions to legitimize its argument; (6) encourages hatred and hostility towards certain groups; (7) is discriminatory towards certain persons or groups; (8) fostering an excessive fanaticism towards certain ideologies; (9) provides a negative verdict to a particular person or group without going through an adequate investigatory process; and (10) potentially cause social unrest. Furthermore, when receiving information that is suspected to be a hoax, *Fikih Informasi* encourages the social media users to; (1) not to rush into believing it; (2) to verify the information; (3) not to share the information before its validity is confirmed; (4) to consider the negative impacts of sharing the information; (5) obey the principle that "preventing harm" is more important than "taking benefit"; and (6) to consider, before re-sharing the information, the context and timing.[61]

By presenting *Fikih Informasi* in the three-tiered norm, Majelis Tarjih tries to offer relatively comprehensive guidance for social media users. However, some valid criticism can be levelled against its framework as well as its content. First of all, regarding its three-tiered norms, *Fikih Inforamsi* is less consistent when compared with earlier *fiqh* of Majelis Tarjih which employed this framework. For example, in *Fikih Air* (The *Fiqh* of Water) the derivation of the basic values (*al-qiyām al-asāsiyyah*) into the general

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[61]Majelis Tarjih dan Tajdid PP Muhammadiyah, *Draf Materi Munas Tarjih XXX...*, 213-214.

principles (*al-uṣūl al-kulliyyah*) seem appropriate. There are six basic values of *fikih Air*, namely monotheism, gratitude, justice (*al-'adl*), moderation and balance (*al-wasa'iyyah wa al-tawāzun*), efficiency (*al-fa'āliyyah*), and caring (*al-ināyah*). These six basic values are derived into six general principles, namely public involvement (*musyārakah al-mujtama'*), good priority setting (*tan'īm al-aulawiyyāt*), conservation of water (*al-muḥāfa'ah al-mā'*), regulation of water ownership (*ni'ām milkiyyah al-mā'*), the regulation of water distribution (*ni'ām tauzī' al-mā'*) and caring (*al-ināyah*).[62] These general principles are the concretization of the above basic values. There is conformity and harmony between the basic values and the general principles. Meanwhile, in *Fikih Informasi*, the basic values and general principles seem out of synch. The nine basic values in *Fikih Informasi* are only concretized into five general principles. This means that some of the basic values are not properly concretized, or that the basic values are more appropriate if placed as general principles.

Furthermore, Majelis Tarjih does not provide a comprehensive explanation of how the basic values in *Fikih Informasi* were extracted from Quranic and Sunnaic texts. Consequently, readers might think that these so-called basic values are arbitrarily put forward by Majelis Tarjih. Therefore, it is essential that Majelis Tarjih explain how they operationalize the method of *al-istiqrā' al-ma'nawī* to explore the basic values of Islam in their new *fiqh*. Such explanation is especially needed in *Fikih Informasi* where Majelis Tarjih presented nine basic values that are claimed to be extracted from the Quran and Sunnah.

Further criticism could also be made regarding the third layer of the norm, the so *al-aḥkām al-far'iyyah* (concrete legal rules), of *Fikih Informasi*. The name of this norm implies that it should be detail, technical, and

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[62]Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah, *Fikih Air Perspektif Muhammadiyah*, Yogyakarta: Majelis Tarjih dan Tajdid & Majelis Lingkungan Hidup PP Muhammadiyah, 2015, 35-74.

systematic but *Fikih Informasi* fails to fully deliver its promise here. Irrelevant, abstract and rather long explanations that seem to touch less on technical aspects are encountered in several places in this section, such as the explanation about the economic value of information. Moreover, this third norm which should be a practical guideline for society is often not practical. A comparison between the *al-aḥkām al-far'iyyah* section of *Fikih Informasi* with a similar product of *ijtihad* issued by *Majelis Ulama Indonesia* (MUI/Indonesian Ulama Council) would illustrate this flaw. In 2017, MUI issued a *fatwā* on guidelines and rules regarding the interaction of people within social media.[63] This *fatwā* is divided into four parts; general guidelines, content/information verification guidelines, content/information creation guidelines, and content/information dissemination guidelines. These four sections are explained in step-by-step detail to make it easier to be understood.[64]

A good example of how MUI's *fatwā* is more detailed and practical in its guidelines, is the explanation about *tabayyun*. *Tabayyun* is a Quranic term, which is mentioned in many places in *Fikih Informasi*. It literally means clarification and in the Quranic context, it means seeking ascertain about the validity of a news, especially when the conveyor of the news could be a wicked person.[65] MUI's *fatwā* also mentions the concept of content and information verification guideline, but unlike *Fikih Informasi*, the *fatwā* gives a detailed explanation of how to do a proper *tabayyun* on social media. The *fatwā* stipulates that any person who obtains information from social media (both positive and negative) should not immediately re-share it before verifying its validity through the process of *tabayyun*. It

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[63]Majelis Ulama Indonesia, "Fatwa tentang Hukum dan Pedoman Bermuamalah Melalui Media Sosial", Fatwa MUI, Number 24, Year 2017. See at https://mui.or.id/wp-content/uploads/2017/06/Fatwa-No.24-Tahun-2017-Tentang-Hukum-dan-Pedoman-Bermuamalah-Melalui-Media-Sosial.pdf

[64]Majelis Ulama Indonesia, "Fatwa tentang Hukum dan Pedoman Bermuamalah...

