Islamica: Jurnal Studi Keislaman, Vol. 20, No. 2 (March 2026), 172-285
ISSN: 2356-2218 [Online]; 1978-3183 [Printed] | DOI: 10.15642/islamica.2026.20.2.172-285

RECONSTRUCTING MUI'S IJTIHAD METHODOLOGY: INTEGRATING CONTEMPORARY REALITIES THROUGH JASSER AUDA'S MAQASID-BASED SYSTEMS APPROACH

Amirsyah
Syarif Hidayatullah State Islamic University, Jakarta, Indonesia

Corresponding author: Amirsyah, email: amirsyah@staff.uinjkt.ac.id

Article history: Received: April 18, 2025 | Revised: November 13, 2026 | Available online: November 27, 2026

How to cite this article: Amirsyah. "Reconstructing MUI's Ijtihād Methodology: Integrating Contemporary Realities through Jasser Auda's Maqāṣid-Based Systems Approach." *Islamica: Jurnal Studi Keislaman* 20, no. 1 (2026): 172-285. DOI: 10.15642/islamica.2026.20.2.172-285

Abstract: This study examines the reconstruction of contemporary ijtihad within the Indonesian Council of Ulama (MUI) through the integration of *wāqi'iyyah mu'āṣirah* and Jasser Auda's maqāṣid-oriented systems approach. It aims to identify methodological limitations in existing fatwa-making practices and develop a more integrated framework for addressing contemporary Islamic legal challenges. Employing qualitative normative-philosophical research, the study analyzes four selected MUI and DSN-MUI fatwas and resolutions concerning social media, electronic money, financial technology, and cryptocurrency through documentary research and qualitative content analysis. Auda's six systems features—cognitive nature, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness—serve as the analytical framework. The analysis highlights the importance of integrating normative arguments with empirical realities, interdisciplinary knowledge, and comprehensive maqāṣid considerations. The study identifies the need to strengthen the incorporation of contemporary realities and systematic evaluation of legal decisions. Its main contribution is a reconstructed methodological framework that positions empirical realities and maqāṣid al-sharī'ah as integral components of the ijtihad process, from problem identification and legal formulation to the evaluation of societal implications.

Keywords: MUI Ijtihad; Methodological Reconstruction; *Wāqi'iyyah Mu'āṣirah*; *Maqāṣid al-Sharī'ah*; Jasser Auda.

Copyright: © 2026. The Author(s).
Islamica: Jurnal Studi Keislaman is licensed
under a Creative Commons Attribution- NonCommercial 4.0 International License

Introduction

The proliferation of digital technologies has brought Islamic legal institutions into a landscape of increasingly complex legal and ethical questions. In Indonesia, the Indonesian Ulema Council (*Majelis Ulama Indonesia*, MUI) occupies a strategic position in responding to these developments. Although its fatwas do not, in themselves, possess the binding force of statutory law, they exert considerable influence on religious practices, institutional arrangements, and public policy.[1] The emergence of legal issues surrounding social media, electronic money, Islamic financial technology, and cryptocurrency illustrates the growing demands placed upon contemporary *ijtihād*.[2] These developments call for a reconsideration of how established Islamic legal methodologies engage with changing realities while preserving their normative foundations.

MUI's methodology of *ijtihād* is grounded in the Qur'an, Sunnah, *ijmā'*, *qiyās*, classical juristic opinions, and the principles of *uṣūl al-fiqh*.[3] Yet the application of these intellectual traditions to rapidly evolving social and technological realities raises a fundamental methodological problem. The challenge lies not in the inadequacy of Islamic legal sources, but in how contemporary realities are identified, conceptualized, and incorporated into legal reasoning. Accurate problem characterization (*taṣawwur al-mas'alah*),

[1] Neng Eri Sofiana, "The Relationship of Ijtihad of NU, Muhammadiyah, and MUI," *Al-Syakhsiyyah: Journal of Law and Family Studies* 4, no. 2 (2022): 141, https://doi.org/10.21154/syakhsiyyah.v4i2.4759

[2] Andy Hadiyanto et al., "Capacity Building of the Indonesian Ulema Council in Da'wah Moderation: Assistance for Religious Leaders to Face the Challenges of Globalization and Technological Disruption," *Sarwahita* 22, no. 2 (2025): 160–71, https://doi.org/10.21009/sarwahita.222.4; Dinda Luthfiaturrahmah Alhaq and Cecep Castrawijaya, "Technology Development and Human Resources Development in the Da'wah Institution of the Indonesian Ulema Council (MUI)," *Al Iman: Journal of Islam and Society* 9, no. 2 (2025): 877–900.

[3] Achmad Sholakhuddin al af Ghoni and Kamal Yusuf, "The Role of the NU Ijtihad Institution in Responding to Islamic Problems in Indonesia," *Tajdid: Journal of Islamic Thought and Humanity* 9, no. 2 (2025): 268–84, https://doi.org/10.52266/tadjid.v9i2.4327; Gusti Muhamad Shadiq et al., "A Study of the Methodology of Istinbath and the Pattern of Islamic Law of Fatwa Institutions in Indonesia (LBMNU, Majelis Tarjih Muhammadiyah and Fatwa Commission of MUI)," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 2 (2024): 684–99, https://doi.org/10.62976/ijijel.v2i2.546.

interdisciplinary knowledge, and the consideration of societal consequences are therefore indispensable to the realization of public welfare (*maṣlaḥah*).[4] Normative validity alone, in this respect, may not suffice to ensure the contextual adequacy of a fatwa. What warrants critical examination is the methodological relationship between textual authority, the understanding of contemporary realities, and the societal implications of Islamic legal decisions.

Against this methodological backdrop, the concept of *wāqi'iyyah mu'āṣirah* provides a point of departure for reconsidering the relationship between Islamic legal reasoning and contemporary realities. Rather than treating reality merely as the context in which established legal norms are applied, this study positions it as an integral component of legal knowledge production. Jasser Auda's systems approach to *maqāṣid al-shari'ah* offers a philosophical and methodological foundation for this undertaking.[5] Its six interconnected features—cognitive nature, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness—enable legal reasoning to move beyond fragmented interpretations toward a more comprehensive understanding of legal problems.[6] Within this framework, contextual responsiveness and normative integrity are mutually reinforcing rather than competing methodological imperatives.

Existing scholarship on contemporary *ijtihād* in Indonesia has developed along three principal lines of inquiry. Mufadhol and Nuraeni examine the adaptability of *istinbāṭ al-aḥkām*, emphasizing the relevance of established juristic methods in addressing emerging

[4] Suaib Suaib, Riswan Riswan, and Hasnawati Hasnawati, "The Dynamics of Ijtihad in Responding to the Contemporary Challenges of Islamic Law," *Journal of Intellect Insan Cendikia* 2, no. 3 (2025): 4405–14; Hendra Gunawan, "Characteristics of Islamic Law," *Al-Maqasid Journal: Journal of Sharia and Civil Sciences* 4, no. 2 (2018): 105–25, https://doi.org/10.24952/almaqasid.v4i2.1429; Nur Amelia Putri et al., "The Integration of Logical Analysis into the Istinbāṭ Method of Islamic Jurisprudence," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 3, no. 4 (2025): 208–19, https://doi.org/10.5281/zenodo.17605051.

[5] Agus Miswanto, "Fatwa Problems: Considering the Offer of Contemporary Ulama Ijtihad Methodology," *Journal of Sharia Economic Law* 4, no. 2 (2021): 137–58, https://doi.org/10.30595/jhes.v4i2.11670

[6] Asep Sulhadi, "Recontextualizing Maqasid Al-Shariah in Contemporary Qur'anic Exegesis: A Comparative Study of Jasser Auda and Classical Scholars," *SAMAWAT: Journal of Hadith and Qur'anic Studies* 8, no. 2 (2024): 29–39.

legal problems.[7] From an institutional perspective, Agusriyani explores MUI's collective *ijtihād*, highlighting its methodological mechanisms and engagement with public welfare.[8] A complementary line of inquiry, represented by Ilyas, focuses on the authority of MUI fatwas and their influence on social practices and national legal policy.[9] More closely related to the present study, Sanuri et al. examine the epistemological transformation of *ʿurf* within DSN-MUI's e-commerce fatwa through a maqāṣid-oriented perspective, foregrounding the significance of changing customary practices in digital transactions.[10] Collectively, these studies illuminate the normative, institutional, sociological, and epistemological dimensions of contemporary Islamic legal reasoning. Yet the integration of these dimensions into a comprehensive methodology encompassing the formulation and subsequent evaluation of fatwas warrants further investigation.

Despite these scholarly contributions, three interconnected methodological concerns warrant further investigation. The first concerns the epistemological status of *wāqiʿiyyah muʿāṣirah*: whether contemporary realities merely constitute objects of legal interpretation or actively inform the construction of legal reasoning itself.[11] The second concerns the operationalization of *maqāṣid al-sharīʿah*. While public welfare is widely recognized as an orientation

---

[7] Allam Tri Mufadhol and Neni Nuraeni, "The Istinbath Ahkam Method in Solving Contemporary Problems: A Case Study on Fatwa and Ijtihad," *Socius: Journal of Social Sciences Research* 3, no. 2 (2025): 110–18, https://doi.org/10.5281/zenodo.16935179

[8] Laila Rahma Agusriyani, "Collective Ijtihad in the Determination of Modern Islamic Law: A Normative Study of the Mechanism of the Indonesian Ulema Council," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 4 (2025): 3551–66, https://doi.org/10.62976/ijijel.v3i4.1521

[9] Musyfikah Ilyas, "The Authoritative Role of the MUI Fatwa in the Dynamics of Islamic Law in Indonesia in the Contemporary Era," *Al-Zayn: Journal of Social Sciences & Law* 4, no. 1 (2026): 871–82, https://doi.org/10.61104/alz.v4i1.3168

[10] Sanuri, Nafi' Mubarok, Suqiyah Musafa'ah, and Yoga Irama, "Epistemological Transformation of ʿUrf in the DSN-MUI Fatwa on E-Commerce: A Maqāṣid al-Sharīʿah Based Analysis," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (2025): 167–90, https://doi.org/10.24090/mnh.v19i2.13145

[11] Munira Munira, Dewi Indriani, and Andzala Cahyani, "Ḍawābiṭ Fatwa in Responding to Contemporary Fiqh Problems," *AL-QIBLAH: Journal of Islamic Studies and Arabic Language* 3, no. 6 (2024): 978–89, https://doi.org/10.36701/qiblah.v3i6.1812

of Islamic law, its translation into systematic criteria for assessing the proportionality and potential societal implications of fatwas remains insufficiently elaborated in the studies reviewed above.[12] The third concerns the methodological fragmentation between normative analysis, philosophical reasoning, and the understanding of empirical realities. What is needed, therefore, is a coherent methodological architecture that brings these dimensions into sustained dialogue throughout the process of *ijtihād*. Such integration becomes particularly consequential in technologically mediated contexts, where the circumstances underlying a legal ruling may undergo substantial transformation even after its formulation.

This study critically examines the methodological foundations of contemporary MUI *ijtihād* and reconstructs them through Auda's maqāṣid-oriented systems approach. Its originality lies not simply in interpreting fatwas through the lens of *maqāṣid*, but in repositioning *maqāṣid* and contemporary realities as operational components of legal reasoning, from problem identification and legal formulation to the prospective evaluation of societal consequences. The proposed reconstruction thus seeks to establish a methodological framework that is normatively grounded, contextually responsive, and open to systematic reassessment.

