



# The Position of the Indonesian Council of Ulama in The Indonesian State Governmental Legal System: The Perspective of *Abū Ḥasan al-Māwardī*

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## Abstract

*This study aims to describe the position of the Indonesian Council of Ulama (MUI) in the Indonesian constitutional law system and to describe the MUI's position in Abū Ḥasan al-Māwardī's thought. The method in this study uses normative legal research or doctrinal law with a philosophical, historical and conceptual approach. If viewed from a state institutional perspective, the MUI is in the realm of the political infrastructure area. Political Infrastructure itself is a group of institutions that exist in society. The MUI fatwa is not a type of statutory regulation that has binding legal force Based on Article 1 point 2, Article 7 paragraph (1) and Article 8 paragraph (1) of Law 12/2011, the MUI fatwa is not statutory regulation, because it is not made by an authorized body or institution and does not have general binding power. However, the MUI fatwas are a source of material law. To become a positive law, the MUI fatwa must be positivized by the state through statutory regulations. The theory of state objectives developed by Al-Mawardi has two basic concepts, namely (1) formalization of Shariah activities, (2) regulation of social, economic, political, legal and military activities.*

**Keywords:** Indonesian Council of Ulama, Abū Ḥasan al-Māwardī's thought, political infrastructure area, MUI fatwa

## Introduction

The Indonesian Ulama Council or commonly abbreviated as MUI is an institution and forum for gathering Indonesian clerics with Muslim scholars and *zu'amā'* (leaders) in providing enlightenment and service to the people so that an Islamic community life is

guaranteed in Indonesia. The establishment of the MUI aims to create a quality society (*khayra ummah*), and a state both physical and spiritual, safe, just and peaceful and blessed 2023 by Allah SWT (*baldah tayyibah wa rabb ghafūr*). One of the functions of the MUI institution is as a fatwa giving institution for problems and problems that develop in society (Firmansyah, 2019). The MUI also functions as an organizational forum for all Muslims (Musawar & Suhirman, 2021). As the dynamics develop, the MUI is required to answer through its fatwa regarding all issues that arise happens in society. Furthermore, the MUI has become a unifier for the socio-political activities of people who are heterogeneous and have different affiliation tendencies (Kesuma et al., 2022). In addition, the MUI often issues fatwas in the religious field enough to become a public conversation, such as the fatwa against the prohibition of pluralism, liberalism and secularism, the fatwa on Ahmadiyya deviance and the East Java MUI fatwa about *Shī'ah* heresy (Ali et al., 2022). These fatwas are considered by some to be contradictory with a spirit of unity and oneness (Zattullah, 2021).

The integration of Muslims and Christians can be formed by group awareness, complementary subsystems and the existence of institutions, which become a catalyst so that mechanical solidarity is formed (Sudarman, 2021). There are also pros and cons that appear almost every year before the Christmas celebration, namely the MUI's stance which forbids Christmas greetings and the use of Christmas attributes for Muslims (Magribi, 2017). On Ramadhan 2022, the MUI Bekasi issues a call for food stalls to close during the day in Ramadan. The appeal then sparked a negative reaction from the community. It is not surprising that the hashtag #DisbandMUI then emerged and went viral on social media as a public reaction to the MUI's stances. The public, or at least individuals, consider that the existence of the MUI is no longer important. Moreover, it is added to the allegations of the politicization of the MUI fatwa by the government (Rosyid, 2022).

On the other hand, Muslims consider that the existence of a fatwa is very important to them. The implications of fatwas for society are very clear, this can be seen from the tendency to use fatwas rather than national law in the life of the state (Sidqi & Witro, 2020). Religious problems of the ummah (read: Islam) are so complex that it is impossible to solve them by fully including the role of the state in them. Here it can be said, there is an area of society as a religious group that cannot be interfered with by the government, and there are spaces where this interference occurs, considering that they are citizens who are subject to the applicable provisions. The MUI was established on 7 Rajab 1395 Hijri, coinciding with July 26, 1975 AD in Jakarta, Indonesia. The MUI is the government's partner in implementing development programs for the development of an Islamic life (Tamam, 2021). The establishment of the MUI is inseparable from the historical aspect of the role of the Ulama in shaping the socio-political community of the archipelago long before the independence period. The presence of ulama as mufti (giver of fatwas) in Indonesia has been going on for a long time. Nico Kaptein mentioned

that in the final quarter of the 19th century, Nusantara Muslims sought advice from the most famous mufti of *Mecca's Shafi'i* at that time, Ahmad Dahlan (d. 1886) (Faizah, 2019).

The MUI have issued many fatwas on various issues. In the 2000-2017 range, the MUI has issued 19 fatwas in the field of worship, 35 fatwas in the field of social and culture, 10 fatwas in the field of *jināyah*, 10 fatwas in the field of creed. Meanwhile, there were 116 fatwas issued by the National *Shariah* Council of the Indonesian Ulama Council (DSN-MUI) at the same time. Through this fatwa, the MUI encourages the government to make laws related to criminal acts with the draft law that has been made by MUI. The MUI's contribution can be in the form of support for the birth of certain laws or regulations in the case of the pornography law (Mulyati, 2019). The MUI has also issued a fatwa regarding social media activities related to the 212 Defend Islam Action in Jakarta (Syahputra, 2020)referring to the Aksi Bela Islam (Action to Defend Islam). During the Covid 19 pandemic, the MUI issued a fatwa regarding prayers procedures (Salim, 2022a), because the pandemic forced the state to issue various legal policies to limit public activities, including the right to freedom of religion and worship (Pratiwi, 2022; Ramadhani & Anggraeni, 2022).

