

## CONSIDERING THE MUI FATWA METHOD IN DETERMINING THE HERETICAL FATWA FROM THE PERSPECTIVE OF MAQOSID SHARIA

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### ABSTRACT

In recent years, the emergence of splinter religious sects in Indonesia has triggered considerable conflict, controversy, and social unrest. The Indonesian Ulema Council (Majelis Ulama Indonesia—MUI), as an authoritative institution consisting of scholars and religious leaders, plays a significant role in issuing fatwas to safeguard the faith and religious integrity of the Muslim community. This study aims to examine MUI's fatwas regarding the designation of heretical sects through the lens of *maqāṣid al-sharīʿah*, with particular emphasis on the principle of *ḥifẓ al-dīn* (protection of religion). Using a qualitative descriptive approach, the research analyzes MUI's fatwa documents and interprets them within the framework of Islamic legal theory. The findings demonstrate that MUI's fatwas are consistent with the objectives of sharia (*maqāṣid al-sharīʿah*) and serve as a preventive mechanism against doctrinal deviations that may threaten religious harmony. This study underlines the importance of fatwas as a tool for religious preservation and community protection in pluralistic societies.

### KEY-WORDS

*MUI, Fatwa, Heretical, Maqosid Sharia*



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### INTRODUCTION

The Indonesian Ulema Council, as a forum for deliberation of Muslim scholars, *zu'ama*, and scholars, strives to guide Indonesian Muslims in realizing a

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religious and social life that pleases Allah Subhanahu wa Ta'ala. MUI must provide advice and fatwas on religious and societal issues to the government and the community, as well as guidance to the community, especially Muslims, by conducting consultations and providing information on a reciprocal basis (Cuban, 2007).

In its journey, MUI has issued various kinds of fatwas in various fields, including issues of *aqidah*, worship, social, political, and no exception fatwas related to religious traditions (Nurlaelawati, 2013). MUI, as an institution that has the authority of fatwa, has also established heretical fatwas on several kinds of splinter schools that are developing in Indonesia (Burhani, 2021; Zain & Ari, 2019). This paper will examine and weigh the MUI fatwa method reviewed from the perspective of *Sharia maqasid*

MUI, as an institution that has the authority to issue fatwas, recorded from 1976 to 2010, has issued heretical fatwas on several religious streams (Irawan & Adnan, 2021). These religious schools include Islam Jama'ah or Darul Hadith, Ahmadiyah Qodiyah or Ahmadiyah School, Inkarusunnah School or school that rejects Sunnah or Hadith of the Prophet, Darul Arqom, Angel Gabriel accompanying humans, or better known as Lia Eden or Lia Aminuddin School, and the last one is about pluralism, liberalism, and secularism.

One of the unique aspects of the law in Islam is the issue of fatwa, where Islam commands Muslims who find a problem and do not know the answer to ask a scholar for an *istifta'*/ask for a fatwa. Moreover, in complicated/urgent problems that require the correct answer and do not know the answer to the question except for a small group of humans and classified as *imu* experts. The pillars of fatwa, based on the literature that the author explores, are three things, which are as follows:

1. Fatwa, fatwa in language is *isim masdar* from *afta – yufti – ifta'*, and the plural is *fatawa*. It is said in *Lisanul 'Arob*: *futya* is the explanation of something that is *iskal* in the law, or something that is explained by a *fakih*. A fatwa is to preach a *shari'a* law to the person who asks. There are also those who interpret a fatwa as the answer to illusory things from *shari'a* problems. While a *mufti* is a person who explains the *sharia* law and preaches it without *ilzam* (without any obligation to be followed) (Meiloud, 2024).

The law of fatwa was originally *fardhu kifayah*, but when there is a person who asks for a fatwa and there is no one in the region except for him who can answer it, then the law becomes *fardhu 'ain*. Because there is a threat to the person who stores knowledge, while he knows the answer (Mohammad Khan & Hussain, 2020). And Imam Ibn al-Qoyyim thinks that a fatwa is obligatory when a problem has occurred and needs an answer, and it is not mandatory when the problem has not yet occurred (Bensala, 2023).

