

***Dynamics of Sharia Economic Fatwas: Characteristics of The Fatwa of The National
Sharia Council from Classical to Contemporary***

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Abstract

This research examines the transformation of the format and characteristics of Islamic economic fatwas from the classical to the contemporary model, using the fatwas of the National Sharia Council-Indonesian Ulama Council (DSN-MUI) as a case study. A qualitative method with a literature study approach and content analysis was employed. The findings reveal that DSN-MUI fatwas have undergone significant evolution, not only in substance but also in form and function. Contemporary fatwas are formulated in a more structured and formal manner, resembling regulations, and possess legal legitimacy for enforcement. The legal derivation approaches (qath'i, qauli, manhaji) integrated with the principles of al-mashlahah and maqashid al-shariah make the fatwas more responsive to the complexities of the modern economy. However, their implementation faces challenges, such as low public literacy and tensions in harmonization with the national legal system. In conclusion, this study provides recommendations for further research development, including implementation studies, compliance analysis, multidisciplinary approaches, and comparative studies with international fatwa institutions.

Keywords: *Sharia Economic Fatwa, DSN-MUI, Classical Fatwa, Contemporary Fatwa, Sharia Maqashid.*

Abstrak.

Penelitian ini mengkaji transformasi format dan karakteristik fatwa ekonomi syariah dari model klasik menuju kontemporer, dengan studi kasus pada fatwa Dewan Syariah Nasional-Majelis Ulama Indonesia (DSN-MUI). Metode yang digunakan adalah kualitatif dengan pendekatan studi kepustakaan dan analisis isi. Temuan penelitian mengungkapkan bahwa fatwa DSN-MUI telah mengalami evolusi signifikan, tidak hanya dalam substansi tetapi juga dalam bentuk dan fungsi. Fatwa kontemporer dirumuskan secara lebih terstruktur dan formal menyerupai regulasi, serta memiliki legitimasi hukum untuk mengikat. Pendekatan istinbath hukum (qath'i, qauli, manhaji) yang diintegrasikan dengan prinsip al-mashlahah dan maqashid syariah menjadikan fatwa lebih responsif terhadap kompleksitas ekonomi modern. Namun, implementasinya dihadapkan pada tantangan seperti rendahnya literasi masyarakat dan adanya ketegangan dalam harmonisasi dengan sistem hukum nasional. Sebagai penutup, penelitian ini memberikan rekomendasi untuk pengembangan kajian lebih lanjut, mencakup studi implementasi, analisis kepatuhan, pendekatan multidisiplin, dan studi komparatif dengan lembaga fatwa internasional.

Kata kunci: Fatwa Ekonomi Syariah, DSN-MUI, Fatwa Klasik, Fatwa Kontemporer, Maqashid syariah.

A. Pendahuluan

The development of the sharia economy in Indonesia is inseparable from the role of fatwas as a legal basis. DSN-MUI since its establishment in 1999 has been a key actor in regulating sharia-based economic practices. The fatwa issued covers various aspects, ranging from banking, insurance, capital markets, to financial technology. In this context, it is important to understand how these fatwas develop and respond to the dynamics of the times. In a study on the transformation of Islamic law in sharia economics, it was found that the principle of *tajdid* (renewal) provides space for the development of sharia economic fatwas in accordance with the needs of the community. The fatwa issued by the National Sharia Council (DSN) reflects efforts to integrate the textual approach (*nash*) with *maqashid sharia* (sharia goals) to achieve *maslahat*. This shows that sharia economic law is adaptive and dynamic to social, technological, and globalization changes. However, challenges arise in integrating classical concepts with the complexity of modern economics.

Classical fatwas tend to be text-based and traditions of previous scholars, while DSN's contemporary fatwas adopt a more contextual and pragmatic approach. However, research on the methodological patterns and characteristics between classical and contemporary DSN fatwas is still very limited. Therefore, there is a gap in research in understanding how DSN maintains a balance between the authenticity of sharia and the relevance of the times. An in-depth study is needed to explore these dynamics, including how DSN formulates fatwas that remain rooted in sharia principles while being relevant to global realities. This research is important to provide methodological guidance in producing a sustainable and responsive sharia economic fatwa to the challenges of the modern era.

Islamic law is an independent legal system that is universal, alive, and develops in society. The source of Islamic law comes from the Quran, Sunnah, and *Ijtihad*, where *ijtihad* has the nature of relative truth and *dzanni*, as long as it does not go out of the sharia and *nash*¹. Differences in the *ijtihad* process occur due to the formulation of rules, methodologies, and aspects of thinking used by scholars. The development of *ijtihad* makes Islamic law remain dynamic and relevant to the changing times. However, the classical theological approach that is too general is sometimes considered incapable of explaining practice concretely, thus requiring a reconstruction of thinking to be more contextual².