Several years ago, there was an opinion that the fatwa of the MUI could be equated with positive law in Indonesia. This was triggered by the emergence of the National Movement to Defend the Fatwa of the Indonesian Ulama Council (GNPF-MUI) in the case of religious blasphemy convicted Basuki Tjahya Purnama (Ahok) (Syahputra, 2020)referring to the Aksi Bela Islam (Action to Defend Islam). These competent parties discussed the relationship between the fatwa of the MUI and positive law. Former Chief Justice of the Constitutional Court (MK) Mohammad Mahfud MD emphasized that fatwas are religious opinions, not positive laws. According to Mahfud, positive law is everything contained in the law and regulated by state institutions, while the MUI is not a state institution. Mahfud added that those who violate the fatwa should not be sanctioned or punished. The fatwa is self-binding and not regulated in law. Unless the fatwa has been positive into law. An example is determining whether a product is halal or not, the law states that the MUI is the only institution authorized to issue fatwas (Habibaty, 2017). The MUI institutionally is in the realm of the political infrastructure area. Political infrastructure itself is a group of institutions that exist in society. Being in the middle of society and is the heartbeat of the socio-cultural life of the community, infrastructure is more in the spaces of community empowerment (Nurfiati, 2016).

The MUI has contributed to the development and application of Islamic law in Indonesia, which is divided into two parts; first, contribution or contribution to legal certainty for the Muslims themselves individually or in groups of Muslims and secondly, in *taqnīn* on the fatwas that have been made. Some of the MUI fatwa products have been transformed into laws, government regulations (PP), Presidential Instruction (Inpres), and others (Mulyati, 2019).

The MUI adheres to the principle that they are the heirs of the prophet who automatically have the obligation to convey the teachings of the prophet, at a practical level this clerical organization takes care of matters such as issuing fatwas, providing guidance, spreading the principles of peace and moderation and presenting *amr ma'rūf nahy munkar* in society. In democratic life, the MUI issued a fatwa by prohibiting the public from abstaining from abstaining. This fatwa later became the foundation for election organizers, in this case the General Elections Commission (KPU), to disseminate the MUI fatwas to increase voter turnout. KPU members have even openly stated that a political attitude that is reluctant to come to the polls will only waste votes or can be called redundant. The existence of the MUI fatwa has certainly contributed to increasing voter turnout. According to KPU records, the voter turnout rate in the 2019 election reached 81 percent, this figure was higher than the 2014 election which only reached 75 percent (Rofii, 2019). Fatwa issued by MUI regarding institutional position in determining government policies. It should be noted that the MUI only has the status of a civil society or a social organization that does not have a strong legal protection. This will become a serious problem if the MUI can be forcibly disbanded at any time. There are many opinions that judge that MUI fatwas tend to follow the wishes of the government, and are not independent. Nonetheless, in a previous study it was concluded that the MUI has contributed to the transformation of contemporary Islamic law, and the development of Islamic law in Indonesia (Jamaa, 2018; Salim, 2022a). The transformation of Islamic law in Indonesia applies nationally within the framework of Pancasila as a democratic country (Karimullah, 2022).

*Abū Ḥasan al-Māwardī* has the view that the state must protect the interests of Muslim *Shariah* activities. He is one of the Muslim scientists who came to the surface to make a paradigmatic contribution in relation to the concept/system of society and institutions (state) which is quite interesting, that the process of establishing a state is not only based on simply forming human regeneration in one community, but also to remind people of Allah that humans were created as weak creatures, therefore they also need each other (Armedi, 2022). It should be noted that in the concept of his state, the position of religion is very important. As is well known, there are two styles of thought which are both at odds with one another regarding the state and religion (Islam). Some thinkers consider that Islam and the state are a unity that cannot be separated. while others argue that the two should be separated. *Al-Māwardī* tends to the first feature, that religion and state need each other. Religion needs a state, because with a state religion can develop. Conversely, the state needs religion, because with State religion can develop under ethical and moral guidance. *Al-Māwardī* said, "Power accompanied by religion will be eternal, and religion accompanied by power will be strong" (Diana, 2017).