2. Mufti, Mufti is an *isim fa'il* from *afta-yufti*, which means a person who gives a fatwa. A mufti is a person who preaches the law of *sharia*, which is based on the principles of *tafshili* for those who ask about the matters of *nawazil*. And it is required for a mufti at *taklif*, *al islam*, *tsiqoh*, *amanah*, not a *fasiq* person, to defend *muruah* or self-honor. And besides, all of them must be people who know the laws of Islam, the postulates of their provisions and intentions, know the *ulum* of the Quran and Hadith, *nasikh mansukh*, *nahwu*, *lughoh*, and *tashrif*, as

well as know the matters that are disputed and agreed upon by the Ulama, the capacity to conclude the laws, and be aware of the problems of fiqh and its branches (Maemunah, 2020).

3. Mustafti is a person who asks about something related to religious law. So, for a person who has a problem and the problem is *iskal* for him, he should ask a mufti or an expert. Allah the Almighty said:

Ask the people of remembrance if you do not know

Meaning: "And ask the *dhikr* expert (the expert of knowledge) if you do not know" (about the ruling) (QS An Nahl: 43). Ibn Abbas RA, in interpreting the *dhikr* expert in the above verse is the *ahlul* of the Quran, some interpret it as a scholar.

As for the method of making fatwas, it is generally explained in the book *Manahijul Fatwa fil Qodhoya al Mu'ashiroh* (The Fatwa Method in Contemporary Problems) written by Dr. Hasan Ahmad Hasan Al Fakki, that there are three procedures that a mufti must go through in making fatwas. The first is *takyif* (i.e., depiction and deep understanding of a problem that arises), the second is *ta'shil* (i.e., returning the problem to the *ushul* or source in the *shari*), and the third is *tanzil* (i.e., applying the *nash* to the problem that is occurring) (Willis, 2018).

Several studies have explored the role and authority of the Majelis Ulama Indonesia (MUI) in issuing fatwas concerning religious deviance. For instance, research by Rosidin and Hasani (2022) documents how MUI fatwas have significantly influenced public perceptions and state responses to minority sects in Indonesia. Likewise, Hasbi (2015) examined how MUI fatwas affect the social integration of religious groups, highlighting the sociopolitical dimensions of these legal opinions. Meanwhile, Soraya (2022) assessed MUI's fatwa-making process through Islamic legal theory, noting the tension between traditionalist and modernist approaches. However, these studies have not yet systematically analyzed MUI's heresy fatwas through the lens of *maqāṣid al-sharī'ah*, particularly from the perspective of *ḥifẓ al-dīn* (protection of religion). The novelty of this study lies in its integrative approach, combining doctrinal analysis with *maqāṣid* theory to reassess the relevance, legitimacy, and implications of MUI's heresy fatwas in the context of religious harmony and constitutional rights in Indonesia.

This study aims to examine the MUI's heresy critically fatwas within the theoretical framework of *maqāṣid al-sharī'ah*, focusing on how these fatwas align with the principle of protecting religion (*ḥifẓ al-dīn*). It seeks to explore the theological and legal rationale behind these fatwas and their implications on religious tolerance and societal stability. The practical benefits of this research include providing clarity on the role of fatwas in a pluralistic legal system and offering policy input for managing religious diversity in Indonesia. Theoretically, it contributes to Islamic legal scholarship by contextualizing fatwas within *maqāṣid*-oriented jurisprudence.

## **RESEARCH METHOD**

This research employs a normative juridical method with a doctrinal legal approach, focusing on the analysis of legal norms derived from authoritative sources such as statutory regulations, fatwas, and classical Islamic jurisprudence. The normative approach is appropriate for studying abstract legal principles and

doctrines, especially regarding the issuance of MUI fatwas on deviant sects in Indonesia. In addition to the statutory legal perspective, this research integrates an Islamic legal approach, focusing on *maqāṣid al-sharī'ah*, specifically the principle of *ḥifẓ al-dīn* (protection of religion), to assess the legal and theological legitimacy of the MUI fatwas.

