

Analysis of Non-Muslim Crescent Sighting Testimonies in the Book Fathul Mu'in by Sheikh Zainuddin Al-Malibary

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Article Info

Article history:

Accepted: 17 Juni 2026

Publish: 27 Juni 2026

Keywords:

Hilal;

Non-Muslim;

Testimony.

Abstract

Crescent sighting is fundamental to determining the beginning of the Hijri month, making it crucial and requiring careful decision-making or determination, as it relates to worship. The open and public sighting process allows anyone, including non-Muslims, to witness it, necessitating clear rules for making decisions regarding crescent sighting. The research method used in this study is Literature Research or literature research using descriptive analysis and Fazlurrahman's Double Movement theory approach. In the book Fathul Mu'in by Zainuddin al-Malibary, it is explained that news conveyed by non-Muslims regarding the crescent moon is the same as a judge's decision. Testimony regarding the crescent moon made by non-Muslims cannot be accounted for by witnesses because they do not have the power and authority over Muslims, as this relates to Islamic worship. Non-Muslims can still report and provide information regarding the presence of the crescent moon, but cannot be used as witnesses to swear an oath before a judge.

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1. INTRODUCTION

The sighting of the crescent moon, a crucial element in determining the beginning of the Hijri month, is carried out consciously and meticulously by the relevant parties, in this case, in Indonesia, by government authorities. The decision-making process, taken responsibly and with certainty, requires a lengthy process involving calculations (hisab), direct observation (rukyat), and deliberation by several parties to achieve a definitive conclusion.

Indonesia, as one of the world's largest Muslim countries, consistently practices religious and cultural rituals based on the example set by the Prophet Muhammad. One method for determining the beginning of the lunar month is rukyatul hilal (crescent moon sighting), which is the observation of the crescent moon's shadow at sunset and its conjunction, just before major Islamic holidays, with or without the aid of any aids. In Indonesian society, rukyatul hilal can be performed in various locations, such as hills, unobstructed areas, or beaches, as these areas offer a clear view and an unobstructed western horizon.

In 2013, a French engineer named Thierry Legault successfully photographed the crescent moon during the day, just minutes after conjunction. With modern astrophotography equipment, the crescent moon can be seen even at a distance of less than 2°. The crescent moon can be seen by anyone, but it takes the knowledge and testimony of a person who sees it to convince others that what is seen is indeed the crescent moon. Although Thierry Legault possesses skills and knowledge worthy of appreciation, Legault is a non-Muslim. Therefore, it is necessary to re-examine the issue of Thierry Legault photographing the crescent moon in the context of his crescent sighting testimony as a non-Muslim.

In the book *Fathul Mu'in* (translation), there is an explanation regarding this matter. It states that "Mutawatir news about rukyatul hilal from a group of mutawatir people is the same as the decision of a judge, even if it comes from several infidels, because ru'yah creates definite certainty, and also with the estimate of the arrival of the month of Ramadan with visible signs, and usually it does not miss. For example, the lamps hung on the Tower." This is mentioned in the chapter on fasting, pages 49-51.

Based on these facts and phenomena, a more in-depth analysis is needed to resolve this issue. Considering that during the hilal sighting, particularly in Indonesia, several parties routinely conduct it, such as the Meteorology, Climatology, and Geophysics Agency (BMKG), the Ministry of Religious Affairs, religious leaders, Islamic organizations, and the community. Of course, not all institutions are entirely Muslim, as is the case at BMKG. This does not preclude the possibility that the hilal sighting may be witnessed, captured, or photographed by these parties, in this case, "non-Muslims." Therefore, whether this non-Muslim crescent sighting can be considered in light of other aspects of public interest, or what the policy should be,

Therefore, the author intends to explore and analyze the problem further, by raising the theme "The Views of Fiqh Scholars on Non-Muslim Crescent Witnessing", of course, in this case, based on arguments and jurisprudential foundations that can explain and answer it. In this case, the author refers to the Book of Fiqh *Fathul Mu'in* (Zainuddin Abdul Aziz Al-Malibariy).

