



The Need For A MUI Fatwa On People With Disabilities

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Abstract

This article explores the need for an MUI fatwa on persons with disabilities. Humans are creatures of God who are created to have a set of rights as humans that must be safeguarded and protected. Islam recognizes and respects the existence of people with disabilities and upholds their rights. This is because Islam encourages its followers to have compassion and love for all humanity. The method used in this research is qualitative research with a literature study research type. The literature research approach involves collecting and analyzing data from various literature related to the need for an MUI fatwa on persons with disabilities. The result of this research shows that the need for an MUI fatwa on persons with disabilities serves as an effort to increase the awareness of all Indonesian people, especially Muslims, about the importance of showing respect and value to persons with disabilities as humanitarian brothers, national brothers and even Islamic brothers. It can also be used to strengthen the rights of persons with disabilities in various fields and encourage the creation of an inclusive environment.

Keywords: *Fatwa, MUI, Persons with Disabilities*

Introduction

Basically, all humans are created by Allah SWT very carefully and perfectly (*fi al-ahsan taqwin*). What distinguishes humans from other creatures is their ability to distinguish what is good or bad and right or wrong. The creation of perfect humans does not mean that there are no humans who have shortcomings and limitations (Eva, 2017). Humans who have various physical, mental, and intellectual limitations are usually referred to as persons with disabilities. According to Law Number 8 of 2016 concerning Persons with Disabilities, persons with disabilities are those who have physical, mental, intellectual, and sensory limitations for a long period and who interact with the environment and can experience obstacles (Widinarsih, 2019).

In Islam, all individuals are considered equal, regardless of their social, educational, or physical attributes. The only distinguishing factor is the level of devotion and faith. People with disabilities should receive equal treatment and be provided with appropriate facilities, especially in places of worship, educational institutions, health facilities, and other relevant areas. Islam condemns negative attitudes and behaviors towards people with disabilities (Hasnain et al., 2020). Islam attaches great importance to the protection of the rights of persons with disabilities, especially in the realm of social interaction. In Surat 'Abasa verses 1 to 10 and Surat An-Nur verse 61, Allah SWT refers to people with disabilities who face acts of discrimination. Although they may face social ostracisation, they have the protection and support of Allah SWT (Jamal, Fatah, and Wilaela, 2017).

The principles of equality, equal rights, justice, freedom, and similar values that are universally recognized in Islam are fundamental and essential principles for upholding and protecting the rights of persons with disabilities. These principles also emphasize the importance of avoiding any form of discrimination or negative stigma against people with disabilities. Islam upholds the belief that all individuals are equal, including those with disabilities. They have the right to humane treatment and access to appropriate facilities in all aspects of life (Hasan and Rab, 2021). In Islam, every individual is responsible for upholding all human rights, including primary, secondary, and tertiary rights. If the individual is unable to fulfill this obligation, then the obligation passes to the family; if the family is also unable, then the responsibility passes to the community; and if the community is also unable, then the responsibility passes to the state. The role of the state in upholding human rights in Indonesia is a mandate of the 1945 Constitution, including

protecting the rights of persons with disabilities (Purnomosidi, 2017). Therefore, it is important to accommodate the interests of persons with disabilities. The head of state bears responsibility for the welfare and protection of his citizens. As Rasulullah SAW said, 'An imam (leader of the state) is a leader who will be held accountable for the people he leads' (Al-Bukhari 1403).

Until now, people with disabilities continue to face social stigma, exemplified by prejudiced attitudes that consider them shameful and worthy of contempt. In her research, Covey found that society generally views people with disabilities as a direct result of bad behavior. They are often seen as punishment, victims of witchcraft, or the result of parental carelessness during pregnancy, all of which stem from society's deviant behavior. Because of this viewpoint, those with disabilities are considered a burden. They are often underestimated and considered powerless (Covey, 1998). Although Indonesia ratified the UN Convention on the Rights of Persons with Disabilities in 2011 and enacted Law No. 8/2016 on Persons with Disabilities, persons with disabilities still experience obstacles and barriers. People with disabilities experience difficulties and barriers in various aspects of life, including internal challenges related to their disability and external barriers in their interactions with others (Nursyamsi et al., 2015).

Some people believe that a higher power predetermines disability. Divine intervention determines whether a person has a disability or not. Humans have no choice but to submit to it. Individuals who hold this viewpoint will ask people with disabilities to show patience and seek inner fortitude in the face of their limitations. Meanwhile, people with disabilities ask for help from society because of the limitations they feel. Helping those with limitations is considered a generosity that brings goodness. This perspective has resulted in a harmful stigma towards people with disabilities, triggering exclusion and discrimination (Lembaga Bahtsul Masail PBNU, Perhimpunan Pengembangan Pesantren dan Masyarakat (P3M), and Pusat Studi dan Layanan Disabilitas (PSLD) Unibraw, 2018). This is reinforced by widespread stereotypical and prejudiced attitudes and behaviors, which can be found among ordinary people, intellectuals, and even those in positions of authority. In addition, an important factor in the decline of people with disabilities in Indonesia is the widespread skepticism, inferiority complex, and lack of knowledge or expectations among some people with disabilities themselves, as well as their families and communities, about the futuristic nature of the disability. Through this negative stigma comes discrimination in various forms, such as ostracisation, financial or employment

barriers, denial or restriction of health access, and physical and emotional mistreatment. Stigma and discrimination affect not only people with disabilities but also their families (Hastuti et al., 2020).