### ***Theory of State Institutions***

Hans Kelsen uses the term “state organs” to refer to state institutions (Kelsen, 2018). Whoever performs a function determined by the legal system is an organ. This function, whether in the form of making norms or applying them, is ultimately aimed at implementing legal sanctions. The parliament that determines criminal sanctions, and the citizens who elect parliament are organs of the state, including judges who convict criminals as well as individuals who actually carry out the law. Indonesia adopted the separation of powers following the reform of the constitutional system (Chandranegara & Cahyawati, 2023). State institutions in Indonesia’s post-amendment constitutional system are distinguished from state institutions whose status of authority is directly regulated by the Constitution and state institutions which are only mentioned in the Constitution but whose authority is delegated by law. Regarding this in a system in state administration there are at least three groups of state institutions, namely (Kelsen, 2018):

- State institutions specified in the Constitution
- State institutions specified in the Act
- State institutions specified in a Presidential Decree

In the Indonesian constitutional system, the 1945 Constitution clearly distinguishes the branches of state power in the legislative, executive and judicial fields which are reflected in the functions of the People Consultative Assembly (MPR), the People Consultative Council (DPR) and the Regional Leadership Council (DPD), President and Vice President, Supreme Court, Constitutional Court and Audit Board as the main state institutions (main state organs, principal state organs). It is these state institutions which reflect instrumentally the institutionalization of the main functions of state power, so that these state institutions can also be referred to as main state institutions whose relations with one another are bound by the principle of checks and balances (Badaruddin et al., 2022; Huda et al., 2021).

Pancasila is the ideological foundation for Indonesia’s multicultural society. Pancasila serves as a unifying nation and cultural diversity of Indonesia. In the era of modernization and globalization, Pancasila needs to be reinterpreted as a contemporary political discourse (Madung & Mere, 2021). Normalization of state and religion relations in Indonesia is very important to maintain harmony in the legal system under the ideology of Pancasila (Suntana et al., 2023).

### ***The Theory of the Goal of State in Al-Māwardī Perspective***

The theory of the goal of the state according to *Al-Māwardī* explains that the goal of establishing a state is to protect religion and manage the world. The notion of managing the world in *Al-Māwardī’s* thought is creating social order. The sources of social order include the following (Mustikawati, 2016):

- Established religion as a regulator of human passions,
- Legitimate and coercive political power,
- Justice, prosperity, and harmonious relations between the people and the rulers,
- An orderly legal and regulatory system that creates a sense of security,
- Always available resources and stable state income,
- Guarantee of safety in community activities.

The theory of the goal of state developed by *Al-Māwardī* has two basic concepts, namely (1) formalization of *Shariah* activities, (2) regulation of social, economic, political, legal, and military activities. The goal of formalizing *Shariah* activities by the state is so that the existence of *Shariah* is maintained. The public will feel that the implementation of Islamic law is not just fulfilling divine obligations but also fulfilling the obligations of the state and with regard to the community's economic, political, legal and military activities. *Al-Māwardī* conceptualized that the state should take two steps, (1) form state institutions, (2) draw up rules for each institution formed (Tias, 2020).

### Research Methods

The method in this study uses normative legal research or doctrinal law with a philosophical and historical approach as well as a conceptual approach (Dimiyati & Wardiono, 2004). This research uses a philosophical and historical approach to examine, analyze and explain the historicity of the MUI. Whereas in the concept approach by examining the position of the MUI in the constitutional system and the thoughts of *Al-Māwardī*. This type of research is descriptive by explaining and describing the phenomenon that is happening. This study uses secondary data, obtained from literature studies in the form of data sourced from books, literature, journals and legal expert opinions as well as other sources that can support the success of this research (Hakim, 2021).

### Finding and Discussion

The MUI's Position in the Indonesian Constitutional Law System rested on three basic foundations namely: First, it was emphasized that MUI was based on Pancasila and the 1945 Constitution, article 29 paragraph (1), Ulama are obliged to foster Muslims to be more pious to God Almighty and participate in strengthening national resilience and fighting atheism. The first precepts of Pancasila contain the value of monotheism, so that the basis of this nationality is religious (Ihsan & Fatah, 2021) including Madrasah Aliyah (MA. Second, that based on the State Policy Guidelines (GBHN) stipulated, the essence of National Development is the development of the whole human being, and the development of the entire Indonesian society, a material-spiritual balanced development in the world and the hereafter. Therefore, the scholars feel

responsible for participating in the success of national development. Third, that based on history since the colonial era the scholars have pioneered the existence of the clerical union and today throughout the country it has been formed it is felt that the Regional Ulama Council needs to have a forum for the unity of all Ulama Indonesia, to realize *al-ukhuwwah al-Islāmiyyah* in the context of fostering unity and unity of the Indonesian Nation (Hakim, 2021).

The authority of the MUI as fatwa issuer is inseparable from the functions of the MUI which are specified in Article 4 of the MUI Statutes and Bylaws (AD/ART), namely as follows: (1) The MUI functions: to protect the people and develop an Islamic life, (2) As a forum for friendship of Muslim scholars, *zu'amā'* and intellectuals to develop and practice Islamic teachings and foster *al-ukhuwwah al-Islāmiyyah*, (3) As a forum that represents Muslims in relations and consultations between religious communities, and (4) As giving fatwas to Muslims and the government, either requested or not (Suhartono, 2017).