2. LITERATURE REVIEW

Research on Hilal testimony has been conducted by various researchers with diverse focuses. Research by Taufik et al. entitled *Controversy of Non-Local Hilal Rukyat Testimony in Aceh: An Empirical Juridical Review of the Jantho Sharia Court Decision*, states that the rejection of hilal testimony by Non-Locals is contrary to the principle of justice and no rule requires hilal witnesses to be "Local" as long as the person concerned meets the requirements as a witness, including being Muslim, Muslim and having expertise in the field (astronomy).

Meanwhile, research by Zulfiah Husni with the *Non-Muslim Crescent Sighting in Islamic Law and Indonesian Positive Law* states that the testimony of non-Muslim crescents is rejected and invalid. This is based on the Hanafi and Syafi'i schools of thought that one of the valid conditions for the person who sees and testifies must be Muslim.

And Ridhayanti, Nurul's research entitled "Problems of Non-Muslim Crescent Moon Testimony" explains that non-Muslim crescent moon testimony can be accepted when it meets formal and material requirements that can be rationalized, and in emergencies.

However, there is not much research that focuses on the testimony of the crescent moon that takes or quotes figures and their works in this research book, so in strengthening previous research, this research tries to contribute to efforts to enrich the treasure trove of knowledge through this research.

3. METHOD

This research is literature research (library research) using analytical methods, namely descriptive analysis, and using a qualitative approach. Research data was obtained from various written sources relevant to the research theme, books, scientific journals, articles, and documents, as well as related scientific papers relevant to this research. The collected data was then analyzed descriptively-analytically to understand, interpret, and explain the concepts and thoughts that are the focus of the research, in this case, the testimony of the crescent moon. As well as using the Double Movement theory approach by Fazlurrahman, to find out that the book *Fathul Mu'in* is still relevant for use today.

4. RESULTS AND DISCUSSION

4.1. Research Results

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1. Rukyatul Hilal

Rukyatul hilal is seeing or observing the crescent moon at sunset before the start of the lunar month. Generally defined as seeing with the naked eye, rukyatul hilal (crescent moon sighting) is the activity of observing the visibility of the crescent moon, the crescent moon that first appears after conjunction or *ijtimak* (the lunar phase). Rukyatul hilal (crescent moon sighting) is closely related to religious observances, particularly fasting.

In terms of language, Rukyat comes from the words *ra'a*, *yara*, *ra'yan*, *wa ru'yatan*, which means to see, understand, think, suspect, and suppose. Rukyat in astronomy is known as observation. Hilal in Arabic means crescent moon. In English, "Crescent" means the crescent moon that appears shortly after the *ijtima*. In terminology, hilal is another name for the moon that looks like a crescent between the first of the month until the apparent appearance of the moon at first rising. The crescent moon can be seen with the naked eye or using optical instruments such as telescopes, binoculars, and theodolites.

In practice, crescent moon sighting is classified into two types: crescent moon sighting with knowledge and crescent moon sighting without knowledge. Crescent moon sighting with knowledge involves observing the crescent moon not directly or with the naked eye, but through the method of *hisab* (calculation). Meanwhile, *rukya al-hilal bil fi'li* is seeing or observing the crescent moon with the eye or with a telescope at sunset before the new lunar month.¹⁰ This method of sighting the crescent moon is performed solely for religious purposes, not for calendar preparation. This is because calendar preparation requires careful consideration well in advance and does not rely on the sighting of the crescent moon at sunset before the beginning of the month.

In the hadith of the Prophet narrated by Imam Muslim, which means "When you see the crescent, then fast, if it is cloudy (you do not see the crescent), then complete the count of the month of Sha'ban to 30"

Testimony in Arabic is called *shahada*, and the witness is called *martyr*. *Shahadah* etymologically is the word proof. According to the views of the scholars of the school of thought, the meaning of *shahada* is as follows:

- a. Hanafi scholars say that the *Shahada* is information provided by an honest person to establish a right with the wording of the *Shahada* in a court of law.
- b. Malikiyah scholars define it as information given by a just person to a judge according to what is known, even in general cases, to determine a legal decision.
- c. Shafi'iyah scholars, *shahadais*, to inform something with special words.
- d. Hambaliyah scholars explain that *shahada* namely informing something that is known in front of the judge with the phrase *asyhadu* or *martyr*.