The data population in this research consists of all MUI fatwas related to heretical sects issued between 1976 and 2023. A purposive sampling technique was used to select a sample of key fatwas that specifically address doctrinal deviations, such as those related to Ahmadiyah, Lia Eden, and Liberal Islam Network (JIL). The research instruments include a document checklist for fatwa content analysis and a coding sheet for assessing *maqāṣid* alignment. Validity was ensured through triangulation with scholarly literature and cross-referencing with primary religious texts, while reliability was reinforced by consistent coding procedures reviewed by two independent Islamic law experts.

Data collection was conducted via literature review, including primary legal sources (the MUI fatwa archive, the Qur'an, Hadith, and classical fiqh texts), secondary sources (academic journals and books), and tertiary sources (encyclopedias and dictionaries). The research procedure began with the identification of relevant fatwas, followed by their classification based on themes, doctrinal content, and intended *maqāṣid*. The findings were interpreted using descriptive-analytical techniques, with a deductive framework guided by the structure of Islamic jurisprudential reasoning (*usūl al-fiqh*).

## RESULT AND DISCUSSION

### Methodology For Determining MUI Fatwa

MUI is a strategic partner of the government, which is institutionally not under the Government. In the khithoh of service, MUI has five main functions and roles, namely: 1) as the inheritor of the duties of the Prophets, 2) as a fatwa giver, 3) as a guide and servant of the ummah, 4) as an improvement (*islah*) and renewal (*tajdid*), 5) as an enforcer of *amar makruf nahi munkar* (Elvira, 2020).

In general, the MUI has compiled guidelines for the determination of the MUI fatwa No. U-596/MUI/X/1997. In the guidelines, it is stated that every fatwa must be in the form of a legal opinion that has the strongest foundations and brings benefits to the people. The basics that are used as a guide in producing fatwas are the Quran, Hadith, *Ijma'*, *Qiyas*, and other legal evidence (Fitriyah & Yusuf, 2022; Syaiful & Widiani, 2021). In the general grounds for the determination of the MUI fatwa No. U-596 /MUI/X/MUI/X/MUI/X/1997 article 2, it is written that:

1. Every fatwa decision must have a basis on the Mu'tabaroh Book and Sunnah of the Messenger of Allah (PBUH), and not contradict the benefit of the ummah.
2. If it is not contained in the Book of Allah and the Sunnah of the Messenger of Allah as specified in article 2, paragraph 1, the decision of the fatwa shall not contradict the *Ijma'*, *Qiyas*, and mu'tabar and other legal evidences. Such as *istihsan*, *masalih mursalah*, and *sad az zari'ah*
3. Before making a fatwa decision, the opinions of the legal postulates and those related to those used by parties with different opinions should be reviewed.

4. The views of experts on issues that the fatwa will decide are considered.

As for article 3 related to the procedure for determining fatwas, the MUI stipulates:

1. Any issues raised to the commission shall be carefully studied by the commission's members or a special team at least a week before the hearing.
2. Regarding matters that are clear in law (Qoth'i), the commission should convey it as it is, and the fatwa becomes null and void after it is known that there is a nass from the Qur'an and the Sunnah.
3. In the problem of khilafiyah among madhabs, the fatwa is the result of tarjih, after paying attention to the fiqh of muqoron (comparison using the rules of ushul fiqh muqoron related to pentarjihan).

Therefore, from the basics and procedures for determining fatwas above, we can conclude that the MUI methodology in determining a fatwa is that the fatwa must have a basis from the Quran, Hadith, Ijma', Qiyas, and also several other postulates such as istihsan, masalih mursalah, and sadd az zari'ah. Furthermore, the MUI also pays attention to and considers the opinions of the Imams of the Mazhab and Fuqoha. If only one opinion on the issue exists, the MUI can take it as a fatwa decision. However, if more than one opinion is found, the MUI conducts an opinion selection through tarjih. The opinion that has the most rational basis and the most significant benefit for the ummah will be chosen as the fatwa decision (Moqsith, 2017; Palmer, 2016).

