



The Obligation of War in Islam: Analysis of Fatwas by Scholars Worldwide and in Indonesia Regarding Jihad in Palestine from *Hifzh Al-Nafs* Perspective

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Abstract: The obligation to wage war (*al-qital*) in Islamic law remains a topic of contemporary academic debate, especially in the context of jihad in Palestine. Different fatwas issued by international Muslim scholars and Indonesian religious authorities illustrate the complex interaction between normative interpretations of sacred texts and geopolitical realities. This study aims to analyze these fatwas through the framework of *maqashid al-sharia*, with a particular emphasis on *hifzh al-nafs* (the protection of human life) as the primary objective of Islamic law. This research uses a library-based qualitative methodology, referring to primary and secondary sources, including fatwas issued by authorized Islamic legal institutions, official documents, and classical and contemporary works on Islamic fiqh and *maqashid al-sharia*. The findings show that the dominant academic view limits the obligation of armed jihad to the Palestinian population, while Muslims outside the conflict zone are encouraged to contribute through humanitarian, political, and diplomatic support. However, a minority view considers armed jihad in Palestine a collective obligation (*fardhu kifayah*) for the wider Muslim community. These differing legal positions are influenced by variations in socio-political context, interpretive methodology, and assessments of *mashlahah* (public interest) and *mafsadah* (potential harm). From the perspective of *hifzh al-nafs*, the non-obligatory interpretation of jihad for Muslims outside conflict zones is more consistent with the goal of preserving human life, while maintaining the principle of transnational Muslim solidarity. This study highlights the importance of a *maqashid*-oriented approach in ensuring the relevance of Islamic legal thought to contemporary challenges and universal ethical values of sharia.

Keywords: Obligation of warfare, Fatwas, Jihad, Palestine, *Hifzh al-Nafs*

Introduction

The issue of the obligation to wage war in Islam is one of the important themes in both classical and contemporary fiqh studies. In Islamic history, the concept of war or *al-qital* has always been associated with defending religion, upholding justice, and protecting the oppressed. One form of war that has a special



position in Islamic discourse is jihad, which in practice has been interpreted in various ways depending on the social, political, and geographical context. In humanitarian crises such as the one in Palestine, jihad has become a hot topic that has elicited various religious responses, including fatwas issued by scholars from various parts of the Islamic world. The differences of opinion in responding to jihad in Palestine become even more prominent when comparing the fatwas of global scholars and Indonesian scholars. Global scholars such as Sheikh Yusuf al-Qaradawi (Al-Qaradawi, 2009), and other international scholars, tend to encourage Muslims to engage in jihad directly, even to the extent of individual obligation (*fardhu 'ayn*), on the grounds that Palestine is an occupied Muslim territory and its people are suffering systematic oppression. In this view, jihad is positioned as a moral and religious responsibility of all Muslims, regardless of national borders or citizenship.

On the other hand, Indonesian scholars, such as those affiliated with the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), and Muhammadiyah, have taken a more contextual and cautious approach. They acknowledge the obligation to help Palestine, but emphasize that the most relevant form of jihad for Indonesian Muslims is non-military jihad. This includes humanitarian aid, diplomacy, advocacy, as well as fundraising and prayer (Indonesian Ulema Council). This approach is based on constitutional considerations, national security, and the socio-political conditions of Muslims in Indonesia, which differ from the context of Middle Eastern countries. These differences demonstrate the diversity of approaches to interpreting jihad, which is not only related to religious texts but is also greatly influenced by context and *maqashid al-syari'ah* (the objectives of sharia). One of the main objectives of *maqashid* that is relevant to examine in this matter is *hifzh al-nafs* (protection of life). This principle emphasizes the importance of preserving and protecting human life as a top priority in the application of Islamic law. Therefore, calls for jihad that encourage physical involvement in armed conflict must be thoroughly examined within the framework of these objectives so as not to cause effects that contradict the core values of Sharia (Auda, 2008).