In *sighting of the crescent moon*, witness or *martyr*, divided into two types, namely:

- a. The first witness is a person or persons who have direct knowledge of the crescent, report seeing it, and are sworn in by the judge. A witness who sees the crescent and reports it is called a *shahid* or *perukyat*.
- b. The second witness is a person who is a witness and witnesses a person or several people reporting and knowing the process of taking the oath by the judge.

Here are some conditions for a *smart* witness *sighting of the crescent moon*.

- a. Formal Requirements:
 - 1) Aqil Baligh or adulthood;
 - 2) Muslim;
 - 3) Male or female;
 - 4) Of sound mind;
 - 5) Able to *sight the crescent moon*;
 - 6) Honest, fair, and trustworthy;
 - 7) The number of *perukyat* is more than one person;

- 8) Taking an oath of testimony sighting of the crescent moon; And
 - 9) Oath of testimony *sighting of the crescent moon* in front of a Religious Court or Sharia Court and attended by two witnesses.
- b. Material Requirements:
- 1) The Perukyat explained for himself and saw for himself with his own eyes or using tools, that he saw *hilal*.
 - 2) Perukyat knows exactly how the process of seeing is *hilal*, namely when, where, how long to look at it, location, direction, position, and condition of *hilal* what is seen, as well as how bright the sky or horizon is *hilal* can be seen.
 - 3) The information on the results of the rukyat reported by the rukyat practitioner does not contradict common sense, calculations of hisab science, scientific principles, and sharia principles.

Criteria related to testimony. Based on the opinions of several schools of thought, there are also differences. The Shafi'i school explains that each *hilal* Ramadan or Shawwal is determined by one just man, but with the following conditions: Muslim, just and rational, without having to differentiate between clear or dark skies. The Hanbali school of thought explains *hilal* is determined only by the testimony of a just person, whether male or female. Meanwhile, the month of Shawwal can only be determined by the testimony of two just witnesses. Maliki school of thought, *hilal* cannot be established except by the testimony of two just persons, without distinction between *hilal* in the month of Ramadan and *hilal* in the month of Syawal, and neither between clear nor clear skies.

The Hanafi school distinguishes between *hilal*, the month of Ramadan, and *hilal* Syawal with the opinion that the determination of *hilal* Ramadan is sufficient with one witness, one Muslim man and one Muslim woman who are intelligent and fair. *Hilal* Syawal cannot be determined by just one person, whether male or female. This is seen if the weather is not clear, so there is an obstacle to seeing *Hilal*. However, if the sky is clear and cannot be determined by the testimony of the congregation, so that *hilal* can be known by hearing their news, without distinguishing *hilal* Ramadan from *hilal* in the month of Shawwal.

2. Non-Muslim Crescent Sighting

Crescent moon sighting (rukyyatul hilal) is a common practice among Muslims, a tradition that marks the beginning of the lunar month. Crescent moon sighting has its own appeal, drawing crowds of children, men, young women, and adults wherever it takes place. Some non-Muslims may join in the large gathering.

Therefore, witnessing the crescent moon doesn't preclude the possibility of it being seen by these people. A popular witness to the crescent moon by a non-Muslim is Terri Legault, who successfully photographed the crescent moon during the day, despite being a non-Muslim. In several scientific papers, Terri Legault is often cited as an example of astrophotography, as she was able to photograph the crescent moon. The question arises whether photographing the crescent moon constitutes a person who has seen and testified to seeing the crescent moon.

A crescent moon sighting can be considered valid if several conditions, as explained in the previous chapter, are met. This is used to determine whether a crescent moon sighted by a non-Muslim is valid.

Imam Ahmad, Imam Maliki, and Imam Syafi'i think that the testimony of non-Muslims cannot be obtained in full. They are not people who have a just nature, and are also a group of people who will never be pleased with the Muslims. Allah swt has given them the nature of lying and being indifferent to His commands (*fasik*) so that they cannot be used as witnesses. If they accept their testimony, it is the same as forcing the judge to decide with false and fake testimony. Meanwhile, in Islam, when the testimony is

accepted, it is the same as honoring and raising their status, and Islam prohibits such things.