Indonesia has legal instruments to protect persons with disabilities, including Article 28 I paragraph 2 of the 1945 Constitution, Law No. 19/2011, which ratifies the Convention on the Rights of Persons with Disabilities, and Law No. 8/2016, which specifically addresses the rights of persons with disabilities. These laws are further supported by government regulations as derivative regulations. However, there is no guarantee that the fulfilment of appropriate protection for persons with disabilities can be ensured. This points to the importance of all sectors - government, religious institutions, and society - playing an active role in maximizing it.

Indonesia is not an Islamic country. However, it is home to the largest Muslim population in the world. Islamic law has had a considerable influence on Indonesia's social and public policy. Religious organizations are now beginning to demonstrate this on disability issues. For example, Nahdlatul Ulama organized a halaqah that resulted in the book 'Fiqh of Strengthening Persons with Disabilities.'

Similarly, Muhammadiyah organized a Workshop on the Jurisprudence of Disability. This is where the existence of the Indonesian Ulama Council (MUI) is very important in fulfilling its service khittah because MUI has five main functions and roles: (1) inheriting the tasks of the Prophets, (2) providing fatwa, (3) guiding and serving the community, (4) facilitating improvement and renewal, and (5) enforcing amar ma'ruf nahi munkar (Mudzhar, 1993). Based on those functions and roles, it is clear that MUI has a significant and strategic position in educating the community about Islamic teachings. This includes the role of MUI to provide knowledge and understanding to the community about the importance of protection and respect for human beings, especially persons with disabilities,

Through search results, the author does not find any other research that explores the needs of MUI fatwa on Persons with Disabilities. Another research related to this is research conducted by Ahmad Bahrul Hikam, who attempted to formulate the obligations of persons with disabilities based on the teachings of the Qur'an. Taklif does not apply to persons with disabilities who do not have cognitive capacity. On the contrary, persons with disabilities who still have cognitive functions are bound by taklif regulations (Hikam, 2023). Furthermore, Mohammed Ghaly's research examines people with disabilities

through the perspective of ushuludin and fiqh. His research mainly aims to investigate the status of persons with disabilities in two branches of Islamic knowledge, specifically Islamic theology and Islamic fiqh. In Islamic theology, scholars attempt to reconcile the existence of this occurrence with specific divine attributes, such as God's compassion. The field of Islamic jurisprudence has extensively scrutinized the discussions of early and contemporary Islamic jurists on various subjects relevant to modern times. These include the human dignity of persons with disabilities, their ability to work, access to medical care, social integration, and specific issues relating to marriage, finance, and livelihood (Ghaly 2008). Marwan Qadumi's research centers on the rights of persons with disabilities in Islamic Sharia. His work entitled '*The Rights of the Handicapped in the Islamic Law*' explores the fundamental social principles relating to persons with disabilities, their rights, and the financial resources available to support their empowerment (Qadomi, 2004). A study entitled '*Mental Disability in Medieval Hanafi Legalism*' written by Ali Altaf Mian was published in The Journal of Islamic Studies. This study examines the Hanafi school's stance on the treatment of people with mental disabilities according to Islamic law (Mian, 2012). Based on some of the research above, there has been no research related to the need for an MUI fatwa on persons with disabilities specifically that answers the research question of why it is important to have a fatwa from the Indonesian Ulema Council on persons with disabilities.

The type of research used is library research with qualitative methods. Qualitative research aims to understand the meaning and context of a phenomenon, in this case, the need for MUI Fatwa on persons with disabilities. The library research approach is carried out by collecting and analyzing data from various literature related to the need for an MUI fatwa on persons with disabilities. In addition, it is corroborated with expert opinions. The data was analyzed using prescriptive analysis, which involves interpretation and application of reasoning. This analysis can be started by understanding the challenges and discrimination often faced by people with disabilities in society. Based on this, the prescriptive analysis produces recommendations to address these issues. One of the main recommendations is the issuance of a fatwa by MUI that affirms respect for the rights of persons with disabilities (Zed, 2008).

Islam and Disability

Islam is a religion that places great importance on the principles of brotherhood and respect for human beings, especially people with disabilities.

In Islam, humans are considered to be the most perfect creatures created by Allah SWT. However, it should be noted that certain individuals may be born with different physical conditions. Every trait or occurrence inherent in humans is considered a divine gift from Allah SWT. This is in line with the words of Allah SWT, as stated in verse 4 of Surah At-Tin, which affirms that humans have been molded in the best form, that is, in the perfect form (Mukharrom and Abdi, 2023).