¹ D Kusnadi, "Pemikiran Hukum Islam Klasik Dan Modern: Karakteristik, Metode, Pengembangan, Dan Keberlakuannya," *Asy-Syari'ah* 16, no. 1 (2014), <https://doi.org/10.15575/as.v16i1.622>.

² Nazar Naamy, "Modernisasi Dan Pembaharuan; Analisis Epistemologi Ilmu Islam Klasik Dan Kontemporer," *PALAPA* 11, no. 1 (2023), <https://doi.org/10.36088/palapa.v11i1.3525>.

Fatwa, as an opinion of Islamic law on certain issues, develops following social dynamics and the needs of society. Fatwas are dynamic because they are influenced by historical, social, and theological factors, as well as the context of modern life ³ In the Indonesian context, the fatwa issued by DSN-MUI has an important role, especially in the field of Sharia economics. The DSN-MUI fatwa is not only a morally binding reference for Muslims, but also plays a role in responding to rapid developments in transactions and the socio-economy of the community ⁴ This fatwa continues to be adjusted to remain in accordance with Sharia principles and contemporary needs, such as regulations, market developments, and global challenges ⁵

The change in the characteristics of the DSN-MUI fatwa from classical to contemporary reflects efforts to adapt to the complexity of modern times. For example, Amin Abdullah proposed the integration-interconnection paradigm, Khalid Abou al-Fadl offered authoritative ijihad that maintained the openness of the meaning of the text, and Jasser Auda introduced a systems approach in ijihad ⁶ This new methodology opens up a discussion on how contemporary fatwas can be more relevant to the needs of the people, without neglecting the fundamental values of Sharia. Despite different approaches, the similarities between classical and contemporary thinking remain, namely trying to make Islamic law a pure and useful guideline for life ⁷.

As an authoritative institution, DSN-MUI has issued 156 fatwas until May 2023, which are the legal basis for Sharia economic practices in Indonesia ⁸ This fatwa not only answers specific problems but also serves as a guide in the development of muamalah miyah fiqh. The character of the DSN-MUI fatwa which is collective and institutional, makes it have stronger legal force than individual fatwas. With this development, the DSN-MUI fatwa continues to be the main reference in building an adaptive, relevant, and broader Sharia economic system that supports the welfare of mankind more broadly ⁹ The presence of these fatwas is an important

³ N J G Kaptein, "Fatwa in Indonesia: An Analysis of Dominant Legal Ideas and Modes of Thought of Fatwa-Making Agencies and Their Implications in the Post-New Order Period," *Bijdragen Tot de Taal-, Land- En Volkenkunde* 174, no. 4 (2019), <https://doi.org/10.1163/22134379-17404021>; Al Fakhri Zakirman, "Metodologi Fatwa Majelis Ulama Indonesia," *Al-Hikmah* 10, no. 2 (2016), <https://doi.org/10.24260/al-hikmah.v10i2.615>.

⁴ Sari Damayanti, "Tinjauan Fatwa Mui Tentang Lembaga Dan Keuangan Syariah," *Waratsah : Jurnal Ilmu-Ilmu Keislaman Dan Sociolinguistik* 7, no. 2 (2021).

⁵ Soleh Hasan Wahid, "Dinamika Fatwa Dari Klasik Ke Kontemporer (Tinjauan Karakteristik Fatwa Ekonomi Syariah Dewan Syariah Nasional Indonesia (DSN-MUI)," *YUDISIA : Jurnal Pemikiran Hukum Dan Hukum Islam* 10, no. 2 (2019), <https://doi.org/10.21043/yudisia.v10i2.5831>.

⁶ Agus Miswanto, "Problematisa Fatwa: Mempertimbangkan Tawaran Metodologi Ijtihad Ulama Kontemporer," *JURNAL HUKUM EKONOMI SYARIAH* 4, no. 2 (2021), <https://doi.org/10.30595/jhes.v4i2.11670>.

⁷ Zulkarnain Zulkarnain, "Karakteristik Dan Corak Pemikiran Teologi Islam Klasik Dan Modern," *Al-Hikmah: Jurnal Theosofi Dan Peradaban Islam* 5, no. 1 (2023), <https://doi.org/10.51900/alhikmah.v5i1.15242>.

⁸ DSN-MUI, "Fatwa," 2023, <https://dsnmu.or.id/kategori/fatwa/>.