Indonesia is a country with a majority Muslim population, which is neither secular nor Islamic (Djidin & Syamsuddin, 2019; Zuhri, 2021). So, Indonesia is not a religious state, nor is it a secular state, and has the Regional Autonomy Law (where the local government has the right to regulate six matters, one of which is religion), which indirectly gives the MUI a place to be able to move freely as an organization of religious scholars and also political clerics, and it is almost certain that the MUI will have such a broad role in 34 provinces in Indonesia, especially in provinces where the majority of the population is Muslim. In today's life, the MUI clerics are not prohibited from participating in the general election and local election political processes and supporting certain candidates. The MUI's role in the fields of religion and politics should always be aligned with the objectives of forming the Indonesian state (Francoise, 2017), because Indonesia is a country with a diversity of ethnics, cultures and religions that are sheltered by Pancasila and the 1945 Constitution (Mujani, 2020; Musawar & Suhirman, 2021)Pancasila and the 1945 Constitution. However, its stability has recently been disrupted by the emergence of *khilāfah* propagated by the banned Islamic organization, the *Hizb al-Tahrir* Indonesia (HTI).

If viewed from a state institutional perspective, the MUI is in the realm of the political infrastructure area. Political infrastructure itself is a group of institutions that exist in society, being in the middle of the community and is the heartbeat of the socio-cultural life of the community. Infrastructure is more in the spaces of community empowerment, so that the action can only be seen by exploring the community. Because MUI is an organization of Islamic scholars who have duties and functions to empower the community/Muslim community, meaning that MUI is an organization that exists in society, and is not a state-owned institution or represents the state. This means that the MUI fatwa is not a state law 2023 that has sovereignty that can be imposed on all people. The MUI fatwa also does not have sanctions and does not have to be obeyed by all citizens. As a socio-political force that exists in the constitutional infrastructure, MUI fatwas are only binding and obeyed by the Muslim community who feel they have a

bond with the MUI itself. This means that actually the legality of the MUI fatwa cannot and must be compelled to be obeyed by all Muslims, let alone to force and must be obeyed by all Indonesian citizens. If seen institutionally, the MUI in infrastructure is in interest groups/groups, more precisely institutional interest groups. Interest groups are a group of people who unite and hold an alliance because the existence of certain interests, whether they are the public interest or the wider community, as well as the interests of certain groups only. There are four forms of interest groups, each of which has specific characteristics and specifications: Associated Interest Groups, Institutional Interest Groups, Non-Associated Interest Groups, and Anomic Interest Groups. Based on the understanding of each of these forms and specifications, MUI is actually included in the Institutional Interest Group, which is a form of interest group institution which generally consists or is formed of various groups of people who come from institutions or professional associations or institutions that previously existed. The goal to be achieved is to fight for the interests of the 75 groups or parts of society that are members (Nurfiati, 2016). In politics, the GNPF-MUI once declared Prabowo Subianto as a representative of Indonesian Muslims through the *Ijtimā'* Ulama, ahead of the 2019 presidential election (Salim, 2022b). In terms of culture and religion, the West Sumatra MUI has rejected the notion of Islam Nusantara as Islam that accommodates the archipelago's customs and culture (Ridwan et al., 2019) which is defined as Islam that accommodates the customs and culture of the (Indonesian).

The religious attitudes of Muslims tend to be polarized, constructed and have different mindsets and diversity in understanding government policies (Sardjuningsih, 2022; Zada, 2023) scant studies investigating those negative attitudes using a qualitative approach. In order to fill the gap, this paper reports on the religious attitudes of Muslims who are considered to violate the restriction policy on religious activities ordered by the Indonesian government. The involved participants were policymakers, mosque caretakers, and the three largest Muslim social groups, including Muhammadiyah, Nahdlatul Ulema (NU). The authority of the MUI as fatwa giver in all social affairs. The MUI fatwa has an independent power that encourages government politics to formulate regulations based on the substance of Islamic teachings. Such a fatwa has the power to control government politics. Fatwas in the Islamic legal system have a quite dominant role in providing legal considerations among the people, even though they are considered to have no binding legal force (*ghayr mulzimah*), unlike the case with court decisions which are *ilzam* (binding) (Ansori & Ulumuddin, 2020). When referring to the type and hierarchy as stated in Law Number 12 of 2011, the position of the MUI Fatwa is not a type of statutory regulation that has binding legal force (Nurjaman & Witro, 2022). Based on Article 1 point 2, Article 7 paragraph (1) and Article 8 paragraph (1) of Law 12/2011, the MUI fatwa is not a statutory regulation, because it is not made by an authorized body/or institution and does not have general binding power. However, the MUI fatwas are a source of material law. To become positive law, the MUI fatwa must be positivized by the state through statutory regulations. As a



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source of material law, the MUI Fatwa can be used as a reference for the formation of laws and regulations, even as a mandatory reference. Article 26 paragraph (3) of Law 21/2008 requires Bank Indonesia Regulations to state MUI fatwas regarding *Shariah* principles, Article 25 of Law 19/2008 requires the Minister of Finance to request MUI fatwas as the basis for issuing State *Shariah* Securities (SBSN), and Article II number 1 letter a Law 1/2011 making the MUI fatwa the basis or reference for the implementation of *Shariah* derivative contracts (Suhartono, 2017).

The institution of the MUI as fatwa giver as well as in the constitutional legal system only has the status of civil society which has both positive and negative sides. In terms of the positive side, MUI has independent authority as part of the socio-cultural community to take care of public affairs. On the negative side, the MUI does not have the state institutional status that exists in the laws and regulations in Indonesia. This will make the MUI can be disbanded by force so that it will cause a will cause a loss of control in government and community policies regarding religious affairs.