[65]QS. 49/6.

then proceeds to explain that the process of *tabayyun* which is undertaken by investigating two aspects of the news; the source and the content. In regards to the source, one should examine the person who spread the information, including his personality, reputation, and trustworthiness. One also should scrutinize the content by inspecting its context of place and time and background of when the information was published. The *fatwā* also explains that *tabayyun* can be undertaken by asking the people who have the authority and competence about the topic in the information, or directly asking the conveyor of the news. However, the transmitter of the news should not be asked publicly, but rather through closed personal message. Conducting *tabayyun* publicly such as through social media groups, according to the *fatwā*, could result in the circulation of the suspected news among other members of the groups.[66] This guideline clearly illustrates that the MUI *fatwā* is presented in a more detailed and practical manner than the *al-aḥkām al-far'iyyah* of *Fikih Informasi*.

Finally, there are several aspects of social media that are still less explored both in *Fikih Informasi* and MUI's fatwa. One of the important challenges faced by social media users is problem of privacy, and therefore more attention is needed from religious authorities who issue *fatwā* or *fiqh* on social media. Privacy is related to what Van Dijk calls *datafication*,[67] which means social media has the ability to record any personal information submitted by users, as well as their instantaneous movements and behavior. While social media platforms offer to their users the ability to freely express their opinion and publish any pictures or data they want, many users are not aware that, sometimes without their consent, their personal data is gathered and mined by the platform. According to

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[66]Majelis Ulama Indonesia, "Fatwa tentang Hukum dan Pedoman Bermuamalah Melalui Media Sosial", Fatwa MUI, Number 24, Year 2017, 13-14.

[67]Jose van Dijck and Thomas Poell, "Understanding Social Media Logic", *Media and Communication*, Volume 1, Number 1 (2013), 5-10.

Hashim Kamali, in Islam, one's right to privacy includes ones personal correspondence, the confidentiality of one's private activities, personal conversations and financial affairs.[68] *Fikih Informasi* does not cover this aspect and, for instance, it needs to advise social media users to take care before uploading any pictures or videos and not to easily give their detail personal information. In spite of the existence of numerous Quranic verses and hadiths, which encourage Muslims to be careful in making friends and choosing the right kind of friends, Majelis Tarjih does not provide adequate guidance on how to select friends In social media. Being selective when choosing friends in social media is crucial because users of social media tend to influence each other's views and behaviour.

Conclusion

Fikih Informasi can be said as, to borrow Abdullah Saeed's term, "fresh *ijtihād*",[69] a new *ijtihād* to face new challenges. As a product of the fresh *ijtihād*, *Fikih Informasi* is built upon a new formulation of the concept of *fiqh* initially proposed by Syamsul Anwar, the current chief of Majelis Tarjih, and subsequently accepted by the council. Majelis Tarjih's attempt to reconstruct the concept of *fiqh* can be seen as an effort to escape the trap of the partial-atomistic approach of classical *fiqh*. With this new formulation, Majlis Tarjih's understanding of *fiqh* does not entirely resemble the classical concept of fiqh as understood by the majority of Muslim jurists whose understanding of the term *fiqh* is limited to Islamic substantive law or legal discourse in general.

Majelis Tarjih employs the term *fikih/fiqh* in its literal and Quranic meaning rather than using it in its technical sense. Therefore, in Majelis Tarjih's product of *ijtihād*, the term simply refers to a deep understanding

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[68]Mohammad Hashim Kamali, *The Right to Life, Security, Privacy and Ownership in Islam*, Selangor: Ilmiah Publishers Sdn. Bhd., 2013, 160.

[69]See more Abdullah Saeed, *Islamic Thought: An Introduction*, New York: Routledge, 2006.

of the religion. Furthermore, Majelis Tarjih also offers a new way to formulate a *fiqh* product, namely to construct it in a framework consisting of three hierarchically structured norms. The first layer of the norms is called *al-qiyām al-asāsiyyah* or the basic/fundamental values, the second is *al-uṣūl al-kulliyyah* or general principles and the third is *al-aḥkām al-far'iyyah* or detail guidelines/legal provisions.

As an application of the new framework in facing the challenges posed by social media usage, *Fikih Informasi* does not merely provide the "dos and don'ts" to the social media users, but also provides a set of philosophical principles and values to which they should adhere. However, this new formulation renders *Fikih Informasi* to neglect its practical and detail guidance, especially when compared to MUI's *fatwā* on the topic. It also fails to address several important problems and threats faced by social media users such as privacy issues. Moreover, the ever-shifting and ever-updating nature of social media means that Majelis Tarjih, as well as other religious authorities that issue *fatwā* on this topic, should not be satisfied with any static product of *ijtihād*. Because the Islamic religious authorities have the ability to positively influence the behaviour of Muslim social media users, especially in Indonesia, it is imperative for them to always strive to "update" their *ijtihād* in providing guidance for the ummah.

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