Islam recognizes and respects the existence of people with disabilities and upholds their rights. Islam encourages its followers to have compassion and love for all humanity. Islam always promotes justice in social interactions and requires the highest respect for other individuals. Humans are endowed with an extraordinary creation, which necessitates recognizing and respecting the diverse nature of existence. The variety of human origins is explicitly outlined in verse 13 of Surah al-Hujurat in the Qur'an, which describes the diverse forms of human origins. However, such differences should not be used as justification to separate and demean fellow human beings. Basically, all humans come from the same origin, and what distinguishes them is only their piety to Allah SWT. Therefore, humans should not discriminate on the basis of differences in their creation. People with disabilities do not rule out the possibility of having a higher level of intelligence or ability compared to individuals in general (Shihab, 2019). The importance of showing respect and appreciation for people with disabilities is seen in the warning given by Allah SWT to the Prophet Muhammad in surah Abasa verses 1-6 when he showed disrespect to the blind friend Ibn Ummi Maktum (Arina Alfiani and Sulaiman, 2022). In a different verse, Surah al-Nur verse 61, Allah SWT states that there is no humiliation or degradation in extending an invitation to people with disabilities to participate in a banquet (Anshori, 2022). In addition, Ibn Katsir mentioned that a person's ability cannot be seen by his physical perfection. As evidence, the holy book of the Qur'an even treats specifically minority groups with disabilities, even though they are physically limited, but have good grounds for worship (Sinaga, 2023).

People with disabilities often experienced unfair treatment before the arrival of Islam. Islam fights for the rights of the blind, and the Prophet Muhammad was sent to the Arabian Peninsula with the aim of instilling the principles of justice and equality through its teachings. Islam encourages the inclusion of the visually impaired in various aspects of life, including the social, economic, and political spheres. Islam also guarantees the protection of the

rights of people with disabilities (Mubarok, 2019). This is seen in the story of Julaybib, which demonstrates the Prophet's commitment to actively including the weak and disadvantaged in Muslim society. Julaybib is characterized as a man with unattractive physical features and small stature. His descent was unclear, which was a significant weakness in the tribal civilization of the time, as individuals depended on their tribal organization and family ties for achievement. Julaybib, although a devout Muslim, faced rejection from society due to his physical and social shortcomings. The Prophet approached the parents of the most suitable woman for marriage in Medina and asked if they would agree to marry her off to Julaybib. Julaybib's marriage to the woman was aimed at removing the stigma of the society associated with Julaybib's shortcomings. Julaybib showed great courage and valor while fighting beside the Prophet, eventually losing his life in battle. The Prophet personally buried him and stated: 'He (Julaybib) was a part of me, and I was a part of him,' thereby emphasizing that this disadvantaged individual was considered a member of his own family (Bazna and Hatab, 2005).

People with disabilities must be freed from all forms of discrimination. Islam mandates its adherents to show compassion and respect to persons with disabilities, prohibits demeaning them, and forbids mistreating them. Human rights in Islam center on five basic principles known as *al-dharuriyat al-khamsah* or *al-huquq al-insaniyah fi al-Islam*. These principles are also referred to as *maqashid as-syari'ah* in *ushul fiqh*. These principles include the protection of religion, the protection of the soul, the protection of the mind, the protection of lineage, and the protection of property (Anshari, 2024). In 1981, Islamic jurists drafted the 'Islamic Universal Declaration of Human Rights,' which draws its principles from the Qur'an and the Sunnah of the Prophet. It consists of twenty-three chapters and sixty-three articles, covering all aspects of human existence and sustenance. It enumerates several basic rights, including the right to life, liberty, equality, justice, protection against abuse of power, protection from torture, honor, and reputation, freedom of thought and speech, freedom of religion, freedom of assembly and organization, economic order, social security, freedom to have a family and the rights associated with it, the rights of women in domestic life, and the right to education. Islam strongly supports and upholds the rights of persons with disabilities and also promotes ethical principles applicable to persons with disabilities (Washil and Fata, 2018).

MUI Fatwa and Societal Influence

Fatwa is an Islamic legal judgment issued by muftis or scholars, either individually or collectively, as an answer to questions asked or in response to problems that develop in the community (Sholeh, 2016). In Indonesia, it is not easy to find an individual who is widely considered by the community to have the expertise and qualifications necessary to become a mufti or imam. So those who are considered capable of taking on the role of mufti in Indonesia today are scholars who collectively belong to a religious organization, such as the Islamic Association (Persis) with its hisbah council, Muhammadiyah with its tarjih tradition, Nahdhatul Ulama (NU) with its Bahtsul Masail tradition, or the Indonesian Ulama Council (MUI) with its fatwa commission (Ishak, 2015).

The Indonesian Ulama Council, often known as MUI, is a collective body that brings together Indonesian Muslim scholars and scholars with the aim of coordinating the efforts and actions of Indonesian Muslims in achieving common goals. The Indonesian Ulama Council was established on 26 July 1975 in Jakarta. MUI exists as a collective leadership organization for Muslims, which aims to foster unity among Muslims. MUI becomes an intermediary between the ulama and umara, who work together to achieve national development (Wibowo, Joebagio, and Bachri, 2020).

