

The Legal Status of MUI Fatwas within the Indonesian Legal System

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Abstract

This study examines the legal status of fatwas issued by the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI) within Indonesia's regulatory system. The research aims to identify the legal position of MUI fatwas in the Indonesian legal hierarchy and to analyze their juridical nature within the national legal framework. Employing normative legal research methods, this study adopts a statute-based and analytical approach, focusing on statutory regulations, legal doctrines, and relevant legal theories. The findings indicate that MUI fatwas do not constitute formal legislation and thus lack general binding legal force, as they are not issued by state-authorized bodies nor do they fulfill the formal requirements of written law. Nevertheless, MUI fatwas retain significant value as material legal sources and interpretive guidance, particularly for Indonesian Muslims and institutions such as Religious Courts. The nature of MUI fatwas is that of internal religious opinions non binding and applicable only to those who recognize the moral or religious authority of the MUI. Therefore, MUI fatwas are persuasive and moral-religious in character, rather than coercive like state enacted positive law.

Keywords : MUI Fatwa, National Law, Legal System of Indonesia

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Pendahuluan

Indonesia, as a state governed by law based on Pancasila and the 1945 Constitution of the Republic of Indonesia, recognizes various sources of law that contribute to the formulation and enforcement of justice.¹ While the national legal system is fundamentally grounded in the prevailing positive law, sociological realities indicate that norms established by religious organizations also significantly influence societal behavior.² One such normative source is the *fatwa*, particularly those issued by the Indonesian Ulema Council (*Majelis Ulama Indonesia*, hereinafter MUI), a religious authority recognized among Indonesian Muslims.

MUI represents a vital entity within Indonesia's socio-religious landscape. It is an

independent organization that serves as a platform for *ulama* (Islamic scholars), *ku'ama* (community leaders), and Muslim intellectuals throughout the country. The existence of MUI is not only factually acknowledged by the public but also formally recognized through various state regulations.³ Presidential Regulation No. 151 of 2014 on Funding Support for MUI Activities defines MUI as a deliberative forum for scholars, leaders, and Muslim intellectuals. Its primary roles include guiding the Muslim community, fostering an Islamic way of life, and enhancing Muslim participation in national development. This definition affirms MUI's strategic function as a bridge between the aspirations of the Muslim community and governmental policy-making.

Historically, MUI was established on July 26, 1975, in Jakarta, as the result of a

¹ Hasan, Z., Putri, F. G., Riani, C. J., & Evandra, A. P. (2024). Penerapan Nilai-Nilai Pancasila dalam Pembentukan Peraturan Hukum di Indonesia. *Perkara: Jurnal Ilmu Hukum dan Politik*, 2(2), 138-150.

² Tarigan, R. S. (2024). *Menuju Negara Hukum Yang Berkeadilan*. Ruang Karya Bersama.

³ Dzulkurnain, I. (2025). *Fatwa MUI Terhadap Eksistensi Identitas Keagamaan: Analisis Sosiologis Aliran Islam Jama'ah di Indonesia* (Doctoral dissertation, Universitas Islam Indonesia).

consensus among scholars, intellectuals, and community leaders from across Indonesia. Its formation was driven by a shared desire to unite Muslim figures in providing guidance, education, and protection for the Indonesian Muslim community. The establishment process was marked by the signing of the “Charter of Establishment of the Indonesian Ulema Council” by 53 prominent scholars.⁴ As a consultative body of *ulama*, *ẓu’ama*, and Muslim intellectuals, MUI carries several strategic missions: (1) providing guidance and direction to the Muslim community; (2) issuing religious advice and fatwas on matters of religion and society to both government and the public; (3) acting as a liaison between *ulama* and *umara* (government); and (4) promoting cooperation among Islamic organizations and institutions.