The research related to jihad in Palestine has become such a central issue that it has spawned a considerable amount of research. These studies can be categorized as follows: First, research on the law of jihad in general, conducted by Putra (2019), Sudinato (2018), Khofifah et al., (2023), Ridlo (2018), dan Iswandi (2023). Second, research related to fatwas issued by scholars in response to the war in Palestine conducted by Husna et al. (2025), Amin et al. (2024), Fachrudin & Tempo (2024), and Musthofa et al. (2023). Third, studies on the thoughts of figures on jihad in Palestine as written by Aminullah & Haqiqi (2023), Tamam (2024), (Muthoifin & Muzakkir, 2017), and Busyro (2016). The fourth impact of the Palestinian-Israeli war on regional and global politics and economics, as written by Siregar et al. (2024), Aswar et al. (2024), dan Satria et al., 2024) and many other studies related to different categories. These studies are similar in some ways to the author's research, but the author focuses this study on one aspect that needs to be protected in jihad activities, namely the protection of life (*hifzh al-nafs*).

This study departs from the assumption that the differences in fatwas between international and Indonesian scholars regarding jihad in Palestine are not only caused by differences in understanding the arguments, but also by the diversity of perspectives on *maqashid* used as an approach to legal reasoning.

Using qualitative methods and a literature review approach, this study will explore how the concept of *hifzh al-nafs* can serve as an analytical basis for assessing the obligation of war and its relevance to the current context of jihad in Palestine. This research is expected to contribute to the development of contemporary Islamic legal thinking that is responsive to global realities while remaining rooted in noble sharia values.

Method

This study uses a descriptive qualitative approach with a library research method. This approach was chosen because the study focuses on examining religious texts, fatwas issued by scholars, and literature on fiqh and maqashid al-shariah, particularly those related to the themes of jihad and *hifzh al-nafs*. The purpose of this approach is to describe in depth the various views and arguments of scholars regarding the obligation to wage war on Palestine and to interpret them in the context of the protection of life as one of the main objectives of Islamic law. The data sources used in this study are divided into two categories: primary sources in the form of official fatwas issued by world scholars such as Yusuf al-Qaradawi, the Al-Azhar Council of Scholars, as well as fatwas and official statements from the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), and Muhammadiyah. The secondary sources are contemporary fiqh books, scientific works, journal articles, and documents relevant to the study of jihad, maqashid al-syariah, and the geopolitical dynamics of Palestine. The data analysis technique used is content analysis, which involves examining the meaning of these fatwas, interpreting the legal reasoning used, and relating it to the concept of *hifzh al-nafs* in the context of realizing maqashid al-syariah. The results of this analysis were then presented systematically to illustrate the differences in the approaches of scholars around the world and Indonesian scholars in responding to the Palestinian conflict, as well as the legal implications for Muslims outside the conflict area.

Result and Discussion

The Concept of the Obligation of War and Jihad in Islam

The concepts of war (*al-qital*) and jihad in Islam are an integral part of teachings that have not only military dimensions, but also spiritual, social, and political ones. The word jihad itself comes from the root word jahada, which means "to strive" or "to be earnest." In the shar'i sense, jihad means to exert all one's abilities in order to uphold the religion of Allah and fight against all forms of injustice (Al-Manzur, 1990). Jihad in Islam is divided into two main levels: greater jihad (*al-jihad al-akbar*) and lesser jihad (*al-jihad al-asghar*). The greater jihad refers to the struggle against one's own desires and vices, while the lesser jihad encompasses external struggles, including warfare on the battlefield. Both types of jihad play an important role in shaping the ideal Muslim individual and society (Al-Ghazali, 2005).

Legally, jihad in the form of war is divided into two categories: *fardhu 'ayn* and *fardhu kifayah*. Jihad becomes *fardhu 'ayn* when an enemy attack has reached Muslim territory and there is no other way to defend it except by taking up arms. In this situation, all able-bodied Muslims, without exception, are obliged to participate, as stated in the verse of Allah in Surah al-Baqarah verse 216, which commands jihad even though humans naturally dislike war. Meanwhile, jihad is

categorized as fardhu kifayah if the obligation is sufficiently represented by some Muslims. If some have done it, then the obligation is removed from others. However, if no one does it, then all are sinful. Examples of jihad in this category are sending reinforcements to occupied territories, or fighting the occupiers through military or diplomatic channels. (Sabiq, 1983). Classical scholars such as Imam al-Mawardi and Imam al-Ghazali explained that jihad should not be carried out recklessly. There are conditions and requirements that must be met, such as the presence of a legitimate leader, strategic readiness, and clear objectives. In this context, jihad is not merely physical resistance, but part of the political strategy of Muslims in protecting the existence of religion and humanity (Al-Mawardi, 2002).