Related to its duties and functions, MUI is one of the institutions that has the authority to issue fatwas. The fatwa issued by MUI serves as a solution to various problems that occur in the midst of Muslim society in Indonesia. In general, the purpose of a fatwa is to ensure that Muslims comply with Islamic law and maintain appropriate behavior in the face of social and cultural changes in society. This is in line with MUI's goal to create a safe and peaceful society in accordance with the basic principles of the Indonesian state, Pancasila. The influence of MUI's Fatwa in guiding society and the nation has been proven since its inception and will continue in the future. Fatwa issued by MUI is a manifestation of Indonesian Islamic law, which is the result of collective ijtihad of Islamic jurists (ulama) in response to certain situations. Since its establishment in 1975, MUI has issued many fatwas on various aspects of people's lives (Hamzah, 2017).

Before the MUI was established, there were several fatwa institutions from leading organizations in Indonesia, namely Muhammadiyah and NU. The Muhammadiyah fatwa institution is officially referred to as Majelis Tarjih Muhammadiyah, while the NU fatwa institution is often known as Bahstul Masail. However, both institutions still have distinctive features and

representations of each organization's ideology. The main feature of the establishment of this fatwa institution is its involvement in polemics, discussions, debates, and disputes specifically related to religious *khilafiyah* issues.

Since the first NU Congress on 21 October 1926 in Surabaya, fatwas have been consistently developed and continue to be an important aspect of subsequent Congresses. Furthermore, fatwas were issued in the forum of the 1st NU Shuriah Council (1960) held in Jakarta, as well as in the NU Party Council Meeting (25 October 1961) in Salatiga, the Decision of the National Conference of Alim Ulama in Yogyakarta (30 August 1981), and various other decisions made within NU. In fact, the practice of discussing and issuing fatwas has been a long-standing tradition among *pesantren* led by *kyai* and *santri* and was later published in a bulletin called *Lailatul Ijtima' Nahdlatul Ulama*. However, this institution was officially established at the 28th NU Congress at Al-Munawwir Krapyak Islamic Boarding School in Yogyakarta on 26-28 November 1989. It was recommended that a permanent *Bahsul Masa'il* institution be established to answer the challenges of unresolved modern issues (Muzawwir, 2021).

Meanwhile, the Muhammadiyah Tarjih Council was first proposed at the XVI Muhammadiyah Congress in Pekalongan in 1927. During the leadership of KH Ibrahim (1878-1934), he served as Muhammadiyah Central Leader. In addition, it was officially established at the XVII Congress in Yogyakarta in 1928 and was under the leadership of KH. Mas Mansur. Majlis Tarjih's narrative initially centered on issues of *fiqh khilafiyah*, but gradually entered into modern dynamics, including social and medical issues (M. Hidayat Ediz and Bus, 2020).

The fatwa bodies of the two leading organizations in Indonesia have actively contributed to the development of Islamic legal fatwas in the country. Both organizations have their characteristics of thought, especially from the perspective of *fiqh* topics (*khilafiyah*). NU is considered to hold on to traditional values, and Muhammadiyah is considered to embrace modern ideas. However, over time, these assumptions became less substantial and gradually diminished as the *Nahdliyin* in the realm of intellectualism began to modernize themselves (Wijaya, 2019). Atho Mudzhar's notes include fatwa institutions from various additional Islamic organizations, in addition to the two main institutions already mentioned, namely Al-Irsyad, founded by Ahmad Surkati from Sudan, and Persatuan Islam (Persis), founded by Ahmad Hasan from Singapore, which was formed before independence. Both organizations are considered to be

scripturalist reformers. Seeing the number of religious institutions with their distinctive thoughts made the ulama and umara form a national fatwa institution. On 26 July 1975, the government officially announced the establishment of the Indonesian Ulama Council (MUI). This institution is very responsive in handling and responding to the problems that develop and are contemporary to this day (Mudzhar, 1993).

Of the many religious institutions in Indonesia, one that has a significant influence on Indonesian culture, especially the Muslim community, is the MUI. The Indonesian Ulama Council (MUI) is a religious institution in Indonesia that functions as an authoritative body to issue and determine religious fatwas. It is recognized as a point of reference for the Indonesian Muslim community. According to Siti Musdah Mulia, MUI's fatwa has an important meaning for the Indonesian Muslim community. Fatwas issued by MUI has a significant impact on the structure of Indonesian society by revealing two important aspects: Firstly, MUI fatwa has an important meaning in Indonesian society, especially among Muslims. Today, it is evident that although MUI's fatwas have no legal authority, they are often used as guiding principles for the behavior of society and government in all areas of national life. Second, given its significant impact and influence on society, MUI must continue to be responsive to the ever-changing dynamics and trends in society. This ensures that the fatwa issued by MUI is in line with the public good (Ikhsana and Khasanah, 2020).

Some MUI fatwas that are influential in society, such as fatwa number 1 of 2004 on interest. This fatwa is an answer to the questions of Indonesian Muslims who are still hesitant about the legality of loan interest. In the end, this fatwa confirms that the current practice of banks charging interest is in accordance with the criteria of usury *nasi'ah* at the time of the Prophet Muhammad SAW. Engaging in this practice is punishable as haram due to the highly prohibited usury, regardless of whether any person or type of financial institution does it. Therefore, Muslims are advised to choose Islamic banks to fulfill their financial transaction needs. This fatwa had an impact on the progress of Islamic banks, although not in the form of a significant transfer of funds from conventional banks to Islamic banks. The fatwa encouraged commercial banks to establish Islamic business units. Islamic banks were urged to increase their innovation in creating profit-sharing mechanisms as a result of intensified economic competition. Furthermore, studies on bank interest are consistently analyzed every year, covering both empirical economic research and practical applications in the field. Several new groups have emerged, such

as usury-free entrepreneurs, anti-usury communities, and sharia developers (Saputra and Selviani, 2021).