Employing a qualitative, normative-philosophical approach, this study draws on four purposively selected legal documents: MUI Fatwa No. 24 of 2017 concerning social media; DSN-MUI Fatwa No. 116/DSN-MUI/IX/2017 on Sharia Electronic Money; DSN-MUI Fatwa No. 117/DSN-MUI/II/2018 on Sharia-Based Information Technology Financing Services; and the resolution of the Seventh *Ijtima' Ulama* of the MUI Fatwa Commission in 2021 concerning cryptocurrency.[13] These documents were selected for

[12] Allam Tri Mufadhol and Neni Nuraeni, "The Istinbath Ahkam Method in Solving Contemporary Problems," 110–18; Laila Rahma Agusriyani, "Collective Ijtihad in the Determination of Modern Islamic Law," 3551–66.

[13] Majelis Ulama Indonesia, Fatwa No. 24 Tahun 2017 tentang Hukum dan Pedoman Bermuamalah melalui Media Sosial; Dewan Syariah Nasional–Majelis Ulama Indonesia, Fatwa No. 116/DSN-MUI/IX/2017 tentang Uang Elektronik Syariah; Dewan Syariah Nasional–Majelis Ulama Indonesia, Fatwa No. 117/DSN-MUI/II/2018 tentang Layanan Pembiayaan Berbasis Teknologi Informasi Berdasarkan Prinsip Syariah; Majelis Ulama Indonesia, Keputusan Ijtima Ulama Komisi Fatwa Se-Indonesia VII Tahun 2021 tentang Hukum Cryptocurrency.

their relevance to contemporary technological developments, the presence of identifiable juristic arguments, and their potential to illuminate the incorporation of *maqāṣid* into legal decision-making. Despite their distinct institutional and regulatory characteristics, they constitute a comparative corpus through which different modes of legal engagement with contemporary realities can be examined. Data were collected through documentary research, focusing on the legal considerations, scriptural foundations, juristic arguments, expert assessments, and substantive provisions contained in the original documents.

The analysis employed qualitative content analysis,[14] operationalized through Auda's six systems features as the principal analytical categories.[15] It proceeded through five successive stages: document classification, identification of analytical units, thematic coding, comparative interpretation, and methodological reconstruction. Rather than merely examining the substantive rulings of the selected documents, the analysis sought to uncover the structures of reasoning through which normative authority, contemporary realities, and legal objectives interact. The resulting interpretations informed the development of a reconstructed *ijtihād* methodology in which *wāqi'iyyah mu'āṣirah* and *maqāṣid al-sharī'ah* inform both legal formulation and subsequent evaluative processes.

The Authority and Legitimacy of the MUI Fatwa in the Dynamics of the Formation of Islamic Law in Indonesia

In the development of Islamic law in Indonesia, fatwa occupies a very strategic position, not only as a normative reference in answering religious issues, but also as a social guideline that influences the mindset, attitude, and religious practices of Muslims. Fatwa functions as an instrument of ijtihad that bridges religious texts with the evolving social reality, so that its presence becomes an important part of the process of actualizing sharia values in the midst of changing times. In this context, the Indonesian Ulema Council (MUI) appears as a religious institution that has a central

[14] Margrit Schreier, *Qualitative Content Analysis in Practice* (London: SAGE Publications, 2012).
[15] Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008).

position in responding to various contemporary issues, ranging from the issue of worship, muamalah, sharia economics, to socio-political problems and the development of modern technology.[16]

The authority and legitimacy of the MUI fatwa does not solely rely on the intellectual capacity and scientific competence of the scholars involved in the legal formulation process, but is also built through systematic collective-institutional mechanisms, accountable ijtihad methodologies, and a wide socio-religious network. In addition, this legitimacy is strengthened by the level of public acceptance, the support of Islamic organizations, and their interaction with state policies within the framework of the national legal system. The MUI fatwa not only serves as a moral-religious guide, but also contributes to the dynamics of the formation and transformation of Islamic law in Indonesia, both at the normative, social, and juridical-formal levels.[17]

Conceptually, fatwa is a form of Islamic legal authority that is inclusive and individual, serving to provide answers and solutions to the problems of the ummah. Fatwas are often used as a reference for behavior for Muslims in daily life, so that they have a significant influence on socio-religious dynamics. Fatwa occupies a crucial position in society, this can be analogous to the postulate for the mujtahid, as stated in *the expression al-Fatwa fi Haqqil 'Ami kal Adillah fi Haqqil Mujtahid*, which affirms that fatwa has a similar function as a postulate in the construction of Islamic law for the ummah. Fatwa is the legal basis for assessing and guiding the implementation of an act, both in the realm of worship and muamalah. Then fatwa is optional (ikhtiyariyah), meaning it does not have formal legally binding force (positive law), but is still morally binding for the mustafti or the individual who requests it.[18]

---

[16]Andi Darna, "The Development of Islamic Law in Indonesia: The Concept of Social Fiqh and Its Implementation in Family Law," *El-Usrah: Journal of Family Law* 4, no. 1 (2021): 90–107.https://doi.org/10.22373/ujhk.v4i1.8780

[17]Achmad Irwan Hamzani, *Islamic Law: In the Legal System in Indonesia* (Prenada Media, 2020).https://books.google.co.id/books?hl=id&lr=&id=ibXyDwAAQBAJ&oi=fnd&pg=PP1&dq=Achmad+Irwan+Hamzani,+Hukum+Islam:+Dalam+Sistem+Hukum+Di+Indonesia+(Pregnancy+Media,+2020).

[18]Ibnu Elmi Achmat Slamat Pelu and Jefry Tarantang, "Fatwa of the Indonesian Ulema Council as a Solution to the Problems of Muslims in Indonesia," *Al-Manahij: Journal of Islamic Law Studies* 14, no. 2 (2020): 307–16.DOI: https://doi.org/10.24090/mnh.v14i2.3927

Etymologically, the term *fatwa* comes from the word *aftā – yufti – fatwā*, which means an explanation or explanation of a problem, and in fiqh terminology it is interpreted as an explanation of shari'i law on a matter given by a mufti based on the evidences recognized in Islam, although the fatwa does not have juridically binding power, it still has high moral and religious power because it represents religious views of a person or a group of scholars who have scientific authority. The term authority in the religious context refers to the legitimacy of a person or institution to establish something in the name of religion, so that in the perspective of Islamic legal authority, fatwas serve as an "explanation" and "elaboration" of the nash-nash of Islamic law, becoming a binding reference for Muslims who are obliged to submit and obey the provisions of sharia law.[19] Since the nash of the Qur'an and Hadith are often not directly understood, either due to the existence of *mutasyabihat* verses or general verses that require expert interpretation, fatwas emerge as derivatives or higher explanations of nash, providing practical solutions for the ummah in taking actions that have legal consequences.

Theoretically, the position of the MUI fatwa in the Indonesian national legal system is in the realm of *non-state law* or *living law*, which is a living law whose existence is recognized in the social practice of society. Although it does not have formal binding power, the MUI's fatwa often receives functional recognition from various state institutions, such as Bank Indonesia, the Financial Services Authority (OJK), the Ministry of Religious Affairs, and the Halal Product Assurance Agency (BPJPH). In this context, the religious authority of the MUI is not solely sourced from the knowledge of the scholars who are members of it, but is also strengthened by the social and institutional legitimacy provided by the state, so that the MUI fatwa has a real influence on the legal practice and socio-economic life of Muslims in Indonesia.[20]

---

[19]Riski Ari Wibowo and Irwan Triadi, "Fatwa in the Era of Digital Disruption: A Study of Religious Authority and the Influence of Social Media on the Determination of Islamic Law," *LexIslamica: A Multidisciplinary Approach to Islamic Law and Its Contemporary Applications* 1, no. 3 (2025).https://ejournal.bamala.org/index.php/lexi/article/view/528

[20]Ahmad Badrut Tamam, "The Position of the Fatwa of the Indonesian Ulema Council (MUI) and the Fatwa of the National Sharia Council (DSN) in the Indonesian Legal System," *Al-Musthofa: Journal of Sharia Economics* 4, no. 1 (2021): 62–78. https://doi.org/10.58518/al-musthofa.v4i1.739

Basically, Islamic religious authorities in Indonesia have a complex and problematic character. Theoretically, authority is spread across multiple layers, but the role of the Indonesian Ulema Council (MUI) as the holder of control is getting stronger, not only because of the government's consistent support, but also because of its significant socio-political position. This strengthening is reflected in a number of laws and regulations that explicitly mention MUI, for example Law No. 40 of 2007 concerning Limited Liability Companies, which in Article 109 paragraph (2) states that "The Sharia Supervisory Board as referred to in paragraph (1) consists of one or more sharia experts appointed by the GMS or the recommendation of the Indonesian Ulema Council"; and Law No. 21 of 2008 concerning Sharia Banking, which in Article 26 Paragraph (2) states, "Sharia principles as referred to in paragraph (1) are fatwa by the Indonesian Ulema Council", and paragraph (3) states that the fatwa is outlined in the Bank Indonesia Regulation. Thus, in the realm of sharia economics, the MUI fatwa has the power of legal binding and is the sole basis for making Bank Indonesia regulations related to sharia principles, while Article 32 paragraph (2) of the same Law affirms that the Sharia Supervisory Board is appointed by the General Meeting of Shareholders based on the recommendations of the MUI, which affirms the consistency of the MUI as the only institution authorized to provide recommendations in the context of sharia supervision. as also regulated in the Limited Liability Company Law.[21]

Meanwhile, in the practice of Indonesian constitutionalism, the MUI fatwa is also often used as a reference in the formation of public policies with Islamic nuances. For example, the MUI fatwa on the prohibition of bank interest became the basis for the birth of the Islamic banking system, while the fatwa on the halalness of food and beverage products became the basis for the formation of the Halal Product Assurance Law (Law No. 33 of 2014). This fact shows the normative integration between Islamic law sourced from the MUI fatwa and positive law in Indonesia. However, if referring to the type and hierarchy of regulations according to Law Number 12 of 2011, the MUI fatwa is not included in the laws and regulations that have binding legal force. According to Ainun Najib, the MUI is

[21]Mardian Sulistyati, "Islamic Authority in Indonesia: A Rereading," 2022.https://doi.org/10.36712/sdi.v29i1.24649

in the element of constitutional infrastructure, because it is an organization of Alim Ulama Ummah Muslims whose function is to empower the community, not state-owned institutions.[22] Thus, constitutionally, the MUI fatwa is a *legal opinion* that can be followed or ignored, and only becomes binding if it is adopted into a certain legal form by an authorized institution, thus obtaining a binding legal status.