The categories of state institutions in the constitution was distinguished into three parts namely; the first is a state institution that can be referred to as a State Higher Institution (LTN), which is clearly stated in the Constitution and the name of the institution and its authority. The second institutions that have a supporting or auxiliary role in the main function or determination of their authority in the 1945 Constitution are only by implication, not strictly formulated, namely state institutions whose authority will be regulated through law. Thirdly there are also state institutions whose names are not mentioned in the Constitution, but are mentioned in the law, institutions like this can also be categorized as constitutional importance, meaning that the Constitution provides guidelines for holding. These institutions include the Office of the Attorney General of the Republic of Indonesia, and the Corruption Eradication Committee (KPK) (Assiddiqie, 2002).

Of the three categories mentioned above, it is not implied that the MUI is an institution, as a reflection of the religious institution, the percentage of Muslims, both the name of the institution and its authority are explicitly stated in the Constitution, and the Constitution provides a loophole to be regulated in the law. State institutions will be strong in making policies or regulations relating to Muslims and should pay attention to, consider and make religious fatwa review institutions partners in the formation of laws and public policies. Such as the regulation of the Ministry of Religion on behalf of the state regarding *mīqāt* for Indonesian pilgrims, starting from King Abdul Aziz Airport in Jeddah, which was strengthened by a MUI fatwa, and a MUI fatwa regarding the permissibility of family planning (KB) which is in line with state policy. The synergy between the ulama and the umara in the process of law formation will result in the solidity and strength of state institutions. Conversely, if there is no synergy between the two institutions, namely religious and state institutions, then state institutions will become weak and fragile (Kumkelo, 2010).

### ***The MUI's Position in Al-Māwardī's Perspective***

*Al-Māwardī* was born in Basra in 364 H or 972 AD. From childhood until he was a teenager, he lived in Basrah and studied *Shafī'ī* jurisprudence with a pious jurist, namely *Abu al-Qāsim 'Abd al-Wahīd al-Saimari*. After that he migrated to Baghdad to visit the scholars there to perfect his knowledge in the field of jurisprudence to the figure *Shafī'īyyah al-Isfirāyīnī*. In addition, he studied Arabic, hadith and interpretation. He died in 450 H or 1059 AD, and was buried in the city of al-Mansur in the Bab *Ḥarb* area of Baghdad. *Al-Māwardī* lived during the reign of two caliphs namely *Al-Qadīr Billāh* (380-442 H) and *Al-Qāim Biamrillāh*. *Al-Māwardī* is one of the Shafī'i jurists who has reached the mujtahid level. Even through his works, *Al-Māwardī* was also able to emerge as the leader of the Shafī'i mazhab of thought in his day (Abyan, 2020).

On the basis of his knowledge, *Al-Māwardī* conducted *ijtihād* and compiled a political framework regarding matters that must be carried out by a government, such as the main provisions in the appointment of state officials, the duties of state officials and the relationship between the state and the people. This is done in the form of writing and composing books, especially in the field of *fiqh* with a concentration on *fiqh al-siyāsah*.

The theory of the goal of the state according to *Al-Māwardī* explains that the goal of establishing a state is to protect religion and manage the world. The notion of managing the world in *Al-Māwardī's* thought is creating social order. The theory of state objectives developed by *Al-Māwardī* has two basic concepts, namely (1) formalization of *Shariah* activities, (2) regulation of social, economic, political, legal and military activities. The goal of formalizing *Shariah* activities by the state is so that the existence of *Shariah* is maintained. The public will feel that the implementation of Islamic law is not just fulfilling divine obligations but also fulfilling the obligations of the state and with regard to the community's economic, political, legal and military activities. *Al-Māwardī* conceptualized that the state should take two steps, namely establishing state institutions and making laws or rules for each institution formed (Tias, 2020).

According to *Al-Māwardī*, the goals of the state are the formalization of *Shariah* and the regulation of social activities represented through the authority of the MUI as the supervisory body for halal product guarantees. After the enactment of Law Number 33 of 2014, the MUI through the Institute for the Study of Food, Drugs, and Cosmetics (LPPOM) still has strategic authority in terms of:

- Carry out Halal Auditor Certification.
- Product Halal Determination.
- Accreditation of Halal Inspection Agency.

The LPPOM MUI institution still has the authority after the enactment of the Halal Product Guarantee Law (UU JPH), the authority of the LPPOM MUI to accredit Halal Auditors, to

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determine the permissibility of products through the MUI Halal Fatwa Institution, also has a role to accredit Halal Inspection Institutions established by the private sector. In terms of certifying Halal Auditors, the LPPOM MUI has the authority to hold competition test education and training organized by the Halal Product Assurance Organizing Agency (BPJPH) and can be held by other educational and training institutions in accordance with statutory provisions. For authority in determining permissibility of products, the LPPOM MUI has the authority to review and verify through the Halal Fatwa session by involving experts, elements of related ministries, related institutions, and/or related institutions. As for the authority to accredit the Halal Inspection Agency, the LPPOM MUI has the right to carry out Shariah conformity assessments as determined by the BPJPH (Athief et al., 2022). The implementation of MUI supervision is closely related to objectives *Al-Māwardī* stated that the state guarantees the regulation of social activities by guaranteeing the permissibility of a product for the benefit of the Muslim community.