In addition, there is MUI fatwa number 2 of 2002 concerning cash waqf. The MUI fatwa commission issued a fatwa on the permissibility of cash waqf on 11 May 2002. Cash waqf, as defined in this decree, refers to a form of waqf in which individuals, groups, institutions, or legal entities donate cash, including securities. The Indonesian Ulama Council (MUI) stipulates that cash waqf can only be used for shar'i permissible purposes and must have a guaranteed principal value. This principal value may not be sold, donated, or inherited. The fatwa issued by the Indonesian Ulama Council (MUI) on cash waqf has contributed significantly to legal and social progress in Indonesia. This is evident from the fact that MUI continued to participate and initiate the Draft Law on Waqf, which finally succeeded in passing Law No. 41/2004 on Waqf after a two-year process. After that, additional implementing and technical regulations were also enacted (Kamal 2015). According to Roscoe Pound, a legal product must have a significant impact on society, as law is considered a tool for social engineering. This is exemplified by Law No. 41/2004 on Waqf, which was enacted in response to the MUI Fatwa on cash waqf. With the enactment of this law, those who wish to engage in cash waqf now have a clear theological foundation due to the MUI fatwa, as well as a clear legal basis as stipulated in Law No. 41 of 2004 on Waqf and its derivative regulations (Muttaqin, 2021).

MUI Fatwa on Persons with Disabilities: Towards an Inclusive Society

As explained in the previous discussion, Islam views people with disabilities as equal to humans in general. It is important to protect and respect the human rights of all individuals. However, there are still many cases of violence that people with disabilities often experience. As Ledingham's research revealed, women with disabilities are four times more vulnerable to sexual harassment than non-disabled women (Ledingham, Wright, and Mitra, 2022). Recently, in May 2024, there was a case of bullying that befell a junior high school student with a disability in Makassar (Yahya and Rusiana, 2024). There was also an incident in 2022 involving a 15-year-old teenager with a disability whom his parents restrained because he was suspected of stealing food (Huda, 2022).

According to Goffman, people with disabilities are entitled to equal status, rights, and responsibilities. They should receive fair and tailored treatment because they belong to a vulnerable group, to protect them from potential acts of discrimination and protect their human rights from any form of threat or

violation. Special rights are given to ensure respect, mutual care, and the acquisition of their rights in fostering an inclusive culture (Goffman, 1990). This is in line with Arif Maftuhin, who argues that inclusiveness can be measured using four indicators: participation, availability, accessibility, and inclusive culture. Participation can be interpreted as the active involvement of individuals with disabilities in all aspects of life, functioning as citizens in the wider community. Availability refers to the existence of services, facilities, programs, and infrastructure necessary to uphold the rights of persons with disabilities, as required by law and government regulations. Accessibility refers to the extent to which individuals with disabilities can independently and unhindered utilize facilities, services, or programs.

Meanwhile, an inclusive culture refers to the non-discriminatory attitudes demonstrated by government officials and the general public. This attitude ensures the fulfillment, protection, and respect for the rights of persons with disabilities. Among the four indicators, inclusive culture is the main foundation. If an inclusive mentality has become a cultural norm, then participation, availability, and accessibility will come naturally (Maftuhin, 2017).

It is ironic to observe that people with disabilities are often discriminated against by society (Aryo, 2023). Based on data from Komnas Perempuan 2023, there were 105 cases of gender-based violence experienced by women with disabilities throughout the year. This shows that discrimination against people with disabilities continues to occur (Suryanis, 2024).

Islam, as a religious doctrine rich in ethical principles and moral values, strictly prohibits its followers from engaging in such immoral acts. Given Islam's teachings on respect for human beings, the Muslim community should be the pioneer in advocating for the respect and protection of persons with disabilities. It is at this point that the presence of the Indonesian Ulama Council (MUI) is needed to provide understanding and enlightenment to Muslims about the importance of human values, especially towards persons with disabilities, in accordance with Islamic teachings and principles.

This is corroborated by Moh. Romli, a central MUI fatwa commission member, said that MUI has paid attention to issues related to persons with disabilities. Although, until now, there is no specific fatwa that comprehensively discusses the rights and protections for persons with disabilities, MUI has issued several fatwa that are relevant to their conditions. One example is the fatwa on 'The Shar'i Excuse that Permits One Not to Perform Friday Prayers.' In addition, on various occasions, MUI has

emphasized the importance of the principle of the benefit of the people in the issuance of fatwas. This approach is in line with efforts to ensure that the rights of persons with disabilities are considered in a religious context (Moh. Romli, Interview excerpt, 25 Desember 2024-Translated).

In this endeavor, MUI can issue a fatwa on persons with disabilities. The existence of this fatwa is considered important, considering that MUI has great social authority in society, especially among Indonesian Muslims, as seen from the influential fatwas previously issued by MUI that have shaped the direction of Muslim society. Thus, advocating humanitarian principles for persons with disabilities through fatwas is logical in Indonesia.