Meanwhile, from a sociological perspective, the fatwa of the Indonesian Ulema Council (MUI) is morally and religiously binding for the Muslim community that recognizes its authority, but does not have a positive juridical *binding force for* all citizens because the MUI is not a law-making state institution. Therefore, fatwas are not accompanied by formal legal sanctions, unless the substance is adopted into the laws and regulations. Nevertheless, empirically, the MUI fatwa has a significant socio-political influence. In practice, a number of fatwas have become normative references in the formulation of public policies and national legislation. For example, in the drafting of Law Number 44 of 2008 concerning Pornography, public discourse was heavily influenced by growing religious views, including from the MUI. Similarly, in strengthening the Islamic economic system through Law Number 21 of 2008 concerning Sharia Banking, the fatwa of the National Sharia Council-MUI became the normative basis for Islamic banking operations supervised by the Financial Services Authority.After the 1998 reform, the role of the MUI fatwa was increasingly seen in national dynamics, both in the issue of sharia-nuanced regional regulations in various regions, strengthening socio-religious resilience in the framework of Indonesia, as well as in the formation of public opinion ahead of the general election. Several fatwas and tausiyah related to leadership, money politics, and election participation show that although they are not legally binding on the state, fatwas have *a social binding force* that is able to influence the political behavior of the people and the direction of national policies.[23]

---

[22]Anggi Afriansyah, "Construction, Contestation, Fragmentation, and Pluralization of Contemporary Indonesian Religious Authorities," 2021.https://doi.org/10.36712/sdi.v28i1.20514

[23]Nasrah Hasmiati Attas, Kurniati Kurniati, and Zulhas' ari Mustafa, "The Dialectic of Reason and Revelation in the Formation of Fatwa and Environmental Regulation in Indonesia," *AL-SYAKHSHIYYAH Journal of Islamic Family Law and Humanity* 7, no. 2 (2025): 336–50.https://doi.org/10.30863/as-hki.v7i2.9935

From the perspective of Islamic law, the fatwa authority of the Indonesian Ulema Council (MUI) rests on the principle *of ijtihād jama'ī* (collective ijtihad), which is a mechanism for making legal decisions through the deliberations of scholars and experts in the Fatwa Commission. This process involves the study of the postulates of the Qur'an and Sunnah, the study of classical and contemporary fuqahā opinions, and the consideration of social realities (*waqi'iyyah mu'āṣirah*) with the *approach of maqāṣid al-shari'ah*, so that the fatwa produced are contextual, argumentative, and proportional. Conceptually, this model of *ijtihād jamā'ī* strengthens the epistemic legitimacy of fatwas because it is born from collective deliberation, not individual authority. In the Indonesian context, this authority does not only stop at the normative-religious realm, but transforms into a socio-legal authority. The MUI fatwa is rooted in Islamic scientific traditions, gaining social recognition from the majority of Muslims, and in certain practices is accommodated by the state through its integration into regulations or public policies.[24]

Thus, the MUI fatwa authority shows a dual role. As a source of indirect law that guides the socio-economic practices of the ummah, as well as a philosophical instrument that affirms the integration between compliance with sharia and the benefit of society. The strength of legitimacy and strategic role makes the MUI fatwa a major pillar in the development of contemporary Islamic law in Indonesia, which is adaptive to the changing times and relevant in the context of globalization, digitalization, and modern socio-political dynamics.[25] The following table systematically describes the aspects of the authority and legitimacy of the MUI, including:

Table 1. The Authority and Legitimacy of the MUI Fatwa in the Dynamics of Islamic Legal Thought in Indonesia

No.	Analysis Aspect	Indicators of Authority	Legitimacy Indicators	Implications in the

[24]Dirga Achmad and Azlan Thamrin, "Anomalies of the Fatwa of the Indonesian Ulema Council in the Indonesian Legal System: A Responsive Legal Review," *Al-Qisthu: Journal of Legal Studies* 22, no. 1 (2024): 23–42. https://doi.org/10.32694/qst.v22i1.3011

[25]Slamet Suhartono, "The Existence of the Fatwa of the Indonesian Ulema Council in the Perspective of the Pancasila Legal State," *Al-Ihkam: Journal of Law & Social Institutions* 12, no. 2 (2017): 448–65.https://doi.org/10.19105/al-lhkam.v12i2.1255

				Formation of Islamic Law
1.	Scientific Basis	Competence of scholars, collective ijtihad methodology	Academic and religious recognition	Strengthening the normative validity of fatwas
2.	Institutional Structure	Fatwa commission system, collective-collegial	Legal standing as a national institution	Fatwas have a strategic position in the discourse of national Islamic law
3.	Fatwa Determination Process	Study of evidence (Qur'an, Hadith, ijma', qiyas) and consideration of maqāṣid	Process transparency and accountability	Increasing public trust in fatwa products
4.	Social Acceptance	Followed by mass organizations and the community	The level of compliance of the ummah with fatwas	Fatwa becomes a socio-religious reference
5.	Relations with the State	Involvement in regulation and public policy	Implicit/explicit recognition by the government	Fatwas contribute to the formation of certain positive laws
6.	Responses to Contemporary Issues	Ability to answer modern problems (sharia economics, technology, socio-politics)	Relevance to the needs of the community	Adaptive fatwas in the dynamics of modern Islamic law

Based on the table, it shows that the authority and legitimacy of the Indonesian Ulema Council (MUI) is built through six interrelated aspects. First, the scientific basis is the main foundation, where the competence of scholars, mastery of ushul fiqh, and the application of collective ijtihad ensure that fatwas is born from a systematic academic process so that it has strong normative validity. Second, the collective-collegial institutional structure through the

Fatwa Commission and the position of the MUI as a national institution strengthen formal legitimacy and place fatwa as an authoritative institutional product. Third, the fatwa determination process that integrates the postulates of the Qur'an, Hadith, ijma', qiyas, and the consideration of maqāṣid al-sharī'ah reflects a balance between textual and contextual approaches, while increasing transparency and accountability so as to foster public trust. Fourth, social acceptance from mass organizations and the wider community shows the sociological legitimacy that makes fatwas effective as a guideline for religious life. Fifth, relations with the state through involvement in legislation and public policy demonstrate the political-institutional legitimacy that allows fatwas to contribute to the formation of positive laws. Sixth, the ability to respond to contemporary issues emphasizes the flexibility and relevance of the MUI ijtihad methodology in the face of modern social changes. Overall, the integration of epistemic, institutional, sociological, and political dimensions makes the MUI fatwa not only a product of religious law, but also a strategic element in the dynamics of the formation and development of contemporary Islamic law in Indonesia.

MUI Fatwa as a Legal Instrument in Handling *Wakii'yah Mu'ashirah* in the Contemporary Era

The fatwa of the Indonesian Ulema Council (MUI) plays a central role in shaping the direction and dynamics of contemporary Islamic law. As a scholarly institution, MUI functions as a link between Islamic sharia norms and the demands of modern society, so that the resulting fatwas are not only a guideline for rituals or worship, but also play a role in building the construction of Islamic law that is adaptive to social, economic, political, and cultural developments. This position places the MUI as a socially and institutionally recognized religious authority, with legitimacy obtained through a combination of scholarly scholarship, public recognition, and support of state institutions. MUI plays a dual role, as an interpreter of sharia principles as well as a socio-legal actor who ensures that Islamic law remains relevant and responsive to the dynamics of the times, as well as being able to provide proportional, contextual, and applicative legal solutions for Muslims. This strategic position emphasizes that the MUI fatwa serves as a bridge

between classical and contemporary texts, so that Muslims not only understand the law theoretically, but are also able to implement it in the context of complex modern life.[26]

Although the MUI's fatwa formally does not include a binding positive law, the state still has a responsibility to uphold justice and social order so that people's religious beliefs do not cause conflicts that threaten public stability. The state is obliged to ensure that every citizen can practice his teachings and beliefs safely and comfortably, because religious practices are not only limited to the private realm or houses of worship, but also intersect with public spaces. In this context, the function of the state is very vital, especially within the framework of the state of law based on Pancasila. The MUI Articles of Association affirm that the assembly has a duty and role in providing fatwas and advice, both to the government and the community, regarding religious issues in particular and issues that have an impact on the interests of the state in general. Fatwa is needed as a guideline that explains religious obligations (*faraidl*), legal limitations (*hudud*), and the halal-haram status of an act, and is based on *al-adillah al-ahkam* which is the strongest to bring benefits (*maslahah*) to the ummah, with references from the Qur'an, Hadith, *ijma'*, *qiyas*, and other legal postulates.[27]

The existence of the MUI fatwa is very crucial in the midst of the plurality of Indonesian Muslims. The diversity of religious thought, social organization, and sectarian tendencies make the MUI fatwa an important instrument to unite the ummah. As an intellectual institution, MUI has a strategic mandate to optimize its capabilities and potential for the benefit of the people and the wider community. The position of fatwa is at the crossroads between the

[26]Tengku Muhammad Iqbal Bustamam, "The Influence of the MUI Fatwa on Political Dynamics in Indonesia (Study on the Indonesian Ulema Council of North Sumatra) Proposed to Meet One of the Requirements for Obtaining a Master of Law (MH) Degree in the Master of Law Study Program, Faculty of Law, Islamic University of North Sumatra" (Master of Law, Islamic University of North Sumatra, 2025).https://repository.uisu.ac.id/handle/123456789/5304

[27]Moh Rosyid et al., "The Role of the Mui Fatwa in Social Change: The Fatwa of the Indonesian Ulema Council in the Eyes of Academics" (Secretariat of the Fatwa Commission of the Indonesian Ulema Council, 2021).https://digilib.uinkhas.ac.id/2969/

expectations of the ummah and the interests of the government.[28]If it is too much on the side of the government, the MUI risks losing the function of the ulama as the torch of the people. On the other hand, if it is too lean towards the community, the strategic relationship with the government can be disrupted. Therefore, the MUI fatwa is directed to promote a healthy, prosperous, just, and prosperous society, as well as support clean leadership and governance, as well as optimize the positive potential of the nation.

Institutionally, MUI occupies the realm of political infrastructure, which is an institution that operates in the community and focuses on social empowerment and sociocultural life. MUI activities can only be understood through direct involvement with the community. As *a religious scholar organization*, MUI is tasked with empowering the people and not as a state institution or a representative of the government. The MUI fatwa is not a state law that has sovereignty or sanctions that can be enforced, but it applies to the Muslim community that recognizes the authority of the MUI. In other words, the MUI fatwa cannot force all Muslims or Indonesian citizens to comply with it.[29]

In the Islamic legal system, fatwa plays a strategic role as a source of legal considerations that are *ghair mulzimah* (not juridically binding), in contrast to court decisions (*ilzām*) which have coercive powers. In Indonesia, the fatwa of the Indonesian Ulema Council (MUI) serves as a reference for public morals and ethics, as well as a normative foundation in the development of Islamic political ethics and the harmonization of Islamic law within the framework of national law. The position of fatwa at the intersection of sharia authorities and the state legal system makes it a dialogical model for national legal reform, so that Islamic legal values remain relevant and responsive to contemporary social, political, and cultural dynamics without losing religious or constitutional legitimacy.[30]

---

[28]Indonesian Ulema Council, "The Role of the Mui Fatwa," N.D.https://d1wqtxts1xzle7.cloudfront.net/97162151/Isi_Buku_20MUI_2021_B5_Versi_20e-book.