MUI plays a significant role in Indonesia’s constitutional landscape as a governmental partner. This partnership is manifested through various national development programs aimed at promoting Islamic values in public life. Although MUI is not formally part of the governmental hierarchy, its position as a strategic partner grants it substantial influence in shaping policies related to Islamic law (*sharia*) and religious life.⁵ This relationship underscores the relevance and urgency of MUI fatwas within Indonesia’s legal system. MUI has issued numerous fatwas encompassing a wide array of issues, including worship (*ibadah*), civil transactions (*muamalah*), social affairs, and even matters of governance.⁶ These fatwas often serve as primary references for Muslims in guiding their actions and beliefs. In certain instances, MUI fatwas have been formally adopted or have

served as the legal basis for government regulations, particularly in areas such as halal product certification, Islamic banking, and public health.⁷

This juridical interaction between religious fatwas and the development of positive law raises a fundamental question: to what extent can fatwas be integrated into the national legal framework without compromising the principle of legal supremacy? MUI continues to play a dynamic role in both religious and socio-legal domains, primarily through its issuance of fatwas. These fatwas have transcended their original purpose as mere moral-religious guidance and increasingly address complex public issues spanning economics, health, education, and social policy. This evolution reflects a shift in MUI’s role from a purely religious body to a normative institution whose fatwas carry tangible implications for society and the state.

Such developments underscore the urgency of reexamining the legal status of MUI fatwas within the Indonesian regulatory system. The national legal framework adheres to a formal hierarchy of legislation to ensure legal certainty and prevent regulatory overlaps. However, the absence of explicit recognition of MUI fatwas within this hierarchy creates a normative gap and potential ambiguity. This study seeks to articulate the position of MUI fatwas in the legislative system and to analyze their legal nature. A clear understanding of the nature of fatwas is essential in assessing their juridical implications, particularly in the context of legal enforcement and dispute resolution. The findings are expected to offer a strong theoretical and practical foundation for policymakers, judicial institutions, and the broader public in understanding the legal significance of MUI fatwas, ensuring legal certainty, and fostering harmony between religious norms and state law in Indonesia.

⁴ Putri, R. S. (2010). Penggunaan hak pilih untuk tidak memilih terkait Fatwa Haram Mui tentang golput dalam perspektif Hak Asasi Manusia.

⁵ Abdillah, A., & Novianto, R. (2019). Lembaga Quasi Non Governmental Organization (Quango) Dalam Sistem Ketatanegaraan Indonesia: Majelis Ulama Indonesia. *Jurnal Hukum & Pembangunan*, 49(1), 110-135.

⁶ Hakim, Z. (2021). Peran Fatwa Mui Sebagai Produk Hukum Islam Dalam Masyarakat. *Al’Adalah*, 24(2), 105-117.

⁷ Ma’mur, J. (2018). Peran Fatwa MUI Dalam Berbangsa Dan Bernegara (Talfiq Manhaji Sebagai Metodologi Penetapan Fatwa MUI). *Wahana Akademika*, 5(2), 42-53.

Research Methodology

This study employs a normative legal research method. This approach is appropriate for examining the legal status of fatwas issued by the Indonesian Ulama Council (Majelis Ulama Indonesia, MUI) within Indonesia's legal system, given the subject matter's inherent relation to legal norms, principles, and doctrines.⁸ Normative legal research primarily focuses on the analysis of both primary and secondary legal materials, including statutory regulations, judicial decisions, legal doctrines, and relevant scholarly literature. The research utilizes a statute approach, which involves a comprehensive examination and interpretation of legislative instruments that may be relevant to or have implications for the legal status of MUI fatwas.⁹ Additionally, the study incorporates an analytical approach, which entails an in-depth investigation of legal concepts and fundamental principles. This analysis encompasses various legal doctrines, Islamic legal theories, and principles of positive law concerning legitimacy, binding force, and the legal implications of fatwas in judicial and regulatory practice.¹⁰