⁹ Wahid, "Dinamika Fatwa Dari Klasik Ke Kontemporer (Tinjauan Karakteristik Fatwa Ekonomi Syariah Dewan Syariah Nasional Indonesia (DSN-MUI)," 2019; Damayanti, "Tinjauan Fatwa Mui Tentang Lembaga Dan Keuangan Syariah."

aspect in the building of the Sharia economy which is developing and is in the phase of improvement. The Sharia economic fatwa that has been issued by the institution can be a model for the development and even renewal of Mamaliyah's muamalah fiqh. The character of the DSN-MUI fatwa has changed and the formulation of the fatwa is different when compared to the fatwas of other institutions. Fatwas with a classical definition have developed and strengthened their position in contemporary fatwas that are institutionalized and collective in Indonesia.

Based on the above explanation, the formulation of this research is limited to the scope of changes or shifts in the characteristics, methods, and substance of the DSN-MUI fatwa on Sharia economics from the initial period (classical) to a more modern (contemporary) period. This study also compares the characteristics of fatwas that are more textual (classical) with those that are more contextual (contemporary) that until now the fatwas have been adopted and institutionalized under the Indonesian Ulema Council.

The significance of this research is to help enrich academic literature related to the development of sharia economic fatwa in Indonesia, especially through historical studies and analysis of the transformation of the characteristics of the fatwa of the National Sharia Council (DSN-MUI). It is important to understand how these fatwas adapt from the classical to contemporary contexts according to the needs of the times. By comparing the characteristics of fatwas in classical and contemporary contexts, this study highlights the dynamics and flexibility of Islamic law in responding to social and economic changes, which are relevant for the development of an adaptive and inclusive sharia economy.

B. Metode Penelitian

This research uses qualitative research methods with the type of library research because it is carried out using secondary data sources, namely literature, it can also be said as literature research which analyses writings (journals, books, documents, etc.) that are relevant to answering the formulation of problems in this study with a content analysis approach¹⁰.

This research is limited to the extent of changes or shifts in the characteristics, methods, and content of DSN-MUI fatwas on Sharia economics from the early (classical) period to a more modern (contemporary) period. This research also compares the characteristics of the more textual (classical) fatwas with the more contextual (contemporary) fatwas that have so far been adopted and institutionalized under the Indonesian Ulema Council.

¹⁰ P A E Mayring, "Qualitative Content Analysis BT - International Encyclopedia of Education: Fourth Edition," 2022, <https://doi.org/10.1016/B978-0-12-818630-5.11031-0>.

C. Hasil Dan Pembahasan

1. Fatwas of DSN

The National Sharia Council of the Indonesian Ulema Council (DSN-MUI) has issued various fatwas that serve as important guidelines in the development of Islamic economics in Indonesia. Some of the most recent fatwas include the operational regulation of sharia-based online shops, dropshipping, and marketplaces (Fatwa No. 144-146/2021), which aims to ensure that digital transactions remain in accordance with Islamic principles. In addition, there are guidelines related to personal financing, financial institutions' income during the construction period, and the management of Islamic cooperatives (Fatwa No. 141-143/2021). Other fatwas regulate financial products such as sukuk, stocks, insurance, and Islamic securities crowdfunding, as well as Islamic clearing mechanisms and the conversion of conventional banks to sharia. Early fatwas such as current accounts, savings, deposits, and sale and purchase of salam (Fatwa No. 01-06/2000) became the foundation of the ever-evolving Islamic economy, reflecting DSN-MUI's commitment to integrating Islamic values into innovative modern financial practices¹¹.

2. Characteristics of Classical to Contemporary Fatwas

The development of fatwa since the time of the Prophet Muhammad, the institution of fatwa has been introduced by the Prophet himself by answering every legal question asked or submitted to him. The Prophet's answer to each question is his fatwa in the form of a hadith based on the instructions of Allah and his book. Sometimes it is based on ijtihad according to the guidance and guidance of Allah SWT. Referring to other studies, it is said that the Prophet gave fatwas to various other regions as Islam developed¹². After the Prophet Muhammad died, the duties of fatwa were continued by the companions of the Prophet, which we know as fatwa sahabiyah. There are two forms of fatwa material, the first is a fatwa whose material is a repetition of the explanations of the Qur'an and Hadith, and the second is a fatwa in the form of ijtihad of the companions.