Some Islamic legal experts also reject the existence of testimony of *hilar* non-Muslims. They explained that this is a matter of power, while these people do not have power over Muslims. However, Islamic jurists among the Hanbalis allow non-Muslims to testify against Muslims in the field of wills if they are carried out while traveling or on a journey, and no other person can be appointed as a witness from among Muslims.

In the explanation and opinion above, the author has the view that *Hilar* Muslims can photograph them by fulfilling formal and material requirements. Some pilgrims also acquire astronomical knowledge in the form of astrophotography, which adds value to their pilgrimage *hilar*. In the explanation of the classification of witnesses, *sighting of the crescent moon* is understood that the testimony of a non-Muslim is considered the first witness, who witnessed the incident directly and reported it. The oath-taking process, which requires reciting the Shahada, can be performed by a Muslim. *Hilar*, which is taken by non-Muslims, is a means of evidence that can be used and accounted for by seeing *hilar*, which is photographed using tools, calculation results, and competent photography results.

3. Syekh Zainuddin Al-Malibari dan Kitab Fath al Mu'in Biography of Sheikh Zainudin Al Malibary

His full name is Zainuddin Ahmad bin al-Qadhi Muhammad al-Ghazali bin Shaykh Zain al-Din Abi Yaha bin Shaykh al-Qadhi Ali bin al-Allamah al-Qadhi Ahmad al-Hindi al-Malibari al-Funnani al-Ma'bari al-Syafii. Born in 938 H in Malabar, South India. He first studied with his father, Shaykh Muhammad al-Ghazali. After studying with his father, young Zainuddin continued his scholarly journey to Funnan, where he studied with his own uncle, Shaykh Zainuddin al-Malibari, who had a large congregation.

After that, he continued to Haramain (Makkah and Medina) to perform Hajj and Umrah. There, he studied with famous scholars of his time, such as Shihabuddin Ahmad bin Muhammad bin Hajar al-Haitami al-Makki, 'Izz al-Din Abdul Aziz al-Zamzami al-Makki, Wajih al-Din Abd al-Rahman bin Ziyad, al-Arif Zain al-Din Muhammad bin Abil Hasan al-Bakri, and also took the sanad of the al-Qadariyah order in the month of Ramadan in the year 966. He also studied with Shamsuddin Muhammad bin al-Imam Shihabuddin Ahmad Ramli, al-Khatib Shamsuddin Muhammad bin Ahmad al-Syarbini, and al-Allamah al-Kabir Abdullah Bamahramah al-Zabidi. He died in 1028 AH and left behind three sons: Muhammad, Abdul Aziz, Abu Bakr, and a woman named Fatimah. Shaykh Zainuddin al-Malibari was buried on the outskirts of the city of Funnan next to the Great Mosque of Faunnan.

One of the famous works of Sheikh Zainudin al-Malibari is the book Fath al-Muin, which discusses the mutawatir news brought by several infidels about the crescent moon.

The necessary knowledge to benefit the disbelievers, even if it is widely transmitted and reported.

Meaning: "Mutawatir news, even if it comes from infidels, can be used as a basis because it produces definite knowledge (al-'ilm ad-dharuri)."

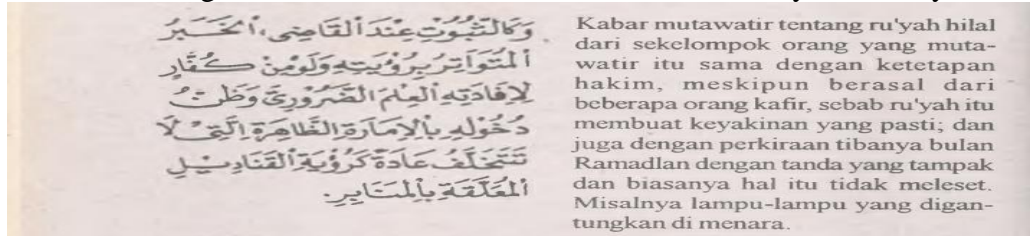
In the Shafi'i school of thought, the testimony (shahadah) to officially establish the beginning of Ramadan before a judge must come from a just Muslim. Therefore, the testimony of a non-Muslim is not accepted as a syar'iyah shahadah to establish the beginning of Ramadan. However, Sheikh Zainuddin distinguishes between: Shahadah (legal testimony) must meet syar'i requirements and Khabar Mutawatir (news that reaches a certain degree), regardless of the religion of the bearer.