[29]Rahmat Rahmat, "The Ijtihad Method of the Fatwa Commission of the Indonesian Ulema Council," *NUKHBATUL'ULUM: Journal of Islamic Studies* 2, no. 1 (2016): 159–66.https://doi.org/10.36701/nukhbah.v2i1.11

[30]Novita Sari, "The Urgency of the Fatwa of the Indonesian Ulema Council (MUI) in Answering Contemporary Family Law Problems," *SAKINAH: Journal of Islamic Family Law* 3, no. 1 (2025): 39–46.https://doi.org/10.35719/sakinah.v3i1.54

In the realm of sharia economics, the fatwa of the National Sharia Council-Indonesian Ulema Council (DSN-MUI) plays a crucial role as a legal instrument that is adaptive to *waqi'iyyah mu'āṣirah*, as reflected in Fatwa No. 166/DSN-MUI/II/2026 concerning sharia bullion business activities, No. 165/DSN-MUI/VII/2025 concerning the Sharia Banking Restructuring Program, No. 164/DSN-MUI/VII/2025 concerning sharia-based pension benefits, and Fatwa No. 163–161/DSN-MUI/VII/2025 which regulates gold sharia ETFs, ultra-micro joint liability schemes, and Syirkah Milk Mutanaqishah.[31]The entire fatwa shows the MUI's ability to integrate sharia principles into modern economic mechanisms systematically and applicatively, thereby providing legal certainty, protecting the interests of the parties, encouraging ethical and fair economic practices, and strengthening national sharia financial institutions. Outside the economic sector, MUI also contributes to social and fiscal issues, for example through Fatwa No. 2/MUNAS XI/MUI/2025 on fair taxes that affirm the principles of justice, balance, and social responsibility. Overall, these contemporary fatwas reflect the capacity of the MUI as an intellectual and socio-legal authority that is able to harmonize compliance with sharia with modernization demands, while at the same time functioning as an adaptive normative instrument in maintaining a balance of the interests of the people, the government, and society in the contemporary era.[32]

Talfiq Manhaji *'s Approach* in the Methodology of the MUI Fatwa: Evaluation of Legal Proportionality and Justice

The Indonesian Ulema Council (MUI) was established on 17 Rajab 1395 H or to coincide with July 26, 1975 AD, as a form of collective awareness of Muslim leaders of the importance of having a strong foundation in building a society that has noble morals and

[31]Abdul Manan Ismail and Ahmad Syukran Baharuddin, "Parameters of Fatwa Issuance in the Framework Of The Maqasid Shariah: Fatwa Parameters In Light Of The Maqasid Syariah," *Malaysian Journal of Syariah and Law* 13, no. 3 (2025): 714–31.https://doi.org/10.33102/mjsl.vol13no3.1244

[32]Masnunah Masnunah, Mat Rokim, and Ifa Nurhayati, "The Dynamics of Islamic Law Renewal in Indonesia: Transformation of Thought in Social and Institutional Contexts," *Digital Footprint: Multidisciplinary Scientific Journal* 1, no. 4 (2025): 2468–79.https://doi.org/10.63822/v1wmae34

is socially, economically, and religiously advanced. The existence of MUI as an organization that gathers scholars, scholars, and scholars is a logical consequence of efforts to develop harmonious relations between various national potentials, as well as a forum to unite religious and societal visions. MUI not only plays a role as a religious authority, but also as a strategic actor in realizing the benefits and welfare of the Indonesian people, through its active role in fostering the ummah, drafting fatwas, and contributing to national development.[33]

The vision of the Indonesian Ulema Council (MUI) is the realization of good living conditions for the people, nation, and state, obtaining the pleasure and forgiveness of Allah Subhanahu Wa Ta'ala (*baldah thayyibah wa rabbun ghafur*), as well as the achievement of a quality society (*khaira ummah*) for the glory of Islam and Muslims (*izzul Islam wal muslimin*) within the framework of the Unitary State of the Republic of Indonesia, as a manifestation of grace for all nature (*Rahmah Lil-Alamin*). MUI's mission includes several strategic aspects: first, to mobilize the leadership and institutions of the ummah effectively, by placing scholars as role models (*qudwah hasanah*), so as to be able to guide Muslims in instilling faith, fostering religious understanding, and implementing sharia consistently. Second, carrying out Islamic da'wah and amar ma'ruf nahi munkar, in order to develop noble morals (*akhlak karimah*) so that quality society (*khaira ummah*) is achieved in various fields of life. Third, strengthening the Islamic ukhuwwah and the solidarity of the ummah, to realize the unity and unity of Muslims within the framework of the Unitary State of the Republic of Indonesia.[34]

The Indonesian Ulema Council (MUI) has a diverse commission structure to carry out its functions effectively. These commissions include: the Fatwa Commission, which is in charge of

[33]Subekty Wibowo, "The Role of the Indonesian Ulema Council in the New Order Period 1975-1998 and Its Relevance in History Learning," *Candi: Journal of Education and Research History* 17, no. 1 (2010): 80–95.https://jurnal.uns.ac.id/candi/article/view/42767

[34]B A B II, "A. A Brief History of the Establishment of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI)," *Faculty of Sharia and Law, Sultan Syarif Kasim State Islamic University, Riau 2012 M/1433 H*, n.d., 13.https://repository.uin-suska.ac.id/7366/1/2012_2012266MUA.pdf#page=20

formulating and establishing fatwas; Ukhuwah Islamiyah Commission, to strengthen the unity and solidarity of Muslims; the Islamic Da'wah and Community Development Commission, which focuses on the dissemination of Islamic teachings and community development; the Islamic Arts and Cultural Education and Development Commission, which deals with Islamic education and the preservation of the arts and culture; the Commission for Assessment and Research, as an institution for research and development of Islamic science; Law and Legislation Commission, which reviews legal and regulatory aspects; the People's Economic Empowerment Commission, which focuses on the development of a sharia-based economy; Women, Youth, and Family Empowerment Commission, to strengthen social and family roles; the Commission on Informatics and Mass Media, which manages information and communications; the Commission on Religious Harmony, to maintain interreligious harmony; and the Commission on Foreign Relations, which handles international cooperation. The structure of this commission reflects the MUI's efforts to carry out its religious, social, and community mission comprehensively, while ensuring that the resulting fatwas and policies are relevant to the dynamics of today's society.[35]

In determining fatwas, the Fatwa Commission of the Indonesian Ulema Council (MUI) is guided by the main sources of law, namely the Qur'an, hadith, ijma', and qiyas, which are recognized by the majority of scholars, and pay attention to the interests of the ummah. Operationally, the MUI fatwa guidelines contain four basic provisions: first, each fatwa must be based on the Qur'an and mu'tabar hadith and not contradict the interests of the ummah; second, if a fatwa does not have an explicit basis in the Qur'an and hadith, then it must be consistent with ijma', qiyas mu'tabar, and other evidences such as istihsan, maslahah mursalah, and sadd adz-dzari'ah, so that ra'yu (reasoning) plays a proportionate role; Third, before deciding on a fatwa, it is necessary to trace the opinions of previous madzhab imams, both related to legal postulates and differences of opinion, with an analogous approach

[35]Wildan Insan Fauzi, "Hamka as Chairman of the MUI (Indonesian Ulema Council) in Facing Socio-Political Problems in the New Order Period 1975-1981," *FACTUM: Journal of History and History* Education 6, no. 2 (2017).https://doi.org/10.17509/factum.v6i2.9984

('illat) or the adoption of their methodology as a tool of analysis; Fourth, fatwas always take into account the views of experts in the issues under review, especially contemporary issues such as cloning laws, abortion, female circumcision, organ transplantation, and halal products.[36]

Methodologically, the fatwa determination process includes five stages: first, reviewing the opinions of madhhab imams and related postulates; second, to establish the problem of qath'iyyat according to Nash; Third, resolving madhhab disputes through al-jam'u wa attaufiq (combining similarities) or tarjih (choosing the strongest opinion) using the rules of comparative ushul fiqh; Fourth, to establish the law for matters that are not found in the madhhab through ijtihad jama'i (collective) using the methods of bayani, ta'lili (qiyasi, istihsani, ilhaqi), istishlahi, and sadd adz-dzari'ah; Fifth, ensuring that fatwas are in line with the public interest (mashalih 'ammah) and the purpose of sharia (maqashid al-sharia). The fatwa determination forum includes the Fatwa Commission, the National Sharia Council (DSN) related to Islamic financial institutions, the National Conference (Munas), and the Ijtima' Ulama of the Fatwa Commission throughout Indonesia, with themes that include religious issues, halal products, sharia economics and others.[37]

Today, the evolution and revolution of the world is taking place massively and escalatively in various areas of life, such as economics, politics, culture, and the media. In the midst of this dynamic, developed countries that are members of the United Nations (UN) often appear as dominators and legitimitators of global action, even if they sometimes contradict universal values such as human rights, fraternity, justice, and happiness. In the economic field, development is productive with various opportunities, such as the halal food industry, tourism, hospitality, and sports, which are leveraged to increase income, strengthen bargaining positions, and carry out responsibilities effectively. However, geopolitical conflicts,

[36]Fathul Mu'in, "The Role of the Indonesian Ulema Council (MUI) Lampung in Facing the Era of Information Disruption," *Ath-Thariq: Journal of Da'wah and Communication* 4, no. 1 (2020): 79–99.https://doi.org/10.32332/ath_thariq.v4i1.2026

[37]Moh Mundzir, "Method of Determining Fatwa of the Indonesian Ulema Council (Analysis of the Use of Qawaid Fiqhiyyah as Independent Evidence in Fatwa)," *The Indonesian Journal of Islamic Law and Civil Law* 2, no. 1 (2021): 1–18.https://doi.org/ 10.51675/jaksya.v2i1.161

such as Israel's expansion into Palestine and the relocation of the capital to Jerusalem, present counterproductive challenges to global peace efforts, while the phenomenon of dehumanization and secularization further strengthens the pressure on moral and social values.[38]

In this context, the Fatwa Commission of the Indonesian Ulema Council (MUI) is required to proactively respond to world challenges through an Islamic legal approach that upholds humanity and justice. As part of the fatwa guidelines, the MUI Fatwa Commission has implemented talfiq manhaji, so that the resulting fatwa is more responsive, solutive, and implementive. This approach is supported by empirical research, in which research teams are deployed to examine problems in an objective, systematic, and accountable manner, with an orientation on the main principles of maqashid al-sharia, which emphasize the protection of five fundamental values: religion, soul, property, intellect, and heredity.[39]

So far, talfiq is generally understood as a combination of the practices of various madhhab imams that are individually not recognized as valid by each imam, such as a person who performs ablution' with some heads following Imam Shafii but touching women according to Imam Abu Hanifah and Imam Malik, so that his prayer is considered invalid according to some madhhab opinions. This type of talfiq is not the agreement of scholars, and classical scholars warn that talfiq aimed at seeking convenience or violating the judge's decision is forbidden, as it is contrary to the principle of mujma' alaih. However, MUI boldly implements talfiq manhaji, which is the combination of methods of scholars across madzhabs in formulating and determining the legal status of a problem based on maqashid al-sharia, so that the resulting law remains based on the Qur'an and hadith, as well as responsive to the

[38]Dadan Kurniawan, *Worldbox: Strategies for Create, Destroy, and Observe the Evolution of Civilization* (Afdan RojabiPublisher, 2026).https://books.google.co.id/books?hl=id&lr=&id=ZHqlEQAAQBAJ&oi=fnd&pg=PA3&dq=+Dadan+Kurniawan,+Worldbox:+Strategi+Menciptakan,+Menghancurkan,+Dan+Mengamati+Evolusi+Peradaban+(Afdan+Rojabi+Publisher,+2026).

[39]Bustamam, "The Influence of the Mui Fatwa on Political Dynamics in Indonesia (Study on the Indonesian Ulema Council of North Sumatra) Proposed to Fulfill One of the Requirements for Obtaining a Master of Law (MH) Degree in the Master of Law Study Program (S2) of the Faculty of Law, Islamic University of North Sumatra."https://repository.uisu.ac.id/handle/123456789/5304

development of the times. In contrast to talfiq qouli which only refers to the individual opinions of the imam, the talfiq manhaji emphasizes paradigm sifting by appreciating all the manhaj of the imams to produce contextual (muqtadlal hal) and solutive (makhrajan) laws.[40]

In practice, talfiq manhaji integrates scholarly agreed sources of law, such as the Qur'an, hadith, ijma', and qiyas, with disputed sources of law, including istihsan, maslahah mursalah, sadd adz-dzari'ah, al-adah, madzhab sahabi, and shar'u man qablana, all of which have a foothold in the sacred text explicitly as well as implicitly. The MUI fatwa products, especially in volumes 1 and 2, show that this approach avoids madzhab fanaticism and emphasizes methodological flexibility, so that the resulting fatwas are solutive, applicative, and relevant for Muslims in facing contemporary challenges.[41] Below is a table describing the implementation of talfiq manhaj in the MUI fatwa methodology:

Talfiq Manhaji's approach to the MUI fatwa methodology demonstrates the institution's strategic efforts to integrate various sources of Islamic law such as the Qur'an, Hadith, Ijma', and Qiyas, systematically in order to respond to the complexity of wakii'yah mu'ashirah or contemporary social realities. This method allows MUI to adapt classical rules to modern practices, for example in the sharia economic sector such as banking, investment, and environmental management, so that the fatwas produced remain relevant, adaptive, and able to answer the needs of modern society. With this approach, fatwas not only maintain compliance with sharia principles, but also balance the interests of individuals, communities, and the state so that legal justice and social proportionality are achieved. In addition, Talfiq Manhaji emphasizes the importance of a strong basis of evidence (*al-adillah al-ahkam*) in determining fatwas.