There are three important elements in the proposed dictum of the fatwa on persons with disabilities: Firstly, it is obligatory to accept, respect, and uphold the rights of persons with disabilities based on culture, decency, and the prevailing legislation in the country of Indonesia; Secondly, it is obligatory for the government and Muslims, especially their leaders to raise public awareness about the rights and obligations of persons with disabilities in accordance with religious values, culture and community morals, as well as the prevailing legislation in the country of Indonesia; Thirdly, the government and Muslims must assist persons with disabilities in achieving their full potential and actively participate in realizing participation, availability, accessibility, and fostering an inclusive culture.

The main recommendation of the importance of MUI's fatwa on persons with disabilities is to make the fatwa a platform that affirms the rights of persons with disabilities. This fatwa can serve as a moral and legal guide for Muslims to ensure that people with disabilities are treated fairly, equally, and respectfully. In practice, this fatwa is expected to eliminate the stigma and discrimination they have often experienced, both in daily life and in religious activities. One of the practical implications of this fatwa is the increased awareness of the community and religious leaders of the importance of building an inclusive worship environment. Mosques and other places of worship need to be equipped with disability-friendly facilities, such as special access paths, clear directions, and worship spaces that allow people with disabilities to worship comfortably. This fatwa can also encourage the active involvement of people with disabilities in religious activities so that they feel like an integral part of the community.

In addition, this fatwa has great potential to change people's mindsets about people with disabilities. With the support of the MUI fatwa, religious

preaching and lectures can contain more inclusive messages that emphasize the equality of humanity before God. Another implication is the emergence of faith-based policies that support people with disabilities in various aspects of life, such as education, employment, and social services. Thus, the importance of MUI's fatwa on persons with disabilities lies in its theological aspects and its far-reaching impact on social transformation. This fatwa can be the foundation for building a more just and inclusive society and Islamic values that respect the dignity of every human being regardless of their limitations.

Conclusion

People with disabilities are a minority group that often experiences discrimination and marginalisation in society. In Indonesia, the rights of persons with disabilities are still not fully guaranteed, and they still face many obstacles in their daily lives. MUI, as the most influential Islamic religious institution in Indonesia, can play an important role in raising public awareness about the rights of persons with disabilities and promoting an inclusive environment through its fatwa on persons with disabilities. MUI's fatwa on persons with disabilities can be a powerful effort to campaign for and improve the protection of the rights of persons with disabilities in Indonesia. The realisation of this fatwa will show MUI's contribution to protecting all levels of society in Indonesia. This research shows the importance of a fatwa issued by MUI that is pro-disability. So that other researchers can focus on the postulates of Islamic law specifically in favour of persons with disabilities.

References

- Al-Bukhari, Abu Abdillah Muhammad ibn Ismail. 1403. *Al-Jami Al-Sahih Al-Musnad Min Hadis Rasulillah Sallallahu 'Alaihi Wa Sallam Wa Sunanihi Wa Ayyamihi (Sahih Al-Bukhari)*. Jild VII. cairo: al-Matbaah al-Salafiyah.
- Anshari, M. 2024. "Penghormatan, Perlindungan, Dan Pemenuhan Hak Penyandang Disabilitas Dalam Perspektif Maqasid Al Syariah." *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial* 12 (1): 31-40. doi:10.30868/am.v12i01.6163.
- Anshori. 2022. "Disabilitas Menurut Al-Qur'an." *JALSAH: The Journal of Al-Quran and as-Sunnah Studies* 1 (1): 34-45. doi:10.37252/jqs.v2i1.170 A.
- Arina Alfiani, and Sulaiman. 2022. "Hak-Hak Kaum Difabel Dalam Al-Qur'an: Meneladani Kisah Pada QS. 'Abasa (80)1-10." *Mukaddimah: Jurnal Studi Islam* 7 (2): 167-86. doi:10.14421/mjsi.72.2967.
- Aryo. 2023. "Penyandang Disabilitas Masih Sering Terima Diskriminasi." *Radio Republik Indonesia*. <https://www.rri.co.id/daerah/470461/penyandang-disabilitas-masih-sering-terima-diskriminasi>.
- Bazna, Maysaa S., and Tarek A. Hatab. 2005. "Disability in the Qur'an: The Islamic Alternative to Defining, Viewing, and Relating to Disability." *Journal of Religion, Disability and Health* 9 (1): 5-27. doi:10.1300/J095v09n01_02.
- Covey, Herbert C. 1998. *Social Perceptions of People With Disabilities in History*. United State America: Charles C Thomas Pub Ltd.
- Eva, Iryani. 2017. "Hukum Islam, Demokrasi Dan Hak Asasi Manusia." *Jurnal Ilmiah Universitas Batanghari Jambi* 17 (2): 24-31. <http://ji.unbari.ac.id/index.php/ilmiah/article/view/357>.
- Ghaly, Mohammed M. 2008. "Physical and Spiritual Treatment of Disability in Islam: Perspectives of Early and Modern Jurists." *Journal of Religion, Disability and Health* 12 (2): 105-43. doi:10.1080/15228960802160647.
- Goffman, Erving. 1990. *Stigma. Notes on the Management of Spoiled Identity*. Ltd. London: Penguin Books Limited.
- Hamzah, Muhammad Maulana. 2017. "Peran Dan Pengaruh Fatwa MUI Dalam Arus Transformasi Sosial Budaya Di Indonesia." *Millah: Journal of Religious Studies* 17 (1): 127-54. doi:10.20885/millah.vol17.iss1.art7.
- Hasan, Baidar Mohammed Mohammed, and Muneer Ali Abdul Rab. 2021. "The Principle of Equality in Islam an Analytical Study of The Concepts of Differentiation and Racism." *Malaysian Journal of Syariah and Law* 9 (1): 17-34. doi:10.33102/mjsl.vol9no1.295.
- Hasnain, Rooshey, Jon Queijo, Suheil Laher, and Carrie Sandahl. 2020. "Islam, Leprosy, and Disability: How Religion, History, Art, and Storytelling Can Yield New Insights and Acceptance." *Societies* 10 (1-17). doi:10.3390/soc10010006.
- Hastuti, Rika Kumala Dewi, Rezanti Putri Pramana, and Hariyanti Sadaly. 2020.