After the end of the Companions' era, the activity of issuing a fatwa was continued by the Tabi'in. The era of the tabi'in referred to in this paper is the period of the transfer of governmental power into the hands of the Bani Umayyah led by Mu'awiyah ibn Abī Sofyān until the period of the second century (two) Hijri at the end of the Bani Umayyah

¹¹ DSN-MUI, "Fatwa."

¹² S H Wahid, "Dinamika Fatwa Dari Klasik Ke Kontemporer (Tinjauan Karakteristik Fatwa Ekonomi Syariah Dewan Syariah Nasional Indonesia (DSN-MUI)," *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 10, no. 2 (2019), <https://doi.org/10.21043/yudisia.v10i2.5831>.

kingdom¹³. This generation was those who had studied with the scholarly figures of the Companion generation. The process of scientific transformation that took place between the Companions and the Tabi'in was based on the method of narration (nuqil), either directly or indirectly. Directly means that the tabi'in heard or studied directly with a Companion regarding the legal decisions and fatwas expressed by the Companion. Indirectly means that the tabi'in memorized and mastered all the legal provisions of a Companion even though he never heard it from the Companion himself. For example, Sa'īd Ibn al-Musayyah was called the narrator of 'Umar because of his mastery of all the rulings and fatwas that 'Umar had issued while they never met.

In general, fatwas and legislation in the era of the tabi'in were still almost the same as what was applicable during the time of the Companions. They still adhered to the method of ijtihad carried out by the Companions, namely first referring to the Qur'an then the Sunnah and Ijtihad of the Companions, and then doing their ijtihad if no answer was found from these sources (Al-Asyqar, 'Umar Sulaymān, 1982). Although they tied themselves to the methodology of the Companions, they sometimes used al-ra'y in making legal decisions and fatwas. Especially when facing changes and new phenomena in society.

After the tabi'in period, fatwa developed through the mujtahid imams and their followers. At this time fiqh issues began to be recorded. The issues that were recorded were formulations of issues that had been established in the Qur'an and hadith, fatwas of the companions, and fatwas of the mujtahidin as a result of their ijtihad at that time. The issues of fiqh at that time were well systematized, making it easier for the reader to find the desired issue.

When a fatwa, which contains a ruling based on concrete social realities, is issued, it is often included in the books of fiqh (furū'). Technically these books form one supreme authority as a compilation of laws. Although they contain a hierarchy of doctrinal authority, as a whole they present the standard legal doctrines of the mazhabs of fiqh. Fatwas issued by muftis are incorporated into fiqh works through two channels: direct and indirect; examples of direct channels are the fatwas of Ibn Ruṣd which were incorporated into the fiqh works *Mawāhib al-Jalīl* and *Tahrīr al-Kalām* both compiled by al-Ḥaṭṭāb, and the fatwas of his father al-Ramlī which were incorporated by al-Ramlī into his commentary on al-Nawāwī's *al-Minhāj*.¹⁴

¹³ "History of Fatwa" (Dar-Alifita, 2024), <https://www.dar-alifita.org/en/fatwa/history-of-fatwa>.

¹⁴ Rusli Rusli, "Tipologi Fatwa Di Era Modern: Dari Offline Ke Online," *HUNafa: Jurnal Studia Islamika* 8, no. 2 (2011), <https://doi.org/10.24239/jsi.v8i2.365.269-306>.

Indirectly is the process of absorbing fatwas into fiqh books through a lengthy process of collecting, editing, and summarising primary fatwas for inclusion in collections that are not related to the fatwas of specific muftis, but simply gather fatwa material to form a work of fiqh. These are referred to as modified fatwas. Abū al-Lais al-Samarqandī and al-Nāṭifī, for example, are said to have collected in their works, *Kitāb al-Nawāzīl* and *Majmu'āt al-Nawazīl wa al-Wāqī'āt*, fatwas of the mazhab imams as well as fatwas of muftis such as Muḥammad ibn Shuja' al-Ṭaljī, Muḥammad ibn Muqātil al-Rāzī and Ja'far ibn 'Alī al-Hinduwānī¹⁵.