The contemporary scholar Wahbah al-Zuhayli states that jihad cannot be separated from the context of maqashid al-syari'ah. Therefore, jihad is not only interpreted as physical warfare, but also includes economic, educational, and diplomatic struggles. He believes that jihad cannot be carried out without considering its consequences on the safety of lives, the stability of the state, and social peace (Al-Zuhayli, 2002). Thus, the correct understanding of jihad is jihad that is oriented towards justice, the liberation of the oppressed, and the preservation of humanity. In relation to the conflict in Palestine, the concept of jihad as an obligation needs to be placed within this framework.

Currently, especially after Israel's major aggression in Gaza and the West Bank, which has been happening more often since 2015, the discussion about jihad has shifted. Many contemporary Muslim scholars no longer focus solely on the militaristic aspect of jihad, but rather on the collective struggle of Muslims in the face of colonialism, global inequality, and human injustice (El Fadl, 2015). For example, according to Jasser Auda, a modern maqashid thinker, jihad must be placed within the holistic framework of maqashid al-syari'ah. He states that in the modern world, which is characterized by the complexity of international law and the political systems of nation-states, jihad can no longer be interpreted solely in terms of taking up arms. Jihad now extends to efforts to defend the rights of oppressed peoples, including through political means, diplomacy, the media, and community capacity building (Auda, 2017).

Indonesian responses to the Palestinian conflict have also been influenced by these developments. Many academics and religious scholars have stated that jihad in a country such as Indonesia, which is not directly involved in the conflict, should focus on strengthening literacy, global diplomacy, and economic empowerment of the Muslim community as part of modern jihad. This is in line with the opinion of Ma'ruf Amin (then Chairman of the Indonesian Ulema Council), who stated that the best jihad for Indonesian Muslims in helping Palestine is to strengthen international political support, raise humanitarian funds, and control accurate information. On the other hand, some circles still call for the importance of defending the collective rights of Muslims in the form of physical resistance in Palestine. However, contemporary scholars continue to remind us that the principles of al-dharar yuzal (harm must be eliminated) and la darar wa la dirar (do not harm yourself or others) must remain the reference point, so that jihad does not turn into mass destruction due to the community's strategic unpreparedness (Yaqub, 2016).

Based on the principle of hifzh al-nafs, the current approach to jihad needs to be more selective and strategic. The changing global context, as well as the rise of extremism in the name of jihad, requires Muslims to undertake a new contextual

ijtihad. Therefore, jihad today is more meaningful as a struggle against oppression and injustice in ways that are in line with maqashid al-syari'ah and modern civilization (Hidayat, 2020).

The Islamic World and Global Fatwas on Jihad in Palestine

The issue of jihad in Palestine has become a widespread concern among Islamic scholars worldwide, especially after the escalation of conflict in the Gaza Strip and the West Bank. Fatwas issued by various international Islamic authorities show differences in approach to the form and obligation of jihad, particularly whether it is fardhu 'ayn or fardhu kifayah, as well as who is eligible to perform it. One of the most frequently referenced authorities is the International Union of Muslim Scholars (IUMS), which was once led by Sheikh Yusuf al-Qaradawi. In several of its official statements, the IUMS has emphasized that defending Palestine, especially Al-Aqsa Mosque, is a major religious obligation. However, armed jihad is only obligatory for the Palestinian people directly, while Muslims in other countries are obliged to provide diplomatic, economic, and moral support (al-Qaradhawi, 2016). In its 2018 fatwa, IUMS stated that jihad to liberate Palestine is a religious obligation for its inhabitants. As for other Muslims, their obligation is to help, support, and fight for Palestinian rights in international forums and provide assistance in any way possible.