- Kendala Mewujudkan Pembangunan Inklusif Penyandang Disabilitas*. Edited by Dhania Putri Sarahtika and Liza Hadiz. Jakarta: The SMERU Research Institute.
- Hikam, Ahmad Bahrul. 2023. "Konstruksi Taklîf Penyandang Disabilitas Dalam Perspektif Al-Qur'an." Institut PTIQ Jakarta. <https://repository.ptiq.ac.id/id/eprint/1234/>.
- Huda, Larissa. 2022. "'Malangnya Nasib Bocah Yang Dipasung Orangtua Di Bekasi, Kaki Dirantai Dan Dituduh Sering Habiskan Makanan.'" *Kompas*. <https://megapolitan.kompas.com/read/2022/07/23/07000071/malangnya-a-nasib-bocah-yang-dipasung-orangtua-di-bekasi-kaki-dirantai-dan?page=all>.
- Ikhsana, Lisa, and Eka Imroatus Khasanah. 2020. "The Role of the Indonesian Ulema Council in Establishing Fatwas as a Method of Ijtihad in the Contemporary Era." *Jurnal Scientia Indonesia* 6 (2): 207–24. doi:10.15294/jsi.v6i2.36143.
- Ishak, Ajub. 2015. "Daya Serap Lembaga-Lembaga Fatwa Di Indonesia Terhadap Masalah Hukum Kontemporer." *Al-Mizan* 11 (1): 102–18. doi:10.30603/am.v11i1.992.
- Jamal, Khairunnas, Nasrul Fatah, and Wilaela Wilaela. 2017. "Eksistensi Kaum Difabel Dalam Perspektif Al-Qur'an." *Jurnal Ushuluddin* 25 (2): 221–34. doi:10.24014/jush.v25i2.3916.
- Kamal, Mustafa. 2015. "Wakaf Tunai Menurut Pandangan Fiqh Syāfi'iyah Dan Fatwa Majelis Ulama Indonesia No.2 Tahun 2002 Tentang Wakaf Uang." *Jurnal Ilmiah Islam Futura* 15 (1): 93. doi:10.22373/jiif.v15i1.560.
- Ledingham, Emily, Graham W. Wright, and Monika Mitra. 2022. "Sexual Violence Against Women With Disabilities: Experiences With Force and Lifetime Risk." *American Journal of Preventive Medicine* 62 (6). Elsevier Inc.: 895–902. doi:10.1016/j.amepre.2021.12.015.
- Lembaga Bahtsul Masail PBNU, Perhimpunan Pengembangan Pesantren dan Masyarakat (P3M), and Pusat Studi dan Layanan Disabilitas (PSLD) Unibraw. 2018. *Fiqih Penguatan Penyandang Disabilitas*. Edited by Sarmidi Husna. Jakarta: Lembaga Bahtsul Masail PBNU.
- M. Hidayat Ediz, and Yecki Bus. 2020. "Majelis Tarjih Dan Tajdid Sebagai Pemegang Otoritas Fatwa Muhammadiyah." *Al-Ahkam* 21 (1): 149–68. doi:10.15548/alakhkam.v11i2.2171.
- Maftuhin, Arif. 2017. "Mendefinisikan Kota Inklusif: Asal-Usul, Teori Dan Indikator." *Tataloka* 19 (2): 93–103. doi:10.14710/tataloka.19.2.93-103.
- Mian, Ali Altaf. 2012. "Mental Disability in Medieval Hanafi Legalism." *Islamic Studies* 51 (3): 247–62. <https://www.jstor.org/stable/43049909>.
- Mubarok, Mohammad Yazid. 2019. "Hak-Hak Dan Kewajiban Kaum Disabilitas Sebelum Dan Setelah Islam Datang." *Islamic Akademika* 6 (1): 120–32. doi:10.230303/staiattaqwa.v6i1.84.
- Mudzhar, Muhammad Atho. 1993a. *Fatwa-Fatwa Majelis Ulama Indonesia; Sebuah*