Just as they undergo a process of transformation when assimilated into fiqh works, primary fatwas also undergo the same transformation in their journey from primary fatwa to modified fatwa. To arrive at this modified fatwa, the process involves two methods: *tajrid* and *tahklis*. *Tajrid* is a process of omitting details such as the reasoning that led to the opinion expressed in the fatwa, actual names, or hypotheses that happen to be mentioned.¹⁶ It also includes the removal of all words and phrases that are irrelevant to the law, such as religious formulas, the phrases 'He was asked...' and 'He answered...' and introductory sentences that indicate that the muftis have carefully read and studied the fatwa. And since some fatwas contain legal documents, especially those related to contracts, it is the *tajrid* function that omits these documents as well. However, since the total removal of documents might distort the facts and law in a fatwa (*surah al-fatwā*), the second practice is through the process of *talkhiṣ* (overview).¹⁷

The next development of fatwas was in the contemporary era, characterized by the emergence of contemporary scholars such as Yusuf al-Qarḍawī and Wahbah Zuhaili. Qarḍawī, for example, in issuing fatwas relies on the following: a) not being fanatical or *taqlid*, but still respecting the imams of the mazhab by using their methods and perspectives, not expressing opinions marked by strong arguments, being able to *tarjih* the strongest, b) making it easy not difficult, c) speaking in a language that is easy to understand, d) turning away from something that is not useful, e) being moderate not loosening and tightening, f) giving fatwa rights in the form of information and explanation. Then Wahbah Zuhaili, in his fatwa, has the following characteristics: a) first conducting a study of the *nash*, b) If he does not find the hadith of the issue being studied, he uses the hadith 'amaliyah or *taqririyah* as evidence, c) if the two sources are not found,

¹⁵ Rusli.

¹⁶ Shaheen Whyte, "Are Fatwas Dispensable? Examining the Contemporary Relevance and Authority of Fatwas in Australia," *Oxford Journal of Law and Religion* 11, no. 2–3 (2023), <https://doi.org/10.1093/ojlr/rwac015>.

¹⁷ Rusli, "Tipologi Fatwa Di Era Modern: Dari Offline Ke Online."

Wahbah Zuhaili pays attention to the opinions of scholars by paying attention to the validity of the traditions used as evidence by these scholars, d) doing tarjih on opinions that refer to the sahih backing¹⁸

3. Changes in the Characteristics of DSN-MUI fatwas

Classic Fatwa is a Fatwa that refers to a legal opinion or decision issued by a scholar or mufti in the context of Islamic law (fiqh). These fatwas are usually based on the primary sources in Islam, such as the Quran, hadith, ijma' (agreement of scholars), and qiyas (analogy). Classical fatwas are often tied to the social and cultural context of their time and can reflect the views and methodologies of each school of thought. These fatwas can cover a wide range of issues, from worship, and muamalah (transactions), to ethical issues. While classical fatwas are often taken as a reference, it is important to remember that the context of the times and the development of society also influence the interpretation and application of Islamic law.

Contemporary fatwas are explanations of fatwas issued by a scholar or religious institution (e.g. DSN-MUI) in response to issues or challenges that arise in modern society. These fatwas usually cover various aspects of life, such as economics, technology, health, and social interaction, which may not be directly regulated by classical texts¹⁹. The purpose of contemporary fatwas is to provide relevant and practical guidance for Muslims in dealing with complex situations in today's world while adhering to the principles of sharia. These fatwas often involve ijtihad, which is a process of deep reasoning and analysis of the issue at hand.

Fatwas with classical definitions have developed and strengthened their position in contemporary institutionalised and collective fatwas in Indonesia. Both those issued by the MUI Fatwa Commission for religious and societal issues in general, as well as those issued by the MUI DSN for fatwas on Sharia economic issues, especially Sharia financial institutions. MUI DSN fatwas become a binding reference for Sharia financial institutions (LKS) in the country, as well as binding for people who interact with LKS.

Law No. 21/2008 on Sharia Banking, encourages regulators to make the DSN-MUI fatwa part of the economic and financial formulation and make it a statutory content that has legal and binding force. The existence of the DSN-MUI fatwa has increasingly shown its role as a guide to the implementation of Sharia principles in Islamic banking since the

¹⁸ Faridatus Syuhadak, "Urgensi Fatwa Dalam Perkembangan Hukum Islam," *De Jure: Jurnal Hukum Dan Syar'iah* 5, no. 2 (2013), <https://doi.org/10.18860/j-fsh.v5i2.3010>.

¹⁹ M Sururi, "Fatwa Ekonomi Dan Keuangan Syariah," *Al-Tasyree: Jurnal Bisnis, Keuangan Dan Ekonomi Syariah* 13, no. 2 (2021), <https://doi.org/10.59833/altasyree.v13i02.295>.

enactment of Law No. 21 of 2008 concerning Islamic Banking. Law No. 21 of 2008 requires stakeholders to pay attention to and adjust business activities according to the sharia principles mentioned in the Fatwa issued by DSN-MUI.