Analysis and Discussion

The Legal Standing of MUI Fatwas in the Indonesian Legislative System

The legal status of MUI fatwas within the Indonesian legislative framework constitutes a complex issue. Article 1 point 2 of Law No. 12 of 2011 concerning the Formation of Laws and Regulations provides a concrete definition of what constitutes legislation: "Legislation is a written regulation containing generally binding legal norms and enacted or established by state institutions or authorized officials through procedures stipulated in legislation". This provision

explicitly requires that legislation must be in written form.¹¹

Furthermore, the legal norms contained in legislation must possess general binding force. This means the provisions apply to every individual or entity within the jurisdiction or legal subject regulated. The characteristic of general applicability reflects the essence of positive law enforced by the state to promote order and justice across all segments of society.¹²

The formation or enactment of legislation is strictly reserved for state institutions or authorized officials. Moreover, the procedure for its enactment must conform to the requirements set out in the prevailing legislative framework. These aspects of authority and procedural compliance serve to guarantee legitimacy and accountability in the legislative process, ensuring that every regulation in force is supported by a solid legal foundation and is enacted through democratic and transparent mechanisms.

The legislative hierarchy as outlined in Law No. 12 of 2011 and its amendments does not explicitly recognize fatwas as a type or level of legislation. Article 7 paragraph (1) of Law No. 12 of 2011 specifies the following types of legislation:¹³

- a. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945;
- b. Ketetapan Majelis Permusyawaratan Rakyat;
- c. Undang-Undang/Peraturan Pemerintah Pengganti Undang-Undang;
- d. Peraturan Pemerintah;
- e. Peraturan Presiden;
- f. Peraturan Daerah Provinsi; dan
- g. Peraturan Daerah Kabupaten/Kota

Furthermore, Article 7 paragraph (2)

⁸ Juliardi, B., Runtuwun, Y. B., Musthofa, M. H., TL, A. D., Asriyani, A., Hazmi, R. M., ... & Samara, M. R. (2023). *Metode penelitian hukum*. CV. Gita Lentera.

⁹ Kristiawanto, S. H. I. (2022). *Memahami Penelitian Hukum Normatif*. Prenada Media.

¹⁰ Efendi, J., Ibrahim, J., & Rijadi, P. (2016). *Metode Penelitian Hukum: Normatif dan Empiris*.

¹¹ Siahaan, M. (2010). Uji Konstitusionalitas Peraturan Perundang-Undangan Negara Kita: Masalah dan Tantangan. *Jurnal Konstitusi*, 7(4), 009-048.

¹² Abdullah, A. G., & Ilmiah, A. (2004). Pengantar Memahami Undang-Undang Tentang Pembentukan Peraturan Perundang-Undangan. *Jurnal Legislasi Indonesia*, 1(2), 2-4.

¹³ Fathorrahman, F. (2021). Politik Hukum Hierarki Peraturan Perundang-Undangan Indonesia. *HUKMY: Jurnal Hukum*, 1(1), 73-90.

of Law Number 12 of 2011 also regulates other types of legislation beyond those mentioned above, encompassing regulations enacted by:¹⁴

- a. Majelis Permusyawaratan Rakyat (MPR);
- b. Dewan Perwakilan Rakyat (DPR);
- c. Dewan Perwakilan Daerah (DPD);
- d. Mahkamah Agung (MA);
- e. Mahkamah Konstitusi (MK);
- f. Badan Pemeriksa Keuangan (BPK);
- g. Komisi Yudisial (KY);
- h. Bank Indonesia (BI);
- i. Menteri;
- j. badan, lembaga, atau komisi yang setingkat yang dibentuk dengan Undang-Undang atau Pemerintah atas perintah Undang-Undang;
- k. Dewan Perwakilan Rakyat Daerah Provinsi;
- l. Gubernur;
- m. Dewan Perwakilan Rakyat Daerah Kabupaten/Kota;
- n. Bupati/Walikota;
- o. Kepala Desa atau yang setingkat.