Thus, the purpose of talfiq manhaji is to produce legal decisions that are relevant and contextual to contemporary social conditions and dynamics, while preventing negative impacts that are prohibited

[40]Fikran Hafidz, "The Talfiq Method in the Perspective of Nahdlatul Ulama (NU) and Muhammadiyah" (Datokarama State Islamic University, Palu, 2024).

[41]Silawati Silawati, Mochammad Novendri, and Aslati Aslati, "Analysis of the Concept of Tolerance and Flexibility in the Practice of Mixing Madzhab (Talfiq) Against Controversial Fatwa Cases," *Islamika: Journal of Islamic Sciences* 23, no. 2 (2023): 127–38.https://doi.org/10.32939/islamika.v23i2.2991

in Islam, such as conflicts, hostilities, or political instability that have the potential to hinder nation-building. The methodological structure of the MUI Fatwa Commission, which integrates various manhaj from madhhab imams, is an interesting methodological aspect. This approach allows the resulting fatwas to be not only valid according to shari'i, but also adaptive, solutive, and responsive to social problems that arise in modern society. Talfiq Manhaji marks a progressive paradigm leap, because in its application there is no fanaticism of madzhab. On the contrary, this method emphasizes the principles of inclusivity, moderation, and accommodation between all existing madhhabs, so that the fatwas issued are able to answer contemporary issues with high relevance and remain consistent with sharia principles. Therefore, Talfiq Manhaji made the MUI fatwa an adaptive, proportional, and fair legal instrument. Fatwas do not only function as religious guidelines, but also act as socio-legal regulations that are responsive to contemporary challenges, provide ethical guidelines, and ensure the benefit of the people in the future life of the community.[42]

Ijtihad MUI in the Contemporary Era: A Philosophical Analysis *of Wakii'yah Mu'ashirah* in the Framework of Maqāṣid al-Sharī'ah Jasser Auda

Jasser Auda[43] is a contemporary Muslim intellectual and professor widely known as an expert on Islamic law (*Sharia*) and sharia purposes (*Maqāṣid alShari'ah*). Born in 1966 in Cairo, Egypt, and since his youth has gained intensive religious knowledge through *halaqah* activities and Islamic education at the alAzhar Mosque, including memorizing the Qur'an and studying hadith, fiqh, isnad, and *ushul fiqh* in depth and continuously. Auda pursued a formal education in engineering at Cairo University, then expanded his studies in Islamic thought at the Islamic American

[42]Nuha Azka Fahmi, Galih Imam Prabowo, and Muhamad Ulil Firdaos, "Taqlīd, Ittibāʿ, and Talfīq: Conceptual Analysis and Methodological Implications in the Practice of Islamic Law," *Al-Ilmiya: Journal of Islamic Education* 1, no. 4 (2026): 1649–52.https://journal.al-afif.org/index.php/al-ilmiya/article/view/819

[43]Ahmad Syafi'i Sulaiman Jamrozi et al., "Maqashid Al-Sharia in the Study of Hadith and Its Implication for the Renewal of Islamic Law: Study on Jasser Auda's Thought," *Justicia Islamica* 19, no. 1 (2022): 74–93.https://doi.org/10.21154/justicia.v19i1.3269

University with a focus on comparative madhhabs.[44]He then continued his doctoral education and obtained two Ph.D. degrees, one in Philosophy of Islamic Law from the University of Wales, England, and the other in Systems Analysis from the University of Waterloo, Canada.[45]In his academic career, he has taught and worked in various international institutions, including as a professor at the International Islamic University Malaysia, the University of Waterloo, Carleton University, Qatar Faculty of Islamic Studies, and the University of Bahrain, and has established an applied Islamic thought study program at the International Peace College South Africa. In addition, he also founded and served as president of the Maqasid Institute Global, a center for the study and research *of Maqāṣid alShari'ah* that focuses on education, Islamic law research, and the development of a sharia curriculum based on Islamic law objectives.[46]

Jasser Auda's thoughts are expressed in more than 25 books and hundreds of scholarly articles in Arabic and English, which have been translated into various world languages.[47] His best-known works include *Maqāṣid alShari'ah as Philosophy of Islamic Law: A Systems Approach* and *Maqāṣid alShari'ah: A Beginner's Guide*, which introduces a systemic approach to the purpose of contemporary Islamic law, emphasizing the integration of sharia principles with modern social, political, and economic dynamics, as well as talfiq manhaji

[44]Achmad Rafiu and Muh Alghifari, "The Maqasid Syariah Paradigm as an Innovation in Islamic Law in Jasser Auda's Thought," *Al-Ilmiya: Jurnal Pendidikan Islam* 1, no. 4 (2026): 1845–54.https://journal.al-afif.org/index.php/al-ilmiya/article/view/867

[45]Achmad Fageh, "Contextualization of Maslahah Jasser Auda's Thought in Islamic Economy," *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 4, no. 1 (2021): 132–55.https://doi.org/10.31538/iijse.v4i1.1344

[46]Jasser Auda, "A Maqāṣid-Based Approach for New Independent Legal Reasoning (Ijtihād)," in *ISLAMIC PERSPECTIVES ON THE PRINCIPLES OF BIOMEDICAL ETHICS: Muslim Religious Scholars and Biomedical Scientists in Face-To-Face Dialogue with Western Bioethicists* (World Scientific, 2018), 69–87.https://doi.org/10.1142/9781786340481_0003

[47]Syahrul Sidiq, "Maqashid Shari'ah & The Challenge of Modernity: A Study of Jasser Auda's Thought," *Journal of In Right: Journal of Religion and Human Rights* 7 (2017).https://doi.org/10.14421/inright.v7i1.1461

methodologies.[48] In addition, it actively contributes to the development of maqā ṣ id-based Islamic law curriculum, empirical research in contemporary Islamic law, as well as strategies for the implementation of fatwas and sharia policies in various countries. In addition to academic activities, he is also actively involved in international organizations, such as the Fiqh Council of North America, the European Council for Fatwa and Research, and the International Union of Muslim Scholars, as well as being a speaker (*presenter*) in various scientific forums that discuss the integration of sharia principles with global challenges. His academic and methodological contributions make Jasser Auda one of the main references in the study *of maqāṣid alshari'ah*, especially in the context of Islamic law that is adaptive, contextual, and applicable to modern society.[49]

In the study *of maqāṣid al-shariah*, Jamal al-Din 'Atiyyah divided scholars and thinkers into three groups. The first group views *maqāṣid al-Shari'ah* as an independent and independent discipline, independent of *ushul fiqh*. The second group places *maqāṣid al-Shari'ah* as an intermediate position between *fiqh* and *ushul fiqh*, which serves as a bridge connecting the principles of law and the goals of sharia. The third group sees *maqāṣid alsyariah* as a result of the development or derivative of *ushul fiqh*, so that it remains rooted in classical legal methodology.[50] In the context of the application of the *systems approach* in Islamic law, Prof. Dr. Jasser Auda developed *maqāṣid alsyariah* into a set of methodological features that include: *cognitive nature* (cognitive nature to understand the principles and goals of law), *wholeness* (the wholeness or integration of law), *openness* (flexibility and openness to change), *interrelated hierarchy* (interrelated hierarchy between legal goals), *multi-dimensionality* (dual dimensions in legal analysis), and *purposefulness* (orientation to the final goal of

[48]Mohammad Fauzan Ni'ami and Bustamin Bustamin, "Maqāṣid Al-Syarī'Ah in the Review of the Thought of Ibn 'Āsyūr and Jasser Auda," *JURIS (Sharia Scientific Journal)* 20, no. 1 (2021): 91–102.https://doi.org/10.31958/juris.v20i1.3257

[49]Uthman Mehdad Al-Turabi and Jasser Auda, "Toward a Maqāṣid-Based Legal Reform: Systemic Thinking for Social Transformation in the Modern Muslim World," *Indonesian Journal of Islamic Law* 8, no. 2 (2025): 209–28.https://doi.org/10.35719/fhw10v84

[50]M Miftakhul Anwar, "A Study of Maqasid Syariah Thought from the Perspective of Jasser Audah," 2014.https://dspace.uii.ac.id/handle/123456789/32443

sharia). This approach makes *maqāṣid alsharia* not only normative, but also systemic, contextual, and applicative in dealing with the dynamics of law and society in the contemporary era.[51]

Furthermore, the Indonesian Ulema Council (MUI)[52] plays a strategic role as a strategic religious institution that carries out the function of collective ijtihad in a structured and multidisciplinary manner in order to formulate fatwas that are not only normatively valid, but also relevant to the evolving social dynamics, in responding *to wakii'yah mu'ashirah, namely various complex contemporary social-life phenomena that often do not have an explicit precedent in the treasures of classical fiqh. MUI does not stop at textual reading of nash, but prioritizes a contextual, comprehensive, and integrative approach through the mechanism of bahtsul masā'il*, academic studies, and the involvement of experts across disciplines, so that the principles of Islamic law can be dialogically integrated with the development of modern science, technology, economics, health, and culture. Thus, the resulting fatwa is not partial or reductionist, but represents a synthesis between textual authority and empirical reality, an approach that is in line with the systemic principles of *maqāṣid al-sharia* as developed by Jasser Auda, who views sharia as an open and dynamic system, so that every legal decision is directed to realize benefits, maintaining a balance between the normative dimension and the normative dimension of the sharia. contextual, and ensure that compliance with sharia runs in harmony with the needs and sustainability of the community.[53]

In the context of *cognitive nature*, ijtihad carried out by the Indonesian Ulema Council (MUI) emphasizes a substantive and in-depth understanding of the principles, goals, and rationality of Islamic law, rather than simply following the text literally and

---

[51]Tanza Dona Pertiwi and Sri Herianingrum, "Exploring the Concept of Maqashid Sharia: The Perspective of Islamic Leaders' Thought," *Scientific Journal of Islamic Economics* 10, no. 1 (2024): 807–20.https://doi.org/10.29040/jiei.v10i1.12386

[52]Indonesian Ulema Council, *Indonesian Ulema Council* (Secretariat of the Indonesian Ulema Council, 1978).https://mirror.mui.or.id/wp-content/uploads/2020/07/Pandangan-dan-Sikap-DP-MUI-Pusat-Terhadap-RUU-Cipta-Kerja-3-Juli-2020.pdf

[53]Sheilla Chairunnisyah, "The Role of the Indonesian Ulema Council in Issuing Halal Certificates on Food and Cosmetic Products," *EduTech: Journal of Education and Social Sciences* 3, no. 2 (2017).https://doi.org/10.30596/et.v3i2.1251

formally. Each fatwa issued is based on a comprehensive study of the Qur'an, hadith, ijma', and qiyas, while considering social, cultural, political, and economic realities as part of their epistemological context. For example, in the fatwa regarding the prohibition of bank interest and halal certification provisions, the MUI not only refers to normative nash, but also analyzes the social, moral, and economic implications that are caused for the wider community. Through this approach, Islamic law is not positioned as a static doctrine, but as a living, responsive, and applicable value system in answering the needs and challenges of modern life.[54]