Thus, the DSN-MUI fatwa has a very significant effect on the socio-economic order of the nation as a whole. The fatwa of DSN-MUI has an important role as a legal basis that guides the community in fulfilling their economic needs. The strong influence of the DSN MUI fatwa causes MUI to be more responsive to the dynamics that develop in people's lives so that the fatwa issued is in line with the benefit. Therefore, the study of Sharia economic fatwas in Indonesia, which covers the method of istinbath and the process of determining fatwas, is very important ²⁰.

As mentioned above, the number of DSN-MUI fatwas currently totals 156 fatwas related to Sharia economics or Sharia financial institutions as its main icon. The existing fatwas are issued based on a) Requests or questions from the public that the Leadership Council deems necessary to discuss and provide fatwas. b) Requests or questions from the government, social institutions/organizations, or MUI itself. and c) The development and findings of religious issues that arise due to changes in society and advances in science and technology.

The above shows that DSN-MUI is an institution that proactively and responsively provides answers on the basis of community needs without having to wait for cases or problems to arrive in the midst of the community. In addition, based on the Decree of the National Sharia Council No: 01 of 2000 concerning the Basic Guidelines of the Indonesian Ulema Council (PD DSN-MUI) on the basic guidelines and Household Guidelines of the Indonesian Ulema Council for the period 1995-2000, and the Decree of the Executive Board of the Indonesian Ulema Council No: Kep-754/MUI/II/99 concerning the establishment of the National Sharia Council letter d it is stated that the National Sharia Council plays a pro-active role in responding to the dynamic development of Indonesian society in economic and financial sectors. Proactive behavior is an effort to take the initiative in increasing ideas and creativity to change the status quo rather than just acting passively in facing the current conditions. This shows that the concept of ifta' DSN-MUI has developed over time and the development of the problems of the times.

The ifta' DSN-MUI process is not only directed at trying to answer the legal status of the problem asked, but rather towards how to modify the transactions that occur to be

²⁰ Anita Marwing, "Fatwa Ekonomi Syariah Di Indonesia," *Al-Amwal : Journal of Islamic Economic Law* 2, no. 2 (2017): 211–27, <https://doi.org/10.24256/alw.v2i2.639>.

in accordance with sharia principles. Changes in the characteristics of fatwa have also been seen in the Guidelines and Implementation of the Organization of the Indonesian Ulema Council (MUI) where the MUI plays the role of mufti (fatwa giver). This role puts the MUI to give fatwas, especially issues related to Islamic law, both requested and unrequested. As a fatwa issuing institution, MUI accommodates and channels the aspirations of Indonesian Muslims who are very diverse in their streams, understandings and thoughts, as well as their religious organizations.

In the latest development, the format of the sharia economic fatwa issued by the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) has undergone a more comprehensive adjustment. Although it retains the three basic elements, namely the question (su'al istifta), the giving of the fatwa (mufti), and the answer (answer), this new format is designed to answer the need for a clearer and more contextual fatwa. These basic elements remain the main foundation in the structure of the fatwa issued by the DSN-MUI.²¹

However, with these adjustments, the fatwa format now includes several additional elements that aim to improve the clarity and relevance of the fatwa in a broader context. These additional elements include a more in-depth background to the issue, a more detailed legal analysis, and an explanation of the economic and social impact of the fatwa decision. With this change, it is hoped that the fatwa issued will be easier for the public to understand and relevant to the challenges and existing developments of the sharia economy²². With the addition of these elements, the sharia economic fatwa not only serves as an answer to the question, but also as a more holistic guide for the community and economic actors. This is expected to strengthen the implementation of sharia principles in contemporary economic activities and provide solutions that are more in line with the development of the times. The classic traditional fatwa with a question for example: a person leaves a horse in the market and then the person entrusted rides it on the road with the intention of guarding it, then he falls. Answer: : If there is no other way to keep the horse except by riding it and not overdoing it and then falling accidentally, then there is no consequence.

One of the innovations that may be implemented is the addition of elements of context analysis and community needs. This can include socio-economic background, a

²¹ Roudotul Jannah, "Keterkaitan Antara Perkembangan Pemikiran Ekonomi Syariah Dengan Perubahan Fatwa Hukum," *Jurnal Ekonomi Rabbani* 2, no. 1 (2022), <https://doi.org/10.53566/jer.v2i1.89>.