In addition to supervising the guarantee of halal products, MUI has a role through the DSN to maintain compliance of *Shariah* Financial Institution (LKS) with *Shariah* provisions, because Law Number 21 of 2008 concerning Islamic Banking confirms that every business activity must not conflict with *Shariah*, which is meant in the fatwa that has been issued by DSN-MUI and has been changed to Bank Indonesia Regulation (PBI). Therefore the fatwa that has been alluded to and made into a PBI which is binding on every LKS or binding on people in general, while the fatwa that the poor are contained in the PBI cannot yet be disseminated to the general public/LKS (Supandi et al., 2022). With the guidelines set by Bank Indonesia above, fortifying the position of the DSN-MUI fatwa is a significant source of progress in Islamic finance items.

The safeguarding of regulations on social and economic activities and the formalization of *Shariah* activities is a form of a symbolic paradigm in the study of *fiqh al-siyāsah*., namely a paradigm that proposes the view that religion and the state are related symbiotically, that is, they are reciprocal and need each other. In this case, religion requires a state because with a state, religion can develop. On the contrary, the state needs religion because with religion, the state can step in ethical and moral guidance (Armedi, 2022). In this case the MUI as a representative of religion plays an important role in protecting community *Shariah* activities, and the state guarantees *Shariah* activities as a form of instilling community ethics and morals are always maintained with *Shariah* values.

## Conclusion

The MUI adheres to the principle that they are the heirs of the prophet who automatically takes care of matters such as issuing fatwas, providing guidance, spreading the principles of peace and moderation and presenting *amr ma'rūf nahy munkar* in society. If viewed from a state institutional perspective, the MUI is in the realm of the political infrastructure area. Political

infrastructure itself is a group of institutions that exist in society. The MUI fatwa is not a type of statutory regulation that has binding legal force. Based on Article 1 point 2, Article 7 paragraph (1) and Article 8 paragraph (1) of Law 12/2011, the MUI fatwa is not statutory regulation, because it is not made by an authorized body/or institution and does not have general binding power. However, the MUI fatwas are a source of material law. To become positive law, the MUI fatwa must be positivized by the state through statutory regulations. The theory of the goal of state in *Al-Māwardī* perspective has two basic concepts, (1) formalization of *Shariah* activities, (2) regulations of social, economic, political, legal, and military activities. The implementation of MUI supervision in supervising halal product guarantees and *Shariah* banking is related to the goals of *Al-Māwardī's* state that the state guarantees the regulation of social activities by guaranteeing the *permissibility* of a product for the benefit of the Muslim community.

## References

- Abyan, A. (2020). *Sistem pemilihan kepala daerah perspektif Imam Al-Mawardi dan relevansinya di Indonesia*. Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta.
- Ali, T. R., Sugiarto, B., & Sabiq, A. (2022). Strategi Bertahan Kelompok Minoritas Agama Menghadapi Diskriminasi: Pengalaman Jemaat Ahmadiyah Indonesia Banjarnegara Jawa Tengah. *Nuansa: Jurnal Penelitian Ilmu Sosial Dan Keagamaan Islam*, 19(2). <https://doi.org/https://doi.org/10.19105/nuansa.v19i2.6580>
- Ansori, A., & Ulumuddin, M. (2020). Kedudukan fatwa Majelis Ulama Indonesia (MUI) dalam hukum Islam. *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam*, 5(1), 37–56.
- Armedi, M. (2022). Tinjauan Fiqh Siyasah terhadap kepemimpinan dalam Islam dan pemikiran politik Al-Mawardi. UIN Raden Intan Lampung.
- Assiddiqie, J. (2002). *Konsolidasi naskah UUD 1945 setelah perubahan keempat*. Pusat Studi Tata Hukum Negara FH UI.
- Athief, F., Rizki, D., Prabowo, A., & Azis, M. (2022). Analisa otoritas LPPOM MUI pasca diberlakukannya UU 33/2014 tentang jaminan produk halal: Legalitas, wewenang dan keuangan. *Ijtihad: Jurnal Hukum Dan Ekonomi Islam*, 16(1), 95–115.
- Badaruddin, S., Supriadi, S., & Ramadhani, S. I. (2022). Dinamika kelembagaan negara berdasarkan pasca amandemen UUD NRI tahun 1945. *Qisthosia: Jurnal Syariah Dan Hukum*, 3(1), 37–47. <https://doi.org/https://doi.org/10.46870/jhki.v3i1.167>
- Chandranegara, I. S., & Cahyawati, D. P. (2023). Conflict of interest prevention clause in the constitution: The study of the Indonesian constitution. *Heliyon*, 9(3), e14679. <https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e14679>
- Diana, R. (2017). *Al-Māwardī dan Konsep Kenegaraan dalam Islam*. *Tsaqafah*, 13(1), 157–176.
- Dimiyati, K., & Wardiono, K. (2004). *Metodologi penelitian hukum*. Fakultas Hukum UMS.
- Djidin, M., & Syamsuddin, S. (2019). Indonesian interpretation of the Qur'an on *khilāfah*: The case of Quraish Shihab and Yudian Wahyudi on Qur'an 2: 30-38. *Al-Jami'ah*, 57(1), 143–166.