If news of the crescent sighting is shared by so many people that it is impossible for them to agree to lie, then the news generates certainty (yaqin). In this situation, the source of the news is no longer the primary issue.

In modern astronomy, a rukyat report is assessed based on

1. Observer credibility.
2. Astronomical data.
3. Atmospheric conditions.
4. Consistency with hisab calculations.

Thus, the text of Fath al-Mu'in opens the space that astronomical information regarding the crescent can be accepted if it produces strong certainty, even if it does not come from Muslim witnesses, as long as the information reaches a level of certainty that is beyond doubt.



Appendix: The Book of Fathul Mu'in

4.2. Discussion

In the book Fath al Mu'in (translation), there is an explanation regarding this matter. It states that "Mutawatir news about rukyatul hilal from a group of mutawatir people is the same as the decision of a judge, even if it comes from several infidels, because ru'yah creates certainty, and also with the estimate of the arrival of the month of Ramadan with visible signs, and usually it does not miss. For example, the lamps hung on the Tower."

In the explanation of the book, it is stated that "the mutawatir news of a group of infidels is equal to the decision of a judge," so it is permissible for infidels or non-Muslims to report and inform about such matters, but not to be used as witnesses, because their testimony will influence a matter that will be determined. In this case, the crescent moon of the fast at the beginning of Ramadan, where Muslims who will carry out the fasting worship, while he has no power over us who will carry it out, meaning that he (the non-Muslim) cannot bear the consequences of something that will be carried out, in this case the validity or otherwise of the fast and the worship that is carried out.

Based on the theory explained by Fazlur Rahman, namely the Double Movement, one of the goals of which is to combine pure Islamic values with the current situation, the phenomenon of the crescent moon being witnessed by non-Muslims at this time cannot be accounted for and considered, considering the hadith of the Prophet SAW, which states as follows.

The hadith from Ibn Abbas requires the recitation of the shahada when seeing Hilal.

Meaning: From Ibn Abbas, he said, "A Bedouin came to the Prophet, may Allah bless him and grant him peace, and said, 'Indeed, I saw Hilāl' Then he (the Prophet) said, 'Do you bear witness Day ilāha illallāh?' He said, "Yes." Then he said, "Do you testify that Muhammad is the Messenger of Allah?" He said, "Yes." Then he said, "O Bilal, announce to the people that they should fast tomorrow."

Based on the meaning of the hadith above, it can be explained that if you have seen something, then you should declare the shahada. In the case of Thierry Legault, who took the picture, *it was* limited by the hadith. As previously known, Legault is not a Muslim and was merely taking pictures.

5. CONCLUSIONS

The sighting of the crescent moon, a crucial element in determining the beginning of the Hijri month, is carried out consciously and meticulously by the relevant parties, in this case, in

Indonesia, namely, government authorities. The process of making decisions responsibly and with certainty requires a lengthy process involving calculations (*hisab*), direct observation (*rukyat*), and deliberation by several parties to reach a definitive conclusion. Thus far, the results obtained and concluded are that non-Muslims can observe, inform, and report on the sighting of the crescent moon, but cannot swear an oath to witness the crescent moon. Non-Muslim testimony regarding the crescent moon cannot be used as a basis for making decisions and determining a determination, in addition to not fulfilling the requirements for a valid witness (*shahid*). Non-Muslims also lack power or authority over Muslims; they cannot bear the consequences of something that will be carried out, in this case, Islamic worship.

6. ACKNOWLEDGMENTS

The author would like to thank [Name of Institution/University/Institution] for the support provided in completing this research. Acknowledgements are also extended to [Name of Supervisor/Reviewer/Editor] for their valuable input, guidance, and corrections in improving this article. Further thanks are extended to [Name of Team/Respondent/Participant] for their time and willingness to provide the necessary data and information. We would also like to express our highest appreciation to all parties who helped, both directly and indirectly, so that this article could be completed successfully.

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