### Indicators Of Misconceptions

In 2007, precisely on November 6, 2007, the Central MUI also made guidelines for identifying heretical sects. Where a religious understanding or sect is declared heretical if it meets one of the following criteria (Kaufmann, 2015):

1. Denying one of the six pillars of faith
2. Believing and/or following aqidah that is not based on the postulates of sharia
3. Believing in the descent of revelation after the Qur'an
4. Denying the authenticity and/or truth of the contents of the Quran
5. Interpreting the Qur'an that is not based on the rules of interpretation
6. Denying the position of the Hadith of the Prophet صلى الله عليه وسلم as a source of Islamic teachings
7. Insulting, harassing, and/or degrading the Prophets and Apostles
8. Denying the Prophet Muhammad صلى الله عليه وسلم as the last Prophet and Messenger
9. Changing, adding, and/or subtracting the points of worship that the Shari'ah has stipulated, such as Hajj not going to Baitullah, Mandatory Prayer not 5 times
10. Disbelieving fellow Muslims without sharia is like disbelieving Muslims just because they are not in their group.

Based on the criteria mentioned above, the MUI will determine a heretical fatwa on a school if there is one or more of the ten criteria mentioned above in a school. Of course, this is done after strict procedures and careful studies by experts in their fields. Some of the schools that have been fatwa misguided by the MUI are as follows:

### ***Islam Jamaah***

One of the religious schools that thrives in Indonesia and has gained hearts among the community is the Jamaah Islam or Darul Hadith, which was founded in 1941 with its founder, KH. Nur Hasan. This religious school has an understanding of takfir and believes that people outside of them who do not give allegiance to their Imam are considered to be disbelievers, and even they believe that they are believing with people outside them as if they are believing with the disbelievers (Jimoh, 2021).

When viewed from the indicators of its heresy, then Jama'ah Islam is misguided in terms of beliefs or creeds that are not based on the Qur'an and al-Sunnah. This error in terms of beliefs and/or aqidah is usually caused by interpreting the Qur'an that is not based on the rules of interpretation. As a result, they feel right for themselves and accuse other groups of being wrong. In fact, not only do they view the ummah outside their group as the wrong party, but they are also accused of being infidels. This means that they disbelieve others not based on shari'i evidence, but solely because they do not belong to their group (Vale, 2020). Thus, there are three indicators of their error: believing in and/or following beliefs that are not based on the Qur'an and Sunnah, interpreting the Qur'an without following the rules of interpretation, and disbelieving others without the evidence of sharia, such as disbelieving Muslims just because they are not in their group.

### ***Ahmadiyah Qadiyan***

Ahmadiyah was founded in 1889 by Mirza Ghulam Ahmad, who claimed to have been inspired by Allah. It is centered in India. In 2017, it spread to 210 countries with concentrations in South Asia, West Africa, East Africa, and Indonesia. When viewed from the indicators of its heresy, the Ahmadiyya School, both Qadiyan and Lahore, is misguided in terms of beliefs and/or creeds that are not by the Qur'an and al-Sunnah, believing in the descent of revelation after the Qur'an; interpreting the Qur'an that is not based on the rules of tafsir; denying the Prophet Muhammad (peace be upon him) as the last prophet and messenger; and disbelieving others without the evidence of shari'i, like disbelieving Muslims just because they are not their group. Thus, Ahmadiyah contains five indicators of heresy that the MUI has determined (Hicks, 2014).

### ***The Salamullah Church***

The Salamullah congregation was founded by Lia Aminudin, who claimed to have received revelation from the angel Gabriel since 1995, and claimed to be a drop of Our Lady and preach a new school of faith to continue the three heavenly religions. On that basis, Mrs. Lia Aminudin's claim was declared misleading, and the indicator of her misdirection was to believe in and/or follow a faith that was not based on the Qur'an and al-Sunnah. In addition to this indicator, it seems that Mrs. Lia Aminudin can also be considered to deny the truth of the content of the Qur'an, so that the denial of the content of the Qur'an can also be used as an indicator of her heresy. Thus, there are two indicators of Mrs. Lia Aminudin's misdirection (Roth, 2020).