Based on the aforementioned legal foundations, MUI fatwas are not, from a juridical perspective, part of the Indonesian legislative framework. Law Number 12 of 2011 on the Formation of Laws and Regulations, which serves as the principal guideline for the formation and categorization of regulations in Indonesia, does not recognize *fatwa* as a form of legislation with binding legal authority. This means that *fatwas* issued by the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI) cannot be equated with laws (*Undang-Undang*), government regulations, presidential regulations, or other formal legislation explicitly acknowledged within the national legal system.¹⁵

¹⁴ Sumarta, J. H., Haryono, D., & Junaidi, J. (2015). *Politik Hukum Pengembalian Ketetapan Majelis Permusyawaratan Rakyat dalam Hirarki Peraturan Perundang-undangan Berdasarkan Undang-undang Nomor 12 Tahun 2011 Tentang Peraturan Perundang-undangan di Indonesia* (Doctoral dissertation, Riau University).

¹⁵ Najib, A. (2012). *Fatwa Majelis Ulama Indonesia dalam Perspektif Pembangunan Hukum Responsif. Lisan al-Hal: Jurnal Pengembangan Pemikiran dan Kebudayaan*, 6(2), 373-384.

The direct consequence of this legal status is that MUI fatwas cannot serve as the sole legal basis for imposing obligations, applying criminal or civil sanctions, or restricting citizens' constitutional rights.¹⁶ The binding force of any legal norm must derive from a valid legislative instrument, enacted through a formal legislative process, and officially promulgated. As a product of a religious civil society organization, a fatwa does not meet the formal criteria for the establishment of legally binding regulation under Indonesian law.¹⁷

Nevertheless, the non-legislative nature of MUI fatwas does not render them irrelevant in the legal system. They may function as material sources of law or interpretative guidelines. Judicial institutions particularly the Religious Courts (Pengadilan Agama) may refer to MUI fatwas in their rulings as authoritative guidance for interpreting Islamic legal norms.¹⁸ Moreover, MUI fatwas can serve as foundational references for the formulation of governmental policies or derivative regulations, such as those concerning halal certification standards or the operation of Islamic financial institutions.¹⁹ However, the binding legal force in such instances originates from the governmental regulation that incorporates the fatwa, not from the fatwa itself.

The Legal Nature of MUI Fatwas in the Indonesian Legal System

¹⁶ Luthfi, F., Aseri, A. F., Umar, M., & Khasyir'in, N. (2024). Pendekatan Sosio-Legal Terhadap Fatwa: Analisis Kedudukan dan Peran Fatwa MUI di Indonesia. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 2(4), 2226-2245.

¹⁷ Tamam, A. B. (2021). Kedudukan Fatwa Majelis Ulama Indonesia (MUI) Dan Fatwa Dewan Syariah Nasional (DSN) Dalam Sistem Hukum Indonesia. *Al-Musthofa: Journal Of Sharia Economics*, 4(1), 62-78.

¹⁸ Mulyati, M. (2019). Kontribusi MUI dalam Pengembangan dan Penerapan Hukum Islam di Indonesia. *Al-Mashlahah Jurnal Hukum Islam dan Pranata Sosial*, 7(01), 83-100.

¹⁹ Kumkelo, M. (2010). Kedudukan Majelis Ulama Indonesia (MUI) dan Komisi Fatwanya dalam Sistem Hukum Tata Negara. *EL-QUUDWAH*.

The Indonesian Ulema Council (Majelis Ulama Indonesia, MUI) occupies a position within the state structure that can be categorized as part of the constitutional infrastructure. As an organization of Islamic scholars (*‘ulama*), MUI’s principal role is centered on community empowerment, particularly among Indonesian Muslims.²⁰ Its functions clearly situate the MUI within civil society, rather than as a formal state institution or an official representative of the state. The implication of this status is that MUI *fatwas* are not considered state law. They do not carry the sovereign authority required to impose binding obligations on the general public. Accordingly, MUI *fatwas* do not carry legal sanctions and are not automatically enforceable upon all Indonesian citizens. This characteristic distinguishes *fatwas* from statutory regulations established by the state.