- Studi Tentang Pemikiran Hukum Islam Di Indonesia 1975-1988*. Jakarta: INIS.
- — —. 1993b. *Fatwa Fatwa Majelis Ulama Indonesia; Sebuah Studi Tentang Pemikiran Hukum Islam Di Indonesia 1975-1988*. Jakarta: INIS.
- Mukharrom, Tamyiz, and Supriyanto Abdi. 2023. "Harmonizing Islam and Human Rights Through the Reconstruction of Classical Islamic Tradition." *Samarah* 7 (1): 40–57. doi:10.22373/sjkh.v7i1.16436.
- Muttaqin, Zainal. 2021. "Formalization of Islamic Law in Indonesia in the Framework of Social Engineering Theory By Roscoe Pound." *El-Mashlahah* 11 (2): 97–115. doi:10.23971/elma.v11i2.2825.
- Muzawwir. 2021. "Pengaruh Fatwa Lembaga Bahtsul Masail NU Terhadap Pembangunan Hukum Nasional." *Al-Irfan : Journal of Arabic Literature and Islamic Studies* 4 (2): 254–64. doi:10.36835/alirfan.v4i2.5092.
- Nursyamsi, Fajri, Estu Dyah Arifianti, Muhammad Faiz Aziz, Putri Bilqish, and Abi Marutama. 2015. *Kerangka Hukum Disabilitas Indonesia: Menuju Indonesia Ramah Disabilitas*. Jakarta: Pusat Studi Hukum dan Kebijakan Indonesia (PSHK).
- Purnomosidi, Arie. 2017. "Konsep Perlindungan Hak Konstitusional Penyandang Disabilitas Di Indonesia." *Jurnal Refleksi Hukum* 1 (2): 161–74. doi:10.24246/jrh.2017.v1.i2.p161-174.
- Qadomi, Marwan. 2004. "The Rights of the Handicapped in the Islamic Law." *An-Najah University Journal for Research - B (Humanities)*.
- Saputra, Sandi, and Selviani Selviani. 2021. "Fatwa Majelis Ulama Indonesia Nomor 1 Tahun 2004 Tentang Bunga Bank." *AL-Muqayyad* 4 (1): 53–69. doi:10.46963/jam.v4i1.372.
- Shihab, M. Quraish. 2019. *Islam Yang Saya Pahami : Keragaman Itu Rahmat*. 2nd ed. Tangerang: Lentera Hati.
- Sholeh, M. Asrorun Ni'am. 2016. *Metodologi Penetapan Fatwa Majelis Ulama Indonesia: Penggunaan Prinsip Pencegahan Dalam Fatwa*. Jakarta: Erlangga.
- Sinaga, Sania Arisa. 2023. "Studi Analisis Kesetaraan Sosial Bagi Penyandang Disabilitas Pada QS An-Nur 61 Dan QS Abasa 1-3 Dalam Kitab Tafsir Ibnu Katsir." *Anwarul* 3 (5): 981–93. doi:10.58578/anwarul.v3i5.1440.
- Suryanis, Afrilia. 2024. "Tiga Kali Lebih Berisiko: Perempuan Disabilitas Rentan Kekerasan." *Tempo*. <https://www.tempo.co/info-tempo/tiga-kali-lebih-berisiko-perempuan-disabilitas-rentan-kekerasan-1179748>.
- Washil, Izzuddin, and Ahmad Khoirul Fata. 2018. "HAM Islam Dan DUHAM PBB: Sebuah Ikhtiar Mencari Titik Temu." *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 41 (2): 428–50. doi:10.30821/miqot.v41i2.394.
- Wibowo, Subekty, Hermanu Joebagio, and Saiful Bachri. 2020. "Peran Majelis Ulama Indonesia Pada Masa Orde Baru 1975-1998 Dan Relevansinya Dalam Pengembangan Materi Pembelajaran Sejarah Kelas XII IPS SMA." *Jurnal Ilmu Pendidikan* 7 (2): 809–20.
- Widinarsih, Dini. 2019. "Penyandang Disabilitas Di Indonesia: Perkembangan Istilah Dan Definisi." *Jurnal Ilmu Kesejahteraan Sosial* 20 (2): 127–42.

doi:10.7454/jurnalkessos.v20i2.239.

Wijaya, Abdi. 2019. "Respon Lembaga Fatwa Terhadap Isu Fikih Kontemporer (Studi Komparatif Lembaga Fatwa Mui, Majelis Tarjih Muhammadiyah Dan Bahtsul Masail Nu)." *Mazahibuna* 1 (2): 180–99. doi:10.24252/mh.v1i2.10624.

Yahya, Darsil, and Dita Angga Rusiana. 2024. "'Viral, Siswa SMP Difabel Di Makassar Di-'bully', Pihak Sekolah Buka Suara"." *Kompas*. <https://makassar.kompas.com/read/2024/06/14/151754178/viral-siswa-smp-difabel-di-makassar-di-bully-pihak-sekolah-buka-suara>.

Zed, Mestika. 2008. *Metode Penelitian Kepustakaan*. Jakarta: Yayasan Obor Indonesia.