Similarly, Dar al-Ifta' Egypt, Egypt's official fatwa institution, emphasized the importance of supporting Palestine through international legal and political channels. In their fatwa, they reminded Muslims not to be provoked into going to war independently without clarity on the legality of the state and legitimate religious authorities (Syahnan, 2025). This is considered to endanger human safety and contradict the principle of *hifzh al-nafs* in maqashid al-syari'ah. Furthermore, the Grand Mufti of Lebanon, Sheikh Abdul Latif Derian, stated that jihad in the context of Palestine must be directed towards legitimate and organized resistance, and should not be carried out by individuals or groups who do not understand geopolitics and Sharia law. He added that jihad should not be separated from strategy and coordination with local governments or legitimate authorities.

Islamic scholars around the world have generally agreed that physical jihad in Palestine should only be carried out by those who are directly involved in the conflict, while other Muslims in various countries should carry out other forms of jihad that are more appropriate to their situation. This could take the form of media jihad, economic jihad, or diplomatic jihad (Wahyuni, 2025). The approach is in line with contemporary interpretations of maqashid al-syari'ah, which emphasize the importance of preserving life, maintaining stability, and preventing greater harm. In addition, several international institutions such as Al-Azhar University also regularly issue political and theological statements related to Palestine. In 2023, Al-Azhar issued a strong statement against Israeli aggression, but in its call for jihad, the institution did not recommend armed action from abroad, but rather called for strengthening international solidarity and civil society movements to put pressure on the Israeli occupation (Rahhou, 2023).

Geopolitical differences and diversity of thought also influence the views of Islamic scholars around the world in issuing fatwas on jihad in relation to the Palestinian conflict. On the one hand, there are scholars who see jihad as a direct response to oppression and colonialism, but on the other hand, there are also many who call for a strategic and global humanitarian approach in order to avoid negative excesses that could actually harm Muslims themselves. For example,

Sheikh Ahmad al-Raisuni, former President of the International Union of Muslim Scholars (IUMS) after Sheikh al-Qaradawi, has repeatedly called for jihad based on structure and sharia legitimacy, rather than spontaneous or emotional jihad. He emphasized that jihad in Palestine is not merely a right, but an obligation that must be carried out with strategy and legitimate leadership (Aqsa, 2020). Jihad that does not go through official channels will only exacerbate the situation and endanger the safety of Muslims from outside Palestine, who come without understanding the local terrain and politics. Meanwhile, the Organisation of Islamic Cooperation (OIC) has stated in several high-level conferences that the Palestinian people's struggle to defend their homeland is a legitimate form of resistance and self-defense under international law and Sharia. However, the OIC has never officially called for military jihad from member states, but rather emphasizes political, economic, and humanitarian assistance.

The fundamentalists have attempted to claim the legitimacy of jihad without referring to the *ijtihad* of authoritative scholars. For example, in recent years, digital propaganda has emerged encouraging young Muslims from abroad to wage jihad in Palestine, even without the blessing of the government or official Islamic organizations. Mainstream scholars, such as the Mufti of Egypt, Sheikh Shawqi Allam, and scholars from Rabithah 'Alam Islami, strongly condemn this kind of propaganda because it has the potential to harm individuals and worsen the image of Islam (Allam, 2015).

In addition to formal religious institutions, responses from independent Muslim thinkers and global Islamic academic institutions have also enriched contemporary interpretations of jihad. Institutions such as the International Institute of Islamic Thought (IIIT) and the Center for the Study of Islam and Democracy (CSID) emphasize that jihad should be understood as a comprehensive struggle, which includes educational transformation, economic strengthening, technological development, and international advocacy for the human rights of Palestinians. In several global seminars held after Israel's major attacks on Gaza in 2021 and 2023, scholars and intellectuals agreed that jihad is not synonymous with violence. Instead, jihad must now be carried out in at least four forms, namely: informational jihad, which is fighting Israeli disinformation and propaganda through global media; economic jihad, which is boycotting products that support the occupation and strengthening the Muslim community's economy; political and legal jihad through diplomatic lobbying at the UN, the International Court of Justice, and human rights forums; and humanitarian jihad in the form of sending medical aid, education, and reconstruction of Palestinian infrastructure. This idea is reinforced by Tariq Ramadan's view, who states that the most urgent form of jihad today is to defend humanity and global justice through peaceful but strategic means. He criticizes the narrow approach to jihad that is only synonymous with military force (Ramadan, 2019).