- <https://doi.org/10.14421/ajis.2019.57143-166>
- Faizah, N. (2019). *Perempuan bekerja dalam pandangan Majelis Ulama Indonesia (MUI)*. UIN Sunan Ampel Surabaya.
- Firmansyah, H. (2019). *Qawā'id Fiqhiyyah Dalam Fatwa Majelis Ulama Indonesia*. *Al-Qadhā*, 6(2), 1–11.
- Francoise, J. (2017). *Pemikiran Politik Islam Modern: Peran Majelis Ulama Indonesia*. *International Conference on Islamic Humanities and Social Sciences*.
- Habibaty, D. (2017). *Peranan Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia terhadap Hukum Positif Indonesia*. *Jurnal Legislasi Indonesia*, 14(4), 447–453.
- Hakim, Z. (2021). *Peran Fatwa MUI sebagai Produk Hukum Islam dalam Masyarakat*. *Al'adalah*, 24(2), 105–117.
- Huda, N., Heriyanto, D. S. N., & Wardhana, A. F. G. (2021). *The urgency of the constitutional preview of law on the ratification of international treaty by the Constitutional Court in Indonesia*. *Heliyon*. <https://doi.org/10.1016/j.heliyon.2021.e07886>
- Ihsan, & Fatah, A. (2021). *Pancasila and Islamic education: The deradicalization model of madrasahs based on islamic boarding schools in central java*. *Qudus International Journal of Islamic Studies*, 9(1), 245–278. <https://doi.org/10.21043/QIJS.V9I1.8941>
- Jamaa, L. (2018). *Fatwas of the Indonesian council of ulama and its contributions to the development of contemporary Islamic law in Indonesia*. *Indonesian Journal of Islam and Muslim Societies*, 8(1), 29–56. <https://doi.org/10.18326/ijims.v8i1.29-56>
- Karimullah, S. S. (2022). *Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law*. *Mazahib Jurnal Pemikiran Hukum Islam*, 21(2), 213–244. <https://doi.org/10.21093/mj.v21i2.4800>
- Kelsen, H. (2018). *Teori Umum Tentang Hukum dan Negara*. Nusa Media.
- Kesuma, A. S., Halim, A., & Syam, N. (2022). *The Religious Politics of Ḥabāib in Surabaya and Bangil East Java: A Socio-Religio-Political Approach*. *Qudus International Journal of Islamic Studies*, 10(2), 285–318. <https://doi.org/10.21043/qijis.v10i2.12090>
- Kumkelo, M. (2010). *Kedudukan Majelis Ulama Indonesia (MUI) dan Komisi Fatwanya dalam Sistem Hukum Tata Negara*. *El-Qudwah*, 10.
- Madung, O. G. N., & Mere, W. S. (2021). *Constructing Modern Indonesia Based on Pancasila in Dialogue with the Political Concepts Underlying the Idea of Human Rights*. *Journal of Southeast Asian Human Rights*; (5)1. <https://jurnal.unej.ac.id/index.php/JSEHR/article/view/20258>
- Magribi, A. (2017). *Opini Publik Masyarakat Lingkungan 1, Kelurahan Bandar Utama, Kota Tebing Tinggi Tentang Fatwa Mui Mengenai Larangan Ucapan Selamat Natal di Metro TV*. Universitas Muhammadiyah Sumatera Utara.
- Mujani, S. (2020). *Religion and Voting Behavior Evidence from the 2017 Jakarta Gubernatorial*