Meanwhile, the *wholeness approach* is reflected in the method by which the Indonesian Ulema Council (MUI) reviews and formulates laws in a comprehensive, integrative, and non-partial manner. Each fatwa is not positioned as a stand-alone provision, but is always associated with the basic principles of sharia, inter-law inter-law, and orientation to the public interest (*maslahah 'ammah*). MUI ensures that the resulting legal decisions have internal coherence in the scientific building of Islamic law as well as external relevance to the needs of the community. This can be seen in various fatwas related to sharia financing, the determination of halal-haram products, digital transactions, fintech, and sharia-based economic innovations, all of which are analyzed in a systemic framework to be in line with the overall goals of sharia. Thus, every fatwa becomes part of a holistic and sustainable construction of Islamic law, not just an isolated regulation that is detached from its normative and social framework.[55]

Ijtihad carried out by the Indonesian Ulema Council (MUI) shows the character of *openness* or openness to the development of science, technology, and social dynamics that continue to change. Various new phenomena such as e-commerce, fintech, bioethics issues, biotechnology, and reproductive technology are studied through an adaptive, dialogical, and contextual ijtihad process, not

[54]M Bahren and Ihsan Mustofa, "The Role of Jama'i Ijtihad in the Renewal of the Understanding of the Qur'an and Hadith in Indonesia," *Al-Akmal: Journal of Islamic Studies* 3, no. 2 (2024): 1–10.https://doi.org/10.47902/al-akmal.v3i6.342

[55]Syarif Firdaus and Muhksin Achmad, "Epistemological Studies of Islamic Law in the Context of the Fatwa of the Indonesian Ulema Council," *Jurnal Pusaka* 14, no. 1 (2024): 44.https://www.pa-bengkayang.go.id/images/file_pdf/Artikel/Studi_Epistemologi_Hukum_Islam_dalam_Konteks_Fatwa_MUI_web.pdf

just replicating the opinions of classical fiqh textually. In this process, MUI involves various experts from diverse or multidisciplinary scientific backgrounds so that each fatwa is able to answer the complexity of contemporary issues without ignoring the normative foundation of sharia. This flexibility confirms that Islamic law has epistemological flexibility that allows a balance to be maintained between the basic principles of sharia and the practical needs of Indonesian society.[56]

Meanwhile, the *interrelated hierarchy approach* emphasizes the interconnectedness and continuity between the goals of Islamic law in a mutually supportive structure. In this context, the Indonesian Ulema Council (MUI) when establishing fatwas not only considers normative aspects at the individual level, but also takes into account the social and state dimensions as a connected hierarchical unit. For example, in the Islamic economic fatwa, the legal orientation is not solely directed at formal compliance with the prohibition of usury or prohibited practices, but also at the realization of social justice, proportional distribution of wealth, improvement of community welfare, and the sustainability of the macroeconomic system. With this approach, fatwa functions to maintain harmony between the protection of individual rights and the realization of *maslahah 'ammah*, so that sharia goals at various levels can be achieved in an integrated and balanced manner.

However, the *multi-dimensionality* approach allows the Indonesian Ulema Council (MUI) to look at an issue comprehensively from a variety of complementary perspectives, including legal, ethical, social, economic, scientific, and technological dimensions. In complex issues such as organ transplantation, abortion, technology-assisted reproduction, and bioethics, the MUI not only relies on normative postulates, but also integrates the views of scholars from various sects, analysis of *maslahah* for society, the findings of cutting-edge medical science, and ethical considerations that develop in global discourse. This process produces fatwas that are not simplistic or reductionist, but holistic and applicative, taking into account the multidimensional

[56]Amanda Nikola, "Juridical and Methodological Studies of the Application of Legal Istinbat in MUI Fatwa," *Fatih: Journal of Contemporary Research* 2, no. 2 (2025): 1009–21.https://doi.org/10.61253/t1d13h49. See also Fiqh Muamalah Contemporary Financial Institutions by Prof. Dr. Veithzal Rivai Zainal and Amirsyah, publishers of Indomedia Pustaka, pp. 457-945.

impact on individuals, families, and society at large. Thus, the resulting legal decisions are able to respond to the complexity of modern reality in a proportionate manner while remaining rooted in the basic principles of sharia. With the rapid development of technology, it is necessary for scholars as successors to the Prophet's treatise (*warasatul ambiya'*) to provide guidance to the ummah through fatwas so that the ummah has the same hold and view as the ulama.[57]

Ideally, fatwas set by the Indonesian Ulema Council (MUI) are always directed at the principle of *purposefulness*, namely the achievement of the main goals of sharia (*maqāṣid al-sharia*) as the substantive orientation of each ijtihad process. Within this framework, every legal decision is focused on protecting and strengthening five important values: safeguarding religion (*hifẓ al-din*), soul (*hifẓ al-nafs*), reason (*hifẓ al-'aql*), property (*hifẓ al-mal*), and posterity (*hifẓ al-nasl*). This approach ensures that fatwas do not stop at the normative-formal dimension, but rather present ethical, proportional, and contextual legal solutions. With this orientation of maqāṣid, MUI strives to make Islamic law responsive to the needs of the ummah in the contemporary era, including in facing the challenges of globalization, technological developments, and increasingly complex social changes, so that sharia truly functions as a value system that brings benefits and sustainability of life.[58]

In its ijtihad practice, the Indonesian Ulema Council (MUI) also applies the concept *of talfiq manhaji*, which is the incorporation and synthesis of the methodology of legal istinbāṭ from various schools in a proportionate and argumentative manner to produce contextual decrees. This is not intended as a haphazard mixing of opinions, but as a methodological integration that remains based on the rules of ushul fiqh and *maslahah* considerations. Through *talfiq manhaji*, the resulting fatwa becomes more solutive, applicative, and flexible, while avoiding the fanaticism of madhhab that can limit the responsiveness of Islamic law. Thus, Islamic law can be harmonized

[57]Arisy Abror Dzukroni and Ahmad Fathan Aniq, "Regulating Halal Tourism: The Role of Islamic Organisational Fatwas in the Shariatization of Indonesia," *Ash-Syir'ah: Journal of Sharia Science and Law* 57, no. 2 (2023): 333–60.https://doi.org/10.14421/ajish.v57i2.1344

[58]Beni Setyawan, "Crystallization of DSN-MUI Fatwa in the Field of Sharia Banking (Analysis of Fatwa Sources and Methodology)" (Islamic University of Indonesia, 2025).https://dspace.uii.ac.id/handle/123456789/57220.

with contemporary social realities, including in the face of global phenomena such as economic digitalization, political dynamics, and social conflicts, without losing its normative legitimacy and academic depth.[59]

The ijtihad carried out by the Indonesian Ulema Council (MUI) is collective (*ijtihad jamā'i*), not individual, so the fatwa determination process is carried out through deliberation and study with experts from various disciplines. In each discussion, MUI involves experts in jurisprudence, sharia economics, bioethics, technology, and Islamic sociology, and strengthens it with empirical field research to understand social facts and the practical impact of a problem. This collective and multidisciplinary approach ensures that fatwa is not born purely speculative or textual, but rather through a comprehensive analysis that considers the normative dimension and objective reality of society. Thus, the MUI fatwa functions as a contextual, applicative, and realistic instrument of Islamic law, and has scientific and social legitimacy in answering contemporary problems appropriately and proportionately.

Philosophically, ijtihad carried out by the Indonesian Ulema Council (MUI) in the contemporary era represents a harmonious integration between the classical Islamic legal tradition and modern social dynamics based on the systemic principle *of maqāṣid al-sharī'ah*. Through the approach of *cognitive nature*, *wholeness*, *openness*, *interrelated hierarchy*, *multi-dimensionality*, and *purposefulness*, the MUI fatwa not only has sharia legitimacy, but is also relevant, adaptive, and solutive in responding to the problems of today's Muslims. This approach affirms MUI's position as a socio-legal actor that plays a role in maintaining the sustainability of Islamic values in a global and modern context, as well as being an authoritative reference for the ummah in facing technological, economic, social, and cultural challenges. Within this framework, the reconstruction of the MUI's ijtihad emphasizes a collective character (*ijtihād jamā'i*), multidisciplinary, and contextual, by involving scholars and experts from various fields such as jurisprudence, sharia economics, bioethics, technology, and sociology in order to produce fatwas that

[59]Hasbullah Hasbullah, "Electicism (Talfiq) and Maqāṣid Al-Syarī 'Ah: Answering the Challenges of Islamic Law in the Era of Globalization," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 4 (2025): 3051–62.https://doi.org/10.62976/ijijel.v3i4.1443.

are normatively robust and responsive to contemporary social realities.

Conclusion

The Indonesian Ulema Council (MUI) has consistently issued fatwas by applying *talfiq manhajī*, which is the systematic and integrated incorporation of various sources and methods of istinbāṭ Islamic law to produce contextual, adaptive, and responsive solutions to the complexity of *waqi'iyyah mu'āṣirah*. This approach is reflected in a number of contemporary fatwas, such as Fatwa No. 166/DSN-MUI/II/2026 on sharia bullion businesses, Fatwa No. 4/MUNAS XI/MUI/2025 on waste management, and Fatwa No. 2/MUNAS XI/MUI/2025 on fair taxes, which show MUI's ability to balance compliance with sharia principles with modern social, economic, political, and technological demands. At the same time, it ensures legal proportionality, social justice, and the benefit of the people at large. This *talfiq manhajī* model is in harmony with the six systemic principles developed by Jasser Auda, namely *cognitive nature* (rationality in istinbāṭ law), *wholeness* (integration of the legal system and orientation to the common good), *openness* (flexibility to respond to social and technological changes), *interrelated hierarchy* (a balance between individual rights, public interests, and state needs), *multi-dimensionality* (cross-perspective approaches: law, ethics, economics, science, and culture), and *purposefulness* (affirmation of the main goals *of maqāṣid al-sharī'ah* as well as an evaluation of proportionality and social justice). Thus, the MUI fatwa is not just a normative guideline, but an applicative and contextual socio-legal instrument, which bridges the classical text of sharia with contemporary reality and maintains a balance between religious compliance, individual rights, collective interests, and the needs of the state, so that Islamic law remains alive (*living law*) and relevant in modern society.

Bibliography

Abdul Manan Ismail and Ahmad Syukran Baharuddin, "Parameter Pengeluaran Fatwa Dalam Kerangka Maqasid Syariah: Fatwa Parameters In Light Of The Maqasid Syariah," *Malaysian Journal of Syariah and Law* 13, no. 3 (2025): 714–31.https://doi.org/10.33102/mjsl.vol13no3.1244

Achmad Fageh, "Contextualization of Maslahah Jasser Auda's Thought in Islamic Economy," *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 4, no. 1 (2021): 132–55.https://doi.org/10.31538/iijse.v4i1.1344

Achmad Irwan Hamzani, *Hukum Islam: Dalam Sistem Hukum Di Indonesia* (Prenada Media, 2020).https://books.google.co.id/books?hl=id&lr=&id=ibXyDwAAQBAJ&oi=fnd&pg=PP1&dq=Achmad+Irwan+Hamzani,+Hukum+Islam:+Dalam+Sistem+Hukum+Di+Indonesia+(Prenada+Media,+2020).