Fatwas from the European Council for Fatwa and Research state that Muslims living in non-Muslim countries such as Europe are not permitted to engage in military jihad on their own initiative, as this would violate local laws and potentially become part of a global extremist network. Instead, they are encouraged to engage in social and intellectual jihad to shape a fair global public opinion towards Palestine ("European Council for Fatwa and Research Guidelines on Jihad in Non-Muslim Countries," 2022). An unbalanced discourse on jihad, for example one that is solely military-oriented, risks being exploited by non-state

actors who do not represent Muslims as a whole. Therefore, scholars around the world increasingly emphasize that jihad in this era must be based on collective ijihad and congregational fatwas, rather than on personal zeal that is prone to ideological manipulation and misunderstanding of the maqashid al-syari'ah (Kamali, 2021).

Fatwa of Indonesian Scholars Regarding Jihad in Palestine

The response of Indonesian religious scholars to the Palestinian conflict shows a cautious and contextual approach, prioritizing humanitarian values, global solidarity among Muslims, and the importance of maintaining domestic stability. Fatwas and official statements issued by major religious organizations in Indonesia, such as the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), and Muhammadiyah, generally do not call for physical jihad, but rather encourage safer and more proportional forms of struggle.

In 2023, the Indonesian Ulema Council issued an official statement regarding Israel's aggression against Palestine. The MUI strongly condemned Israel's actions as a form of colonialism and human rights violations, and urged the Indonesian government and the United Nations to pressure Israel. However, the MUI did not encourage Muslims to engage in physical jihad in Palestine. Instead, the MUI called for diplomatic and political support for Palestine, the mobilization of humanitarian aid, and prayers and spiritual solidarity as a form of moral jihad for Indonesian Muslims (Husna et al., 2025). The MUI reinforced its support by issuing fatwa No. 83 of 2023, which calls on Muslims to boycott products affiliated with Israel. To emphasize its fatwa, the MUI declared that purchasing these products is haram (forbidden) (Musthofa et al., 2023).

Other Islamic organizations have also reacted to Israel's aggression against Palestine. The Bahtsul Masail Institute of PBNU has stated in several official forums that physical jihad in Palestine is not fardhu 'ayn (an individual obligation) for Indonesian Muslims, due to differences in context and capacity. NU emphasizes that the most relevant and realistic assistance is in the form of economic support (donations to Zakat, Infak, and Sadakah institutions such as LAZISNU) and public campaigns to defend the rights of the Palestinian people peacefully (Zidni et al., 2024). This was also done by Muhammadiyah. In its 2023 statement, Muhammadiyah rejected calls from certain groups urging Indonesians to wage jihad in Palestine without coordination with the state. Muhammadiyah stated that legitimate jihad in this context is political and humanitarian jihad, as well as amar ma'ruf nahi munkar (enjoining what is good and forbidding what is evil) in defending justice and the independence of the Palestinian people (Fatihah & Maksum, 2024).

There has been a strong response from Indonesian religious and security authorities to calls from some individuals and groups to go directly to Palestine to wage physical jihad. The Indonesian Ulema Council (MUI) and major mass organizations such as NU and Muhammadiyah have warned that such calls are not only contrary to Sharia law, but also violate the constitution and pose a high risk to human safety (nafs). Religious institutions emphasize that jihad carried out without state command or coordination with legitimate authorities has the potential to cause a narrow and radical distortion of religious understanding, legal disintegration, as it violates Law No. 34 of 2004 on the Indonesian National Armed Forces and the Terrorism Law, and the loss of lives and the good name of Indonesian Muslims in the eyes of the world if they are involved in illegal armed

groups. On this basis, Indonesian scholars have promoted a moderate approach, including Ma'ruf Amin, who refers to it as constitutional and humanitarian jihad, namely jihad involving the state and civil society in fighting for Palestinian independence through legal, ethical, and strategic means (Ferdiansyah, 2024).