- Election. *Al-Jami'ah*, 58(2), 419–450. <https://doi.org/10.14421/ajis.2020.582.419-450>
- Mulyati, M. (2019). Kontribusi MUI dalam Pengembangan dan Penerapan Hukum Islam di Indonesia. *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial*, 7(1), 83–100.
- Musawar, & Suhirman, G. (2021). *Khilāfah* in the View of Nahdhatul Ulama (Nu), Muhammadiyah, and Nahdhatul Wathan (NW) Ulema in Lombok. *Al-Jami'ah*, 59(2), 317–346. <https://doi.org/10.14421/ajis.2021.592.317-346>
- Mustikawati, A. (2016). Konsep Politik Imam Al-Mawardi Mengenai Kepala Daerah. UIN Raden Fatah Palembang.
- Nurfiati, I. (2016). *Kedudukan Majelis Ulama Indonesia (MUI) dalam Ketatanegaraan Indonesia Ditinjau dari Fiqh Siyashah*. UIN Sunan Ampel Surabaya.
- Nurjaman, M., & Witro, D. (2022). Penyelesaian Sengketa Ekonomi Syariah Menurut Fatwa Dewan Syariah Nasional-Majelis Ulama Indonesia (DSN-MUI). *Al-Huquq: Journal of Indonesian Islamic Economic Law*, 4(1), 35–62.
- Pratiwi, C. S. (2022). Indonesia's Legal Policies Amid Covid-19. *Journal of Southeast Asian Human Rights*. 6(2). <https://jurnal.unej.ac.id/index.php/JSEHR/article/view/27799>
- Ramadhani, E. R., & Anggraeni, S. (2022). Uncertainty of the Right to Health in Indonesia during the Covid-19 Pandemic. *Journal of Southeast Asian Human Rights*; 6(1). <https://jurnal.unej.ac.id/index.php/JSEHR/article/view/30743>
- Ridwan, B., Syahputra, I., Tarigan, A. A., Siregar, F. A., & Nofialdi. (2019). Islam Nusantara, ulemas, and social media: Understanding the pros and cons of Islam Nusantara among ulemas of West Sumatera. *Indonesian Journal of Islam and Muslim Societies*, 9(2), 163–188. <https://doi.org/10.18326/IJIMS.V9I2.163-188>
- Rofii, M. S. (2019). Peran MUI dalam Penguatan Demokrasi Indonesia. *Jurnal Hukum Islam*, 17(1), 60–78.
- Rosyid, M. (2022). Mempertanyakan Kembali Esensi MUI: Untuk Membimbing Umat Atau Menimbulkan Perpecahan? *The conversation.Com*.
- Salim, D. P. (2022a). Politics and Islamic Laws in Indonesia: Case Study of Prayer Procedures During the Covid-19 Pandemic. *Mazahib Jurnal Pemikiran Hukum Islam*, 21(2), 187–212. <https://doi.org/10.21093/mj.v21i2.5060>
- Salim, D. P. (2022b). The Islamic political supports and voting behaviors in majority and minority Muslim provinces in Indonesia. *Indonesian Journal of Islam and Muslim Societies*, 12(1), 85–110. <https://doi.org/10.18326/ijims.v12i1.85-110>
- Sardjuningsih. (2022). Portrait of Indonesian Religious Communities Attitudes toward the Government Policies Restriction on Congregational Worshipping. *Qudus International Journal of Islamic Studies*, 10(2), 443–478. <https://doi.org/10.21043/qijis.v10i2.8221>
- Sidqi, I., & Witro, D. (2020). Kedudukan Fatwa Majelis Ulama Indonesia (MUI) dalam Perspektif Hukum Islam dan Nasional: Studi Implikasi Fatwa terhadap Masyarakat. *Nizham Journal of*

- Islamic Studies*, 8(1), 20–31. <https://doi.org/https://doi.org/10.32332/nizham.v8i01.2103>
- Sudarman. (2021). Contribution of level of education, employment, and ethnicity on the integration of Muslims and Christians in Central Lampung. *Indonesian Journal of Islam and Muslim Societies*, 11(2), 243–270. <https://doi.org/10.18326/ijjims.v11i2.243-270>
- Suhartono, S. (2017). Eksistensi Fatwa Majelis Ulama Indonesia dalam Perspektif Negara Hukum Pancasila. *Al-Ihkam: Jurnal Hukum Dan Pranata*, 12(2). <https://doi.org/https://doi.org/10.19105/al-Ihkam.v12i2.1255>
- Suntana, I., Rusliana, I., Asdak, C., & Gazalba, L. (2023). Ideological distrust: re-understanding the debate on state ideology, normalization of state-religion relationship, and legal system in Indonesia. *Heliyon*, 9(3). <https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e14676>
- Supandi, A., Umbara, B., & Afiq, A. (2022). Fatwa Dewan Syari'ah Nasional (DSN) Majelis Ulama Indonesia (MUI) Sebagai Landasan pada Lembaga Keuangan Syariah di Indonesia. *Lan Tabur: Jurnal Ekonomi Syariah*, 4(1), 13–26.
- Syahputra, I. (2020). Activities on twitter and the 212 defend islam rally through the perspective of the indonesian ulema council. *Al-Jami'ah*, 58(2), 323–354. <https://doi.org/10.14421/ajis.2020.582.323-354>
- Tamam, A. B. (2021). Kedudukan Fatwa Majelis Ulama Indonesia (MUI) dan Fatwa Dewan Syariah Nasional (DSN) dalam Sistem Hukum Indonesia. *Al-Musthofa: Jurnal of Sharia Economics*, 4(1). <https://ejournal.iai-tabah.ac.id/index.php/musthofa/article/view/739>
- Tias, S. A. (2020). *Pelaksanaan Penyediaan Sarana dan Prasarana Pengelolaan Sampah Sesuai Peraturan Daerah Kabupaten Garut Nomor 4 Tahun 2014 Tentang Pengelolaan Sampah Rumah Tangga dan Sampah Sejenis Sampah Rumah Tangga Ditinjau dari Siyasa Dusturiyah: Studi Kasus Kecamata*. UIN Sunan Gunung Djati Bandung.
- Zada, K. (2023). Sharia and Islamic state in Indonesia constitutional democracy: an Aceh experience. *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 23(1), 1–18. <https://doi.org/10.18326/ijtihad.v23i1.1-18>
- Zattullah, N. (2021). Konflik Sunni-Syiah Di Sampang Ditinjau Dari Teori Segitiga Konflik Johan Galtung. *Jurnal Ilmu Budaya*, 9(1). <https://doi.org/https://doi.org/10.34050/jib.v9i1.12635>
- Zuhri, S. (2021). Regimented Islamophobia: Islam, State, and Governmentality in Indonesia. *Qudus International Journal of Islamic Studies*, 9(2), 387–422. <https://doi.org/10.21043/qijis.v9i2.8249>