Achmad Rafiu and Muh Alghifari, "The Maqasid Syariah Paradigm as an Innovation in Islamic Law in Jasser Auda's Thought," *Al-Ilmiya: Jurnal Pendidikan Islam* 1, no. 4 (2026): 1845–54. https://journal.al-afif.org/index.php/al-ilmiya/article/view/867

Achmad Sholakhuddin al af Ghoni and Kamal Yusuf, "Peranan Lembaga Ijtihad NU Dalam Merespon Problematika Keislaman Di Indonesia," *Tajdid: Jurnal Pemikiran Keislaman Dan Kemanusiaan* 9, no. 2 (2025): 268–84.https://doi.org/10.52266/tadjid.v9i2.4327

Agung Nugroho Reformis Santono and Umar Chamdan, "Maqāṣid Al-Sharī 'ah and the Prohibition of Incest in Indonesian Legislation: An Analysis of the Protection of Lineage and Public Morals," *Al-Manahij: Jurnal Kajian Hukum Islam*, 2025, 205–26.https://doi.org/10.24090/mnh.v19i2.14989

Agus Miswanto, "Problematika Fatwa: Mempertimbangkan Tawaran Metodologi Ijtihad Ulama Kontemporer," *Jurnal Hukum Ekonomi Syariah* 4, no. 2 (2021): 137–58.https://doi.org/10.30595/jhes.v4i2.11670

Ahmad Badrut Tamam, "Kedudukan Fatwa Majelis Ulama Indonesia (MUI) Dan Fatwa Dewan Syariah Nasional (DSN) Dalam Sistem Hukum Indonesia," *Al-Musthofa: Journal of Sharia Economics* 4, no. 1 (2021): 62–78. https://doi.org/10.58518/al-musthofa.v4i1.739

Ahmad Syafi'i Sulaiman Jamrozi et al., "Maqashid Al-Sharia in the Study of Hadith and Its Implication for the Renewal of Islamic Law: Study on Jasser Auda's Thought," *Justicia Islamica* 19, no. 1 (2022): 74–93.https://doi.org/10.21154/justicia.v19i1.3269

Allam Tri Mufadhol and Neni Nuraeni, "Metode Istinbath Ahkam Dalam Menyelesaikan Masalah Kontemporer: Studi Kasus Tentang Fatwa Dan Ijtihad," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 3, no. 2 (2025): 110–18.https://doi.org/10.5281/zenodo.16935179

Amanda Nikola, "Kajian Yuridis Dan Metodologis Terhadap Penerapan Istinbat Hukum Dalam Fatwa MUI," *Fatih: Journal of Contemporary Research* 2, no. 2 (2025): 1009–21.https://doi.org/10.61253/t1d13h49

Andi Darna, "Perkembangan Hukum Islam Di Indonesia: Konsep Fiqih Sosial Dan Implementasinya Dalam Hukum Keluarga," *El-Usrah: Jurnal Hukum Keluarga* 4, no. 1 (2021): 90–107.https://doi.org/10.22373/ujhk.v4i1.8780

Andy Hadiyanto et al., "Peningkatan Kapasitas Majelis Ulama Indonesia Dalam Dakwah Moderasi: Pendampingan Tokoh Agama Menghadapi Tantangan Globalisasi Dan Disrupsi Teknologi," *Sarwahita* 22, no. 02 (2025): 160–71.https://doi.org/10.21009/sarwahita.222.4

Anggi Afriansyah, "Konstruksi, Kontestasi, Fragmentasi, Dan Pluralisasi Otoritas Keagamaan Indonesia Kontemporer," 2021.https://doi.org/10.36712/sdi.v28i1.20514

Arisy Abror Dzukroni and Ahmad Fathan Aniq, "Regulating Halal Tourism: The Role of Islamic Organisational Fatwas in the Shariatization of Indonesia," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 57, no. 2 (2023): 333–60.https://doi.org/10.14421/ajish.v57i2.1344

Asep Sulhadi, "Recontextualizing Maqasid Al-Shariah in Contemporary Qur'anic Exegesis: A Comparative Study of Jasser Auda and Classical Scholars," *SAMAWAT: Journal Of Hadith and Qur'anic Studies* 8, no. 2 (2024): 29–39. https://www.ejournal.badrussholeh.ac.id/index.php/samawat/article/view/449

B A B II, "A. Sejarah Singkat Berdirinya Dewan Syari'ah Nasional Majelis Ulama Indonesia (DSN-MUI)," *Fakultas Syari'ah Dan Ilmu Hukum Universitas Islam Negeri Sultan Syarif Kasim Riau 2012 M/1433 H*, n.d., 13.https://repository.uin-suska.ac.id/7366/1/2012_2012266MUA.pdf#page=20

Beni Setyawan, "Kristalisasi Fatwa DSN-MUI Bidang Perbankan Syari'ah (Telaah Sumber Fatwa Dan Metodologi)" (Universitas

Islam Indonesia, 2025).https://dspace.uii.ac.id/handle/123456789/57220

Bustamam, "Pengaruh Fatwa Mui Terhadap Dinamika Politik Di Indonesia (Studi Pada Majelis Ulama Indonesia Sumatera Utara) Diajukan Untuk Memenuhi Salah Satu Syarat Memperoleh Gelar Magister Hukum (MH) Pada Program Studi (S2) Magister Ilmu Hukum Fakultas Hukum Universitas Islam Sumatera Utara." https://repository.uisu.ac.id/handle/123456789/5304

Dadan Kurniawan, *Worldbox: Strategi Menciptakan, Menghancurkan, Dan Mengamati Evolusi Peradaban* (Afdan RojabiPublisher,2026).https://books.google.co.id/books?hl=id&lr=&id=ZHqlEQAAQBAJ&oi=fnd&pg=PA3&dq=+Dadan+Kurniawan,+Worldbox:+Strategi+Menciptakan,+Menghancurkan,+Dan+Mengamati+Evolusi+Peradaban+(Afdan+Rojabi+Publisher,+2026).

Dinda Luthfiaturrahmah Alhaq and Cecep Castrawijaya, "Perkembangan Teknologi Dan Pengembangan Sumber Daya Manusia Pada Lembaga Dakwah Majelis Ulama Indonesia (MUI)," *Al Iman: Jurnal Keislaman Dan Kemasyarakatan* 9, no. 2 (2025): 877–900. https://ejournal.kopertais4.or.id/madura/index.php/aliman/article/view/8342

Dirga Achmad and Azlan Thamrin, "Anomali Fatwa Majelis Ulama Indonesia Dalam Sistem Hukum Indonesia: Telaah Hukum Responsif," *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 22, no. 1 (2024): 23–42. https://doi.org/10.32694/qst.v22i1.3011

Elfa Murdiana et al., "The Victim's Best Interest Principle in Islamic Law: An Examination of the Substance of Sexual Violence in Muslim Majority Countries in the Contemporary Era," *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 33–60.https://doi.org/10.32332/milrev.v5i1.10654

Fathul Mu'in, "Peran Majelis Ulama Indonesia (MUI) Lampung Menghadapi Era Disrupsi Informasi," *Ath-Thariq: Jurnal Dakwah Dan Komunikasi* 4, no. 1 (2020): 79–99.https://doi.org/10.32332/ath_thariq.v4i1.2026

Fikran Hafidz, "Metode Talfiq Dalam Perspektif Nahdlatul Ulama (NU) Dan Muhammadiyah" (Universitas Islam Negeri Datokarama Palu, 2024).

Gusti Muhamad Shadiq et al., "Telaah Metodologi Istinbath Dan Corak Hukum Islam Lembaga-Lembaga Fatwa Di Indonesia (LBMNU, Majelis Tarjih Muhammadiyah Dan Komisi Fatwa MUI)," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 2 (2024): 684–99.https://doi.org/10.62976/ijijel.v2i2.546

H Zainuddin Ali, *Hukum Islam: Pengantar Ilmu Hukum Islam Di Indonesia* (Sinar Grafika, 2022). hlm. 1-35.https://books.google.co.id/books?hl=en&lr=&id=PXGCEAAAQBAJ&oi=fnd&pg=PP1&dq=H+Zainuddin+Ali,+Hukum+Islam:+Pengantar+Ilmu+Hukum+Islam+Di+Indonesia+(Sinar+Grafika,+2022).

Hasbullah Hasbullah, "Elektisisme (Talfiq) Dan Maqāṣid Al-Syarī 'Ah: Menjawab Tantangan Hukum Islam Dalam Era Globalisasi," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 4 (2025): 3051–62.https://doi.org/10.62976/ijijel.v3i4.1443

Hendra Gunawan, "Karakteristik Hukum Islam," *Jurnal Al-Maqasid: Jurnal Ilmu Kesyariahan Dan Keperdataan* 4, no. 2 (2018): 105–25.https://doi.org/10.24952/almaqasid.v4i2.1429

Henri Bimawan and Fandy Adpen Lazzavietamsi, "Contemporary Dynamics of Sharia Economic Law: DSN-MUI Fatwa No. 21/2001 in Takaful Dispute Rulings," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 868–98. https://doi.org/10.32332/milrev.v4i1.10470

Ibnu Elmi Achmat Slamat Pelu and Jefry Tarantang, "Fatwa Majelis Ulama Indonesia Sebagai Solusi Permasalahan Umat Islam Di Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 14, no. 2 (2020): 307–16. DOI: https://doi.org/10.24090/mnh.v14i2.3927

Imaro Sidqi and Doli Witro, "Kedudukan Fatwa Majelis Ulama Indonesia (MUI) Dalam Perspektif Hukum Islam Dan Nasional: Studi Implikasi Fatwa Terhadap Masyarakat," *Nizham Journal of Islamic Studies* 8, no. 01 (2020): 20–31.https://doi.org/10.32332/nizham.v8i01.2103

Jasser Auda, "A Maqāṣid-Based Approach for New Independent Legal Reasoning (Ijtihād)," in *ISLAMIC PERSPECTIVES ON THE PRINCIPLES OF BIOMEDICAL ETHICS: Muslim Religious Scholars and Biomedical Scientists in Face-To-Face Dialogue*

with Western Bioethicists (World Scientific, 2018), 69–87.https://doi.org/10.1142/9781786340481_0003

Laila Rahma Agusriyani, "Ijtihad Kolektif Dalam Penetapan Hukum Islam Modern: Kajian Normatif Terhadap Mekanisme Majelis Ulama Indonesia," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 4 (2025): 3551–66.https://doi.org/10.62976/ijijel.v3i4.1521

M Bahren and Ihsan Mustofa, "Peran Ijtihad Jama'i Dalam Pembaruan Pemahaman Al-Qur'an Dan Hadis Di Indonesia," *Al-Akmal: Jurnal Studi Islam* 3, no. 2 (2024): 1–10.https://doi.org/10.47902/al-akmal.v3i6.342

M Miftakhul Anwar, "Studi Pemikiran Maqasid Syariah Perspektif Jasser Audah," 2014.https://dspace.uii.ac.id/handle/123456789/32443

Majelis Ulama Indonesia, "Peran Fatwa Mui," N.D. https://d1wqtxts1xzle7.cloudfront.net/97162151/Isi_Buku_20MUI_2021_B5_Versi_20e-book.