²² Amrin Amrin, Khairusoalihin Khairusoalihin, and Muthoifin Muthoifin, "Tax Modernization In Indonesia: Study Of Abu Yusuf's Thinking On Taxation In The Book Of Al-Kharaj," *Profetika: Jurnal Studi Islam* 23, no. 1 (2021), <https://doi.org/10.23917/profetika.v23i1.16792>.

more in-depth explanation of the issues at hand, and practical recommendations that can be implemented. In addition, the use of clearer and easier to understand language is also a concern so that fatwa can be accessed by a wider audience. Thus, this transformation not only changes the structure of fatwa documents, but also increases the relevance and effectiveness of fatwas in sharia economic practices. This is important to ensure that the fatwa issued is able to answer contemporary challenges and support the community in implementing sharia principles in daily life.

Fatwas in the Islamic tradition have a normative nature, because they generally rely on classical fiqh texts which are the main reference in the legal istinbath process. This nature means that fatwas are based on normative teachings derived from the Qur'an, hadith, ijma', and qiyas, as explained in the fiqh books of madhhab, including the Hanafi, Maliki, Shafi'i, and Hanbali madhhabs. These books serve as the main guidelines for the muftis in giving legal decisions, which are aimed at answering the problems of the ummah according to sharia rules. Therefore, fatwas often reflect the established authority of Islamic law, taking into account the local context and the needs of the community, but are still rooted in the legacy of classical science. Al-Jaziri, in *Al-Fiqh 'ala al-Madzahib al-Arba'ah*, explained that this method ensures that fatwas remain strong legal validity and can be accepted by various groups in the tradition of the school that is followed.

The classic fatwa format as mentioned earlier has significant differences when compared to the DSN-MUI fatwa decision format. One of the characteristics of the DSN-MUI fatwa is its more formal systematic, outlined in the form of a Fatwa Decree (SKF). In the SKF, it is mandatory to include the legal basis used, accompanied by a brief explanation and analysis, as well as the source of its extraction. In addition, each SKF is equipped with recommendations, follow-ups, or solutions as a consequence of such decisions as far as possible. For more details, the format of the DSN-MUI fatwa can be seen in the Ijtima Ulama of the Fatwa Commission throughout Indonesia dated 20-22 Shawwal 1424 H / 14-16 December 2003 AD concerning the Guidelines for the Determination of Fatwa of the Indonesian Ulema Council chapter V, as follows :

- a. Fatwa is formulated in legal language that is easy to understand by the wider community;
- b. Fatwa contains :
- c. Fatwa number and title;
- d. Opening sentence of basmallah;

- e. The constituent considerations of the word Considering, contain the background, reasons, and urgency of the determination of fatwa and fatwa postulates.

Based on the description above, it can be seen that the DSN-MUI fatwa has undergone significant changes from the traditional format which previously only included descriptions, questions, and answers. This change is related to the authority of the DSN-MUI fatwa which is based on the mandate of the law as explained, as well as the position of DSN-MUI as a semi-governmental institution. The relationship between the fatwa format and the law or government is reflected in the similarity of the DSN-MUI fatwa format with the preparation of laws and regulations, as stipulated in Article 64 of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations. Therefore, the DSN-MUI fatwa format is more likely to adopt the concept of drafting laws and regulations compared to the concept of drafting fatwas in traditional forms such as ruq'ah al-fatwa.

The existence of sharia economic fatwas carried out by DSN in this contemporary era is different from the process of sharia economic fatwas in the classical era which tends to be individual or partial institutions. The fatwa authority on the sharia economic economy in Indonesia, is under the National Sharia Council of the Indonesian Ulema Council (Anggadini, 2017). The composition of the plenary members consists of sharia experts and economic/financial experts who have sharia insights. In discussing the issues that should be issued by the fatwa, the National Sharia Council (DSN) also involves partner institutions such as the Financial Accounting Standards Board of the Indonesian Institute of Accountants and the Sharia Bureau of Bank Indonesia.

In line with Yusuf al-Qardhawi's explanation in paying attention to the changes that occurred, both the changes that occurred in the classical era and the changes that occurred in this contemporary period that require legal provisions or fatwas. As a legal product that is the answer to the reality and problems that occur, Yusuf al-Qardhawi offers ten fatwa instruments that can change because: First, Change of Place. Second, the changing times. Third, changes in circumstances. Fourth, the change of 'urf. Fifth, change in information/knowledge. Sixth, changes in human needs. Seventh, changes in human abilities. Eighth, changes in the social, economic, and political situation. Ninth, changes in opinion and thinking, and tenth, general disasters ²³.

²³ Amrin Amrin and Amirullah Amirullah, "Contemporary Legal Istimbat: Study on the Theory of Changes in Fatwa According to Yusuf Qardhawi," *Mizan: Journal of Islamic Law* 6, no. 1 (2022), <https://doi.org/10.32507/mizan.v6i1.1244>.

