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Fatwas of the Indonesian Ulema Council (MUI) on National Strategic Issues 2006-2018 in the Perspective of Maqashid al-Syariah

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Abstract

*This study discusses the Fatwa issued by the Indonesian Ulema Council on National Strategic Issues 2006-2018. The discussion is important because MUI's authority in issuing fatwas is still directly proportional to the diversity of the Muslim community in Indonesia. Knowing the MUI's considerations in issuing a fatwa will certainly influence the appreciation of implementing the fatwa. However, studies on MUI fatwas are still limited to the study of faith and worship, although nationality is also a priority for MUI in giving fatwas. In constructing the results of the study, the authors use the normative law method, so the legal source obtained becomes the secondary data. The results of the study concluded that MUI's consideration in issuing fatwa on National Strategic Issues is *hifz al-ummah*. *Hifz al-ummah* is an aspect of *al-daruriyah* in *maqashid al-shariah*, namely maintaining the principles of "togetherness" or "national integrity" as a nation, and seeking the benefit of being present in that life.*

Keywords: MUI Fatwa, National Strategy, Maqashid al-Syariah, Hifz al-ummah

Fatwa Majelis Ulama Indonesia (MUI) tentang Isu Strategis Nasional 2006-2018 dalam Perspektif Maqashid al-Syariah

Abstrak

*Kajian ini membahas tentang Fatwa yang dikeluarkan Majelis Ulama Indonesia tentang Isu Strategis Nasional 2006-2018. Pembahasan ini penting karena kewenangan MUI dalam mengeluarkan fatwa masih berbanding lurus dengan keragaman umat Islam di Indonesia. Mengetahui pertimbangan MUI dalam mengeluarkan fatwa tentunya akan mempengaruhi apresiasi penerapan fatwa tersebut. Namun kajian fatwa MUI masih sebatas kajian iman dan ibadah, meskipun kewarganegaraan juga menjadi prioritas MUI dalam memberikan fatwa. Dalam menyusun hasil penelitian, penulis menggunakan metode hukum normatif, sehingga sumber hukum yang diperoleh menjadi data sekunder. Hasil kajian menyimpulkan bahwa pertimbangan MUI dalam mengeluarkan fatwa Isu Strategis Nasional adalah *hifz al-ummah*. *Hifz al-ummah* merupakan aspek *al-daruriyah* dalam *maqashid al-syariah*, yaitu menjaga prinsip "kebersamaan" atau "keutuhan bangsa" sebagai sebuah bangsa, dan mencari kemaslahatan yang hadir dalam kehidupan tersebut.*

Kata kunci: MUI Fatwa, National Strategy, Maqashid al-Syariah, Hifz al-ummah

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A. Introduction

Regarding the role of the Indonesian Ulema Council (MUI) as an institution that has the authority in issuing Fatwa in Indonesia, of course, it is always intertwined with the dynamics of national and state life. This is because the changes in circumstances and conditions in the midst of the life of the Indonesian people have greatly influenced the considerations of the fatwas that must be issued; Indonesia's socio-political situation also has a significant influence on the style and strategy of the MUI when it carries out their duties to protect people.¹

Interestingly, various studies have revealed that MUI has always been the main reference in understanding Islamic law by the Indonesian Muslim community.² The Fatwas issued by MUI have always been the main reference for Muslims in carrying out their prayers; for the government, MUI fatwa becomes a consideration in making the best decision. Of course, MUI has taken and selected the opinions of scholars who have a strong understanding of Islamic law; which brings more benefits; more in accordance with the situation and conditions that occur in the society.³

It becomes even more interesting, considering that the fatwas issued by the MUI are not only limited to religious matters such as faith and worship. MUI is able to make breakthroughs in fatwas across various aspects of human life. In addition to fatwas regarding faith and worship, MUI also issued fatwas regarding *Masāil Asasiyyah Wathaniyyah* (National Strategic Issues), *Masāil Wāqi'iyyah Muāshirah* (Contemporary Issues), and *Masāil Qanuniyyah* (Legal and Legislative Issues).

¹ Zainuddin Puteh and Dhiauddin Tanjung, "THE USE OF MASK AND STRETCHING THE SHAF OF JUSTICE PRAYERS IN THE PANDEMIC PERIOD IN MUI FATWA NUMBER 31 OF 2020: QAWAID FIQHIIYAH PERSPECTIVE," *Dusturiyah: Jurnal Hukum Islam, Perundang-undangan dan Pranata Sosial* 12, no. 2 (December 8, 2022): 185, accessed January 9, 2023, <https://www.jurnal3.ar-raniry.ac.id/index.php/dustur/article/view/13703>.

² Mendra Siswanto, "FATWA-FATWA HUKUM KELUARGA MAJELIS ULAMA INDONESIA TAHUN 1975-2012 DALAM PERSPEKTIF MAQASHID AL-SYARI'AH," *Hukum Islam* 21, no. 2 (January 17, 2022): 206, accessed January 9, 2023, <https://ejournal.uin-suska.ac.id/index.php/hukumislam/article/view/11520>.