### ***Inkarussunnah Stream***

Inkarussunnah is a group or understanding that rejects the hadiths or sunnah of the Prophet as an argument and source of tasyri' in Islam. This school emerged in Indonesia in mid-1983 with the originator Mochammad Ihram Sutarto. If you look at the indicators of heresy, the school that rejects the Sunnah/Hadith of the Prophet seems to have a heresy in terms of denying the position of the Hadith of the Prophet Saw) as the source of Islamic teachings after the Qur'an (Ramahi, 2020).

### ***Darul Arqom***

Darul Arqom was founded by Anshari Muhammad, commonly known as Abuya, in 1969, and is based in Malaysia. This congregation began to develop in Indonesia in 2000 and believes that the founder of their sect has obtained the aural of Muhammadiyah (a guide to dhikr-dhikr) directly from the Prophet Muhammad and states that their founder is the son of the Bani Tamim, who is prepared to welcome Imam Mahdi. Judging from the indicators of heresy set by the MUI, Darul Arqam's heresy is believing in and/or following beliefs that do not follow the Qur'an and the Sunnah. In addition to this indicator, it seems that Darul Arqam's belief in the acceptance of teachings from the Prophet after the Prophet is absent can also be categorized as a denial of the authenticity and/or truth of the content of the Qur'an, because the Qur'an has stated the perfection of the teachings of Islam (Ushama, 2020).

### ***Al Qiyadah Al Islamiyah***

Al Qiyadah is a sect built by Ahmad Mushaddeq in 2000, who claimed to be the Messenger of Allah. This sect does not believe in the obligation to pray five times and claims that followers of this sect are obliged to enter heaven. In addition, this school teaches the pillars of Islam and shahada that are different from those of Muslims in general. If you look at the indicators of heresy, then the heresy of the al-Qiyadah al-Islamiyah School can be said to be the same as the heresy of the Ahmadiyya School, namely heresy in terms of beliefs and/or beliefs that are not by the Qur'an and al-Sunnah; believing in the descent of revelation after the Qur'an; interpreting the Qur'an that is not based on the rules of interpretation; denying the Prophet Muhammad (peace be upon him) as the last prophet and messenger; and disbelieving others without the evidence of sh'a'i, like disbelieving Muslims just because they are not their group. Thus, there are five indicators of the heresy of the al-Qiyadah al-Islamiyah sect, the same as the indicators of the heresy of the Ahmadiyya sect (Mariani, 2013).

### **MUI Misguided Fatwa From Maqasid Shariah Perspective**

According to Imam Syathibi, Allah sent down the sharia (rule of law) to take advantage and avoid darkness (*jalbul mashalih wa dar'ul mafasid*). In simpler language, the rules of law that Allah determines are only for the benefit of man himself. Syathibi then divided this benefit into three important parts: dharuriyyat (primary), hajiyyat (secondary), and tahsinat. Maqashid or *Maslahat Dharuriyyat* is something that must exist to realize the benefits of religion and the world. If this does not exist, it will cause damage, even the loss of life, such as eating, drinking,



praying, shaum, and other worship. There are five that include *maslahat* or *maqashid dharuriyyat*, namely: religion (*al-din*), soul (*al-nafs*), heredity (*an-nasl*), property (*al-mal*), and aqal (*al-aql*) (Rizki et al., 2022; Wanto et al., 2021).

Then Imam Syathibi argued that in maintaining *the five maqashid dharuriyyat*, it is necessary to guard in terms of *form* and terms of *'adam*. In terms of existence (*min nahiyyati al-wujud*), that is, by guarding and maintaining things that can perpetuate their existence. As for the non-existence (*min nahiyyati al-'adam*), it is by preventing things that cause its absence.