The typology of fatwas in the classical period was only in the individual realm which was then followed by the community, which we often refer to as madhhab. In contemporary times, it shows the assumption that a paradigm change will have an impact on the change of knowledge and its transmission media. The same applies to fatwas, a paradigm that changes will change fatwas, both in terms of content and media. Currently, based on Rusli's research, fatwas consist of state, personal, individual, collective, and online fatwas ²⁴.

One example of a classic fatwa that changes due to the times, time or circumstances is for example about ittihad majelis (United assembly) in the contract. Shafi'iyah said that ittihad assembly is a requirement that must be met to maintain continuity between ijab and kabul. By ensuring that the two witnesses can see with their own eyes that ijab and kabul are spoken by the two actors of the contract, it means that each is in the same place, can see each other, and the qabul is continuous to be pronounced. The words of ijab and qabul must also be sharih, pronounced clearly, directly, and firmly ²⁵.

Hanafiyah also gave the opinion that the ittihad of the assembly is that the united assembly is the unity of the place, the ijba-qabul is continuous, and the continuity of time (the most appropriate reason). Even though the contract is carried out in the same place in a row, because the continuity of time between ijab and qabul is not realized, it is invalid. On the other hand, as exemplified by Ibn Nujaim, one of the Hanafi scholars, one of the parties who made the contract said ijab in one place, then the other party said it on the upper floor, then the contract is valid if each party to the contract sees his partner and his voice can be heard clearly, even though the distance between the two is far or the two sides are opposite the river, even if the river is large ²⁶.

The classic fatwa on the ittihad of the assembly has been shifted in meaning and substance by the DSN-MUI fatwas in terms of contracts related to the Sharia economy. For example, the DSN fatwa on murabahah, salam, and istishna' contracts. In the three contracts, there is no literal essence of the meaning of the ittihad of the assembly, but it is still considered true based on the substance of the contract. Online buying and selling is also a contemporary form of contract that breaks the classic meaning of ittihad assembly and the righteousness of the contract, with the emergence of a fatwa that the contract is taken in substance, not the text. The postulates of الكتاب کا لخطاب are

²⁴ Rusli, "Tipologi Fatwa Di Era Modern: Dari Offliine Ke Online."

²⁵ Muḥammad Amīn Ibnu `Abidīn, *Radd Al-Muhtār `Alā Al-Durr Al-Mukhtār Sharḥ Tanwīr Al-Abṣā*, Beirūt: Dār Al-Kutub Al-`Ilmiyah, 1994.

²⁶ Zainuddin Ibnu Nujaim Al-Hanafi, *Al-Bahr Al-Raiq: Syarah Kanz Al-Daqa`iq Juz:4* (Beirut: Dar Al Fikr, 1993).

contemporary postulates that authorize online buying and selling or e-commerce. Contracts and various Sharia economic transactions, for example, single contracts that turn into hybrid contracts, are supported by fiqh rules that say that all muamalah is permissible as long as there is no evidence that prohibits it, and prioritizes maslahah. So that contemporary fatwas are realistic and elastic fatwas without reducing the meaning of sharia principles..

D. Kesimpulan

The fatwa of the National Sharia Council-Indonesian Ulema Council (DSN-MUI) has undergone significant changes from classical to contemporary formats, both in terms of meaning and substance. This fatwa not only answers the problem of religious law, but also responds to the problems of the sharia economy that continues to develop. Its preparation uses a formal and structured approach, resembling laws and regulations, in contrast to the classic fatwa which is only in the form of questions, answers, and legal basis. The DSN-MUI fatwa has legal legitimacy based on laws related to the sharia economy, giving stakeholders the authority to implement sharia principles in business activities. The determination of fatwas uses the qath'i, qauli, and manhaji approaches, taking into account the principles of al-mashlahah and sharia maqashid so that they are relevant to the needs of the community. The format that resembles regulation reflects DSN-MUI's adaptation to modern needs. Apart from being a spiritual guide, this fatwa is also a formal legal tool that binds stakeholders. However, the implementation of the DSN-MUI fatwa is still limited to the field of sharia economics, while other relevant issues have not been widely discussed. Another obstacle is the low level of awareness and compliance of the community and institutions with fatwa, even though it has legal legitimacy. The biggest challenge is to harmonize sharia provisions with Indonesia's positive law holistically. Further research can examine the implementation of fatwas in the sharia economic sector, comparative studies with international fatwas, or a multidisciplinary approach in its preparation. In addition, the analysis of the level of compliance of the community or institution with the fatwa and the factors that affect it is also an interesting area of study.

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