Majelis Ulama Indonesia, *Majelis Ulama Indonesia* (Sekretariat Majelis Ulama Indonesia, 1978). https://mirror.mui.or.id/wp-content/uploads/2020/07/Pandangan-dan-Sikap-DP-MUI-Pusat-Terhadap-RUU-Cipta-Kerja-3-Juli-2020.pdf

Mardian Sulistyati, "Otoritas Keislaman Di Indonesia: Sebuah Pembacaan Ulang," 2022.https://doi.org/10.36712/sdi.v29i1.24649

Masnunah Masnunah, Mat Rokim, and Ifa Nurhayati, "Dinamika Pembaruan Hukum Islam Di Indonesia: Transformasi Pemikiran Dalam Konteks Sosial Dan Institusional," *Jejak Digital: Jurnal Ilmiah Multidisiplin* 1, no. 4 (2025): 2468–79.https://doi.org/10.63822/v1wmae34

Moh Mundzir, "Metode Penetapan Fatwa Majelis Ulama Indonesia (Analisis Penggunaan Qawaid Fiqhiyyah Sebagai Dalil Mandiri Dalam Fatwa)," *The Indonesian Journal of Islamic Law and Civil Law* 2, no. 1 (2021): 1–18.https://doi.org/10.51675/jaksya.v2i1.161

Moh Rosyid et al., "Peran Fatwa Mui Dalam Perubahan Sosial: Fatwa Majelis Ulama Indonesia Dalam Pandangan Akademisi" (Sekretariat Komisi Fatwa Majelis Ulama Indonesia, 2021).https://digilib.uinkhas.ac.id/2969/

Mohamad Rijal Izzul Haq, Rangga Bayu Satriya, and Jason Marcelino Nugroho, "Kompleksitas Ketidakpastian Yang

Dialami Masyarakat Modern Menurut Pandangan Douglas, Beck, Dan Giddens," *Journal of Student Research* 1, no. 4 (2023): 215–27.https://doi.org/10.55606/jsr.v1i4.1512

Mohammad Fateh, "Konstruksi Filosofis Fatwa DSN-MUI," *Jurnal Hukum Islam* 16, no. 2 (2018): 155–71.https://doi.org/10.28918/jhi.v16i2.1736

Mohammad Fauzan Ni'ami and Bustamin Bustamin, "Maqāṣid Al-Syarī'Ah Dalam Tinjauan Pemikiran Ibnu 'Āsyūr Dan Jasser Auda," *JURIS (Jurnal Ilmiah Syariah)* 20, no. 1 (2021): 91–102.https://doi.org/10.31958/juris.v20i1.3257

Mufadhol and Nuraeni, "Metode Istinbath Ahkam Dalam Menyelesaikan Masalah Kontemporer: Studi Kasus Tentang Fatwa Dan Ijtihad."https://doi.org/10.5281/zenodo.16935179

Mufidah Cholil et al., "Domestic Violence and Women's Legal Awareness: The Family Corner Programmes Interventions through the Perspective of Maqāṣid Al-Usrah," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (2025): 649–74.https://doi.org/10.18860/j-fsh.v17i2.30101

Muhammad Adib, "Bahtsul Masail Multidisipliner: Pembaruan Metodologis Ijtihad Kolektif NU," *Maqashid* 5, no. 1 (2022): 16–29.https://doi.org/10.35897/maqashid.v5i1.782

Muhammad Maulana Hamzah, "Peran Dan Pengaruh Fatwa MUI Dalam Arus Transformasi Sosial Budaya Di Indonesia," *Millah: Journal of Religious Studies*, 2017, 127–54.https://doi.org/10.20885/millah.vol17.iss1.art7

Munira Munira, Dewi Indriani, and Andzala Cahyani, "Ḍawābiṭ Fatwa Dalam Merespons Problematika Fikih Kontemporer: Ḍawābiṭ Fatwa in Responding to Contemporary Fiqh Problems," *AL-QIBLAH: Jurnal Studi Islam Dan Bahasa Arab* 3, no. 6 (2024): 978–89.https://doi.org/10.36701/qiblah.v3i6.1812

Musyfikah Ilyas, "Peran Otoritatif Fatwa MUI Dalam Dinamika Hukum Islam Di Indonesia Di Era Kontemporer," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 1 (2026): 871–82.https://doi.org/10.61104/alz.v4i1.3168

Nasrah Hasmiati Attas, Kurniati Kurniati, and Zulhas' ari Mustafa, "Dialektika Akal Dan Wahyu Dalam Pembentukan Fatwa Serta Regulasi Lingkungan Di Indonesia," *AL-SYAKHSHIYYAH*

Jurnal Hukum Keluarga Islam Dan Kemanusiaan 7, no. 2 (2025): 336–50.https://doi.org/10.30863/as-hki.v7i2.9935

Neng Eri Sofiana, "Relasi Ijtihad NU, Muhammadiyah, Dan MUI," *Al-Syakhsiyyah: Journal of Law and Family Studies* 4, no. 2 (2022): 141.https://doi.org/10.21154/syakhsiyyah.v4i2.4759

Novita Sari, "Urgensi Fatwa Majelis Ulama Indonesia (MUI) Dalam Menjawab Problematika Hukum Keluarga Kontemporer," *SAKINAH: Jurnal Hukum Keluarga Islam* 3, no. 1 (2025): 39–46.https://doi.org/10.35719/sakinah.v3i1.54

Nuha Azka Fahmi, Galih Imam Prabowo, and Muhamad Ulil Firdaos, "Taqlīd, Ittibāʿ, Dan Talfīq: Analisis Konseptual Dan Implikasi Metodologis Dalam Pengamalan Hukum Islam,"*Al-Ilmiya: Jurnal Pendidikan Islam* 1, no. 4 (2026): 1649–52. https://journal.al-afif.org/index.php/al-ilmiya/article/view/819

Nur Amelia Putri et al., "The Integration of Logical Analysis into the Istinbāṭ Method of Islamic Jurisprudence," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 3, no. 4 (2025): 208–19.https://doi.org/10.5281/zenodo.17605051

Rahmat Rahmat, "Metode Ijtihad Komisi Fatwa Majelis Ulama Indonesia," *NUKHBATUL'ULUM: Jurnal Bidang Kajian Islam* 2, no. 1 (2016): 159–66.https://doi.org/10.36701/nukhbah.v2i1.11

Riski Ari Wibowo and Irwan Triadi, "Fatwa Di Era Disrupsi Digital: Studi Tentang Otoritas Agama Dan Pengaruh Media Sosial Terhadap Penetapan Hukum Islam," *LexIslamica: A Multidisciplinary Approach to Islamic Law and Its Contemporary Applications* 1, no. 3 (2025). https://ejournal.bamala.org/index.php/lexi/article/view/528

Rivai, Veithzal Zainal dan Amirsyah dalam Fiqih Muamalah Komtemporer Kelembagaan Keuangan oleh Prof. Dr., penerbit Indomedia Pustaka,2024

Sheilla Chairunnisyah, "Peran Majelis Ulama Indonesia Dalam Menerbitkan Sertifikat Halal Pada Produk Makanan Dan Kosmetika," *EduTech: Jurnal Ilmu Pendidikan Dan Ilmu Sosial* 3, no. 2 (2017).https://doi.org/10.30596/et.v3i2.1251

Silawati Silawati, Mochammad Novendri, and Aslati Aslati, "Analisis Konsep Toleransi Dan Fleksibilitas Dalam Praktik Pencampuran Madzhab (Talfiq) Terhadap Kasus Fatwa

Kontroversial," *Islamika: Jurnal Ilmu-Ilmu Keislaman* 23, no. 2 (2023): 127–38.https://doi.org/10.32939/islamika.v23i2.2991

Slamet Suhartono, "Eksistensi Fatwa Majelis Ulama Indonesia Dalam Perspektif Negara Hukum Pancasila," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 12, no. 2 (2017): 448–65.https://doi.org/10.19105/al-lhkam.v12i2.1255

Sri Yunarti and Syarial Dedi, "A Reconstruction Of Women's Fiqih On Tawaf For Menstruating Women (Exploring Ibn Qayyim Al-Zawjiyah's Theory of Ijtihad)," *Al-Istinbath: Jurnal Hukum Islam* 11, no. 1 (2026).https://doi.org/10.29240/jhi.v11i1.12677

Suaib Suaib, Riswan Riswan, and Hasnawati Hasnawati, "Dinamika Ijtihad Dalam Menjawab Tantangan Kontemporer Hukum Islam," *Jurnal Intelek Insan Cendikia* 2, no. 3 (2025): 4405–14. https://jicnusantara.com/index.php/jiic/article/view/2699

Subekty Wibowo, "Peran Majelis Ulama Indonesia Pada Masa Orde Baru 1975-1998 Dan Relevansinya Dalam Pembelajaran Sejarah," *Candi: Jurnal Pendidikan Dan Penelitian Sejarah* 17, no. 1 (2010): 80–95. https://jurnal.uns.ac.id/candi/article/view/42767

Suqiyah Musafa'ah and Yoga Irama, "Epistemological Transformation of ʿUrf in the DSN-MUI Fatwa on E-Commerce: A Maqāṣid Al-Sharīʿah Based Analysis,"*Al-Manahij: Jurnal Kajian Hukum Islam*, 2025, 167–90.https://doi.org/10.24090/mnh.v19i2.13145

Syahrul Sidiq, "Maqashid Syari'ah & Tantangan Modernitas: Sebuah Telaah Pemikiran Jasser Auda," *Jurnal In Right: Jurnal Agama Dan Hak Azazi Manusia* 7 (2017).https://doi.org/10.14421/inright.v7i1.1461

Syarif Firdaus and Muhksin Achmad, "Studi Epistemologi Hukum Islam Dalam Konteks Fatwa Majelis Ulama Indonesia," *Jurnal Pusaka* 14, no. 1 (2024): 44. https://www.pa-bengkayang.go.id/images/file_pdf/Artikel/Studi_Epistemologi_Hukum_Islam_dalam_Konteks_Fatwa_MUI_web.pdf

Syah, Amir, Pergulatan Pemikiran A. Mukti Ali tentang Kebijakan Keagamaan di Indoneia, penerbit Bani Abbas Publishing, 2016

Tanza Dona Pertiwi and Sri Herianingrum, "Menggali Konsep Maqashid Syariah: Perspektif Pemikiran Tokoh Islam," *Jurnal*

Ilmiah Ekonomi Islam 10, no. 1 (2024): 807–20.https://doi.org/10.29040/jiei.v10i1.12386

Tengku Muhammad Iqbal Bustamam, "Pengaruh Fatwa Mui Terhadap Dinamika Politik Di Indonesia (Studi Pada Majelis Ulama Indonesia Sumatera Utara) Diajukan Untuk Memenuhi Salah Satu Syarat Memperoleh Gelar Magister Hukum (MH) Pada Program Studi (S2) Magister Ilmu Hukum Fakultas Hukum Universitas Islam Sumatera Utara" (Magister Hukum, Universitas Islam Sumatera Utara, 2025).https://repository.uisu.ac.id/handle/123456789/5304

Tuan Muhammad Faris Hamzi Tuan Ibrahim et al., "The Role of Digital Forensics as Qarinah Muasirah in Proving Cyber Offences Under Malaysian Islamic Evidence Law," *Al-Istinbath: Jurnal Hukum Islam* 11, no. 1 (2026): 19–39.https://doi.org/10.29240/jhi.v11i1.14738

Uthman Mehdad Al-Turabi and Jasser Auda, "Toward a Maqāṣid-Based Legal Reform: Systemic Thinking for Social Transformation in the Modern Muslim World," *Indonesian Journal of Islamic Law* 8, no. 2 (2025): 209–28.https://doi.org/10.35719/fhw10v84

Wildan Insan Fauzi, "Hamka Sebagai Ketua Umum MUI (Majelis Ulama Indonesia) Dalam Menghadapi Masalah Sosial Politik Pada Masa Orde Baru 1975-1981," *FACTUM: Jurnal Sejarah Dan Pendidikan Sejarah* 6, no. 2 (2017).