Its preservation is by two things: one is what evaluates its pillars and proves its rules, and that is its observance from the side of existence. The second: what avoids the imbalance in reality or is expected in it, and that is to take into account it from the side of nothingness

*"Maintaining maqashid dharuriyyat is done in two ways: the first is to maintain it by maintaining its pillars and establishing its rules, which are meant to guard from the side of al form. The second is to prevent something that can damage the dhoruriyah, which is certain to happen or that is predicted to happen, and that is the purpose of maintaining the dharuriyah from the side of al-'adam."*

So, according to Imam Syathibi, the way to maintain *dhoruriyah al khomsah* is not only by way of maintenance and preservation (Rizki et al., 2022; Wanto et al., 2021), but there must also be preventive measures to prevent something that causes the loss, damage or extinction of the *dhoruriyah al khomsah*. This can be done by:

- a. Maintaining religion in terms of *al-form*, for example, by establishing prayers and paying zakat, while maintaining religion in terms of *al-'adam*, for example, with jihad and giving punishment to apostates.
- b. Protecting the soul in terms of *al-form*, such as eating and drinking, taking care of the soul in terms of *al-'adam*, for example, the punishment of qishash and diyat.
- c. Maintaining aqal in terms of *al-wujud*, for example, eating and seeking knowledge, maintaining aqal in terms of *al-'adam*, for example, a limit for khamr drinkers.
- d. Keeping an-nasl in terms of *al-wujud*, e.g., marriage, guarding an-nasl in terms of *al-'adam*, for example, is the limit for adulterers and *muqdzif*
- e. Keeping al-mal in terms of *al-wujud*, for example, buying and selling and seeking sustenance, guarding al-mal in terms of *al-'adam*, for example, by forbidding riba and cutting off hands for thieves (Milhan, 2022).

It is also mentioned in the Kitab *at Tahrir*, in the context of hifdzud diin, that the protection of religion can also be carried out by waging jihad and punishing the proponents and spreaders of heresy in religion.

He said in Tahrir and his commentary: Preserving religion is obligatory for jihad, and the punishment of the caller to heresy.

*"Maintaining religion is by jihad and punishing the bearers and spreaders of heresy in religion (Yasmin et al., 2024)."*

All the schools that are deviant in the fatwa by the MUI are related to the issue of aqidah or beliefs that concern the truth and purity of the faith of Muslims in Indonesia. Therefore, what the MUI does by giving and assigning a heretical fatwa



to a school that has been proven to be deviant is in line with the perspective of sharia maqosid. MUI is a large tent of Muslims who have the authority of fatwa, in addition to being tasked with maintaining the religion (*hifdzuddiin*) *min naahiyatil exists*, namely by providing guidance and guidance to Muslims to carry out religious and national life well, it also must maintain the religion (*hifdzuddiin*) *min naahiyati al 'adam*. One of MUI's efforts in maintaining the religion (*hifdzuddiin*) *min naahiyati al'adam* is to establish a heretical fatwa for schools that have been proven to deviate from the rules of Islam.

### CONCLUSION

MUI's fatwas related to deviant religious streams are clear evidence of MUI's concern and seriousness in warding, protecting, and guarding the people's faith. What is done by the MUI in giving heretical labels or fatwas to schools that are proven to be deviant is felt to be appropriate and in line with the perspective of Maqosid Sharia, namely in the context of *hifdzuddin* or safeguarding religion. Some schools that have been issued a fatwa for heresy by the MUI have fulfilled one, two, three, or even more than the criteria or indicators of heresy. MUI is a large tent of Muslims who have the authority of fatwa, in addition to being tasked with maintaining the religion (*hifdzuddiin*) *min naahiyatil exists*, namely by providing guidance and guidance to Muslims to carry out religious and national life well, it also must maintain the religion (*hifdzuddiin*) *min naahiyati al 'adam*. One of the efforts is to establish a heretical fatwa for schools that have been proven to deviate from the rules of Islam.

This study reinforces the importance of fatwa institutions like MUI in preserving religious orthodoxy and public order. The implication is that fatwa-making bodies must consistently apply objective and transparent methodologies grounded in maqāṣid al-sharī'ah to maintain legitimacy and public trust. Future fatwas should be socialized more effectively to the public, ensuring they are understood not as acts of exclusion but as efforts of protection and guidance. For further research, a comparative analysis of MUI fatwas with fatwa institutions in other Muslim-majority countries could offer valuable insights into the contextual application of *ḥifẓ al-dīn* in contemporary societies. Additionally, interdisciplinary studies incorporating sociology and religious anthropology would enrich the discourse on public reception and implementation of such fatwas in diverse cultural settings.

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