Islamic Ruling on Jihad in Palestine: Between Obligation and Protection of Life (Hifz al-Nafs)

In the context of *maqashid al-syari'ah*, the approach of scholars around the world is now more inclusive and futuristic. *Hifzh al-nafs* (protection of life) has become the dominant reason for limiting calls for physical jihad internationally. According to Harun et al. (2025) the protection of life and harmonious community relations must indeed be prioritized, even though the protection of religion is also necessary. Contemporary scholars argue that jihad without preparation, strategy, and legality can cause slander, chaos, and even divisions among Muslims themselves (El Fadl, 2015). Therefore, jihad through education, diplomacy, information technology, and humanitarian economic fundraising is considered more appropriate for Muslims outside Palestine. Thus, the fatwas of scholars around the world tend to distinguish between the obligation of local jihad (for the Palestinian people) and the collective global responsibility of Muslims to support their struggle. This reflects the maturity of *ijtihad* and contextual understanding of jihad in the modern era, while remaining consistent with *maqashid al-syari'ah* as the foundation of contemporary Islamic legal thought.

The fatwas issued by scholars around the world and in Indonesia are essentially based on the framework of *maqashid al-syari'ah*, particularly the principle of *hifzh al-nafs* (preserving life), in response to Israel's aggression against Palestine. Both groups of scholars realize that military jihad is not the only, nor even the main, form of jihad that is relevant for Muslims outside Palestine. Instead, they direct the *ummah* towards a more proportional, contextual, and strategic form of jihad. Although there are differences in opinion regarding jihad in Palestine, there is at least a general consensus among scholars worldwide. This consensus can be seen in three points: first, the rejection of military jihad by individuals outside Palestine without *sharia* authority, as it has the potential to cause strife, chaos, and even civilian casualties; second, an emphasis on non-physical jihad, such as humanitarian support, political advocacy, economic boycotts, and information jihad as a form of tangible contribution in line with the objectives of *sharia*; and third, referring to *maqashid al-sharia* as the main parameter for determining the law, especially in protecting life (*hifzh al-nafs*) and the stability of the *ummah* (*hifzh al-din*).

However, there are also contextual differences that influence the emphasis of fatwas, whereby scholars from the Middle East tend to be more active in using military jihad terminology in the Palestinian context due to the proximity of the region, although they still limit its implementation to the local Palestinian population. Meanwhile, Indonesian scholars, for example, who are in a non-conflict country and far from the center of conflict, generally emphasize that jihad in Palestine is manifested in the form of moral solidarity, financial contributions, and official government diplomacy. This difference is not a contradiction, but rather demonstrates the flexibility of *jihad fiqh* in responding to variations in geopolitical realities and the strategic positions of Muslims in various regions. Both remain faithful to the basic Islamic principle of avoiding greater harm and realizing universal benefit.

Specifically, Indonesia is not a country at war, but rather a democratic country that plays a major role in non-aligned and international forums. Therefore, the fatwa on jihad in the Indonesian context is more focused on multilateral diplomacy through organizations such as the OIC and the UN, with Palestinian independence as part of Indonesia's consistent foreign policy. This approach is considered more beneficial and in line with maqashid al-syariah because it maintains domestic and foreign stability and avoids unnecessary loss of life and property of Indonesian Muslims.

Conclusion

The Palestinian-Israeli conflict is a humanitarian tragedy that has attracted the attention of the Islamic world. In this context, jihad as a sharia concept has been interpreted in various ways by scholars around the world and in Indonesia. The results of the study show that neither scholars around the world nor in Indonesia encourage military jihad by Muslims outside Palestine, except for those directly involved in the occupation. Both emphasize non-physical jihad such as diplomacy, humanitarian aid, information, and moral solidarity. These fatwas are in line with the principles of maqashid al-sharia, particularly *ḥifz al-nafs* (preserving life), which is used as a basis for not spreading narratives of armed jihad without a legal and constitutional basis. Indonesian scholars have consistently demonstrated their commitment to maintaining national stability by encouraging jihad in a contributive and safe form, such as fundraising, public advocacy, and diplomatic cooperation. With a moderate and *maslahat*-based approach, Indonesian scholars have succeeded in combining Islamic values and national realities, making fatwas not only legal guidelines but also moral guidelines in contemporary global dynamics.

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