As a religious civil society organization situated within the broader constitutional framework, MUI’s *fatwas* possess an *internally binding* nature. They are binding only upon members of the Muslim community who feel a religious or moral affiliation with the MUI. Compliance with *fatwas* is therefore based on religious conviction and recognition of MUI’s religious authority, rather than on legal obligations backed by state enforcement.²¹ The implementation of MUI *fatwas* is contingent upon the individual and collective willingness of Muslims to adhere to the religious guidance issued. This reflects the primarily persuasive and moral-religious influence of *fatwas*, in contrast to the coercive nature of generally applicable positive law in Indonesia.

In essence, a fatwa is no more than an opinion or scholarly interpretation. It represents the outcome of religious reasoning and interpretation whether issued

by individual scholars or by religious institutions. The process involves in-depth analysis of Islamic legal sources and contextual considerations relating to the social and temporal setting in which an issue arises. As a form of opinion, a fatwa differs from legally binding norms that possess coercive force. Muslims are under no absolute obligation to adhere to a given fatwa; they retain the freedom to follow or disregard it, depending on their personal beliefs and understanding. This freedom is a fundamental feature of the Islamic legal tradition, which respects diversity of thought and the legitimacy of *ijtihad* (independent legal reasoning).

The characterization of a fatwa as an “opinion” also signifies that there are no formal legal sanctions attached to non-compliance with it. The consequences of disregarding a fatwa are moral or spiritual in nature, affecting the individual’s conscience or religious standing, rather than constituting enforceable penalties under state law or judicial mechanisms. This distinction is crucial in differentiating between religious authority and the authority of positive law. MUI fatwas primarily function as religious guidance, counsel, or recommendations. They offer direction for Muslims in living in accordance with Islamic teachings, especially in addressing contemporary issues for which explicit rulings (*nash*) are absent.²²

The role of fatwas is to provide illumination and responses to complex religious inquiries. Understanding the true nature of a fatwa as a non-binding opinion that may be either followed or disregarded entirely is essential in the context of Indonesia’s pluralistic legal system. This reinforces the idea that, despite the significant sociological and religious influence of MUI fatwas, they cannot be equated with state laws, which possess binding legal authority.

²⁰ Muhaimin, R., & Muslimin, J. M. (2023). The role of the Council of Indonesian Ulama (MUI) to the development of a Madani Society in the Democratic Landscape of Indonesia. *Aspirasi: Jurnal Masalah-Masalah Sosial*, 14(2), 225-239.

²¹ Ansori, A. I., & Ulumuddin, M. (2020). Kedudukan Fatwa Majelis Ulama Indonesia (MUI) Dalam Hukum Islam. *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam*, 5(1), 37-56.

²² Najib, A. (2012). Fatwa Majelis Ulama Indonesia dalam Perspektif Pembangunan Hukum Responsif. *Lisan al-Hak: Jurnal Pengembangan Pemikiran dan Kebudayaan*, 6(2), 373-384.

Conclusion

MUI *fatwas* do not fall within the category of legislation (*peraturan perundang-undangan*) as juridically defined in Law No. 12 of 2011 on the Formation of Laws and Regulations. Legislation is concretely defined as written rules containing legally binding norms of general applicability, enacted by state institutions or authorized officials, and formulated through procedures prescribed by law. As products of a religious civil society organization, MUI *fatwas* do not satisfy these formal criteria. Moreover, *fatwas* are not explicitly mentioned within the hierarchy of laws and regulations as outlined in Article 7 of Law No. 12 of 2011, and thus cannot be equated with legally recognized forms of legislation.

The Indonesian Ulema Council (MUI) functions as part of the constitutional infrastructure rather than as a state institution. Accordingly, its *fatwas* are, by nature, internal religious opinions or interpretations. MUI *fatwas* do not carry external binding legal force over all citizens. Compliance with them is based on religious consciousness and the moral obligations of the Muslim community. Therefore, MUI *fatwas* serve as religious guidance, advice, or recommendations that are persuasive and moral religious in character, differing fundamentally from state law, which is coercive and universally applicable due to its obligatory legal nature.

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Conflict of Interest Statement:

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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