³ Ahmad Mukri Aji and Diana Mutia Habibaty, "Fatwa Majelis Ulama Indonesia Tentang Penyelenggaraan Ibadah Dalam Situasi Terjadi Wabah Covid-19 Sebagai Langkah Antisipatif Dan Proaktif Persebaran Virus Corona Di Indonesia," *SALAM: Jurnal Sosial dan Budaya Syar-i* 7, no. 8 (August 25, 2020): 674, accessed May 31, 2022, <https://journal.uinjkt.ac.id/index.php/salam/article/view/17059>.

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As a form of "academic appreciation" for the MUI, many studies have been conducted on the fatwas issued by the MUI. Starting from the awareness of the Muslim community towards the Fatwa to assessing the methodological accuracy used by the MUI in issuing the fatwa.

The MUI fatwa on worship is the most studied fatwa, especially during the early days of the Covid 19 pandemic, including the research by Nurhayati and Muhammad Syukri Albani Nasution, "Maqāsīd al-Sharīa in the Fatwa of the Indonesian Ulama Council Regarding Congregational Worship During the COVID - 19 Pandemics". This study concludes that *maqashid al-shariah* is the MUI's consideration in establishing fatwas.⁴ Not only at the level of *Ushul fiqh*, *qawaidh fiqhiyyah* considerations in MUI fatwas are also discussed, such as by Zainuddin Puteh and Dhiauddin Tanjung "The Use of Mask and Stretching The Shaf of Justice Prayers in The Pandemic Period in MUI Fatwa Number 31 of 2020: *Qawaid Fiqhiyyah* Perspective ", the conclusion of this study, the principles used in MUI fatwas, are very relevant and accurate.⁵

There are also those who have compiled MUI fatwas on family law, such as Mendra Siswanto, "*Fatwa-Fatwa Hukum Keluarga Majelis Ulama Indonesia Tahun 1975-2012 dalam Perspektif Maqashid al-Syariah*". According to Siswanto, the MUI has issued 7 fatwas regarding family law, especially marriage. These fatwas are mixed marriages, mut'ah marriages, marriage procedures, interfaith marriages, underhand marriages, early marriages, and *mu'akkat* marriage. What is the most important factor in the attention of the Indonesian Ulema Council in enacting laws on marital issues is social and cultural change and scientific and technological progress that must be **in accordance with the demands of the times**. In establishing a fatwa on marriage, the Indonesian Ulema Council uses the approaches of *mashlahah al-mursalah* and *sadd adz-dzrai'ah* to create *maqashid ash-shari'ah*.⁶

⁴ Nurhayati and Muhammad Syukri Albani Nasution, "Maqāsīd Al-Sharīa in the Fatwa of the Indonesian Ulama Council Regarding Congregational Worship During the COVID-19 Pandemic," *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 54, no. 2 (September 10, 2020): 252, accessed January 9, 2023, <http://www.asy-syirah.uin-suka.com/index.php/AS/article/view/895>.

⁵ Puteh and Tanjung, "THE USE OF MASK AND STRETCHING THE SHAF OF JUSTICE PRAYERS IN THE PANDEMIC PERIOD IN MUI FATWA NUMBER 31 OF 2020: QAWAID FIQHIYYAH PERSPECTIVE," 184.

⁶ Siswanto, "FATWA-FATWA HUKUM KELUARGA MAJELIS ULAMA INDONESIA TAHUN 1975-2012 DALAM PERSPEKTIF MAQASHID AL-SYARI'AH," 205.

However, up to this point, there has been no research that discusses MUI fatwas regarding *Masāil Asāsiyyah Wathaniyyah* (National Strategic Issues). In fact, the aspect of nationality is also an important part of Islamic studies. Therefore, this study will focus on discussing this issue.

In contrast to previous studies, which generally discussed MUI procedures for giving fatwas, which were accentuated on the accuracy of the arguments used, or focusing on *maqashid al-shariah* considerations in MUI fatwas but limited to *al-dharuriyah al-khamsah* (*hifz al-din*, *hifz al-nafs*, *hifz al-'qal*, *hifz al-nasl*, and *hifz al-mal*). This study is the development of *maqashid al-shariah* study, namely *hifz al-ummah* that will be discussed further in the following discussion. Thus, the research question in this study is to what extent has the concept of *hifz al-ummah* as part of *Maqashid al-Syariah* played a role in the MUI fatwa formulations on *Masāil Asāsiyyah Wathaniyyah* (National Strategic Issues)?

B. *Maqashid al-Syariah: From al-Daruriyah al-Khams to al-Daruriyah al-Sab'ah*

Certainly, the goal of Islamic law is the public interest (*al-maslahah*) in this world and the hereafter. Therefore, the law of Allah SWT (*al-Shari'*) is a law that is always oriented towards the benefit of all His servants - covering all aspects of life.⁷

Indicators of *maslahah* (public interest) in Islamic law can be seen when humans focus on five things, namely *hifz al-din* (safeguarding religion), *hifz al-nafs* (protecting the soul), *hifz al-'aql* (safeguarding the mind), *hifz al-nasl* (protecting children), and *hifz al-mal* (protecting property).⁸ Moreover, everything that threatens these five things, is called *mafsadah* which is the opposite of *Maslahah*.⁹ This benefit indicator is known as *al-dharuriyah al-khams*, which is sometimes also called *al-ushul al-khams*, *al-Kulliyah al-Khams*, *Maqashid al-Khamsah*, and *Maqashid al-Daruriyah*.

⁷ Muhammad Syukri Albani Nasution, Rahmat Hidayat Nasution, and Ahmad Tamami, *Filsafat Hukum Islam Dan Maqashid Syariah*, Kedua. (Jakarta: Kencana, 2022), 64.

⁸ Sudirman Suparmin and RamadanI, "Reconstruction of Maqâshid Al-Syarî'ah As an Approach to Constitutional Law in Overcoming Crime in Indonesia," *Madania: Jurnal Kajian Keislaman* 26, no. 1 (July 6, 2022): 43–44, accessed January 9, 2023, <https://ejournal.iainbengkulu.ac.id/index.php/madania/article/view/7033>.

⁹ Al-Ghazali, *Al-Mustasyfa Min 'Ilm Al-Usul*, Juz 2, ed. Hamzah bin Zuhair Hafidz (Madinah al-Munawwaroh: Tahqiq Hamzah bin Zuhair Hafidz, n.d.), 481–482.

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In its development, the formulation of *al-dharuriyah al-khams* received criticism from contemporary scholars. At least, criticism of *al-dharuriyah al-khams* comes from two reasons: first, the classic version of *al-dharuriyah al-khams* is considered too narrow; secondly, the classic version of *al-dharuriyah al-khams* is considered too dependent on human interests as individuals, or perhaps more precisely, too individual-centric.¹⁰

Yusuf al-Qaradawi also gave similar criticism about *al-dharuriyah al-khams*,

ويبدو لي أن توجه الأصوليين قديما إلى مصلحة الفرد المكلف: من ناحية دينه ونفسه ونسله وعقله وماله. ولم تتوجه عناية مماثلة للمجتمع، والأمة، والدولة، والعلاقات الإنسانية

Al-Qaradawi stated that the protection offered by *al-dharuriyah al-khams* only considered human needs as a mulatto, and did not consider the protection and needs of society, people, country, and human relations.¹¹ However, he did not explicitly add new aspects to *al-dharuriyah al-khams*.

Al Yasa' Abubakar states that "it is a necessity that everyone needs to be in a group or society" because social life is human nature. Humans are impossible and unable to live alone, being outside a community or group. Thus, forming and maintaining the existence and safety of society (including a country) must be one of the basic needs.¹²

On the other hand, globalization in the 21st century has caused humans to experience a shift from ideological and political conflict to competition in trade, investment, and information. In addition, the strength of a country and society in its interactions with other countries or societies is determined by the ability to take advantage of comparative hallmarks.

Al-dharuriyah classification "which is only understood" by fulfilling basic needs, or doing something to obtain food directly to sustain life, for example by hunting or looking for tubers in the forest; catching fish in rivers or at sea—as in the

¹⁰ Al Yasa' Abubakar, *Metode Istislahiah: Pemanfaatan Ilmu Pengetahuan Dalam Ushul Fiqh* (Jakarta: Prenada Media Group, 2016), 102.

¹¹ Yusuf Al-Qaradawi, *Dirasah Fi Fiqh Maqashid Al-Syari'ah: Bayn Al-Maqashid Al-Kulliyah Wa Al-Nushush* (Kairo: Dar al-Syuruq, 2008), 28.

¹² Abubakar, *Metode Istislahiah: Pemanfaatan Ilmu Pengetahuan Dalam Ushul Fiqh*, 102.

classic *Ushul fiqh* formulation—has been considered to fulfill the *al-dharuriyah* aspect, in the end, it must be increased at least to a "decent" level. The standard of eligibility in question is the level required for everyone to live properly and be able to compete with other parties or people so that they are respected and taken into account; not cheated and deceived.¹³

In addition, the grouping of *al-dharuriyah al-khams* which is criticized for being too narrow and very individual centric, does not rule out the possibility that there are several other aspects that are not covered by *al-dharuriyah al-khams*, instead, it happens, for example in ecological studies. Meanwhile, in Indonesia, for example, environmental damage is currently quite apprehensive.

With the considerations and reasons that have been stated, it is appropriate to add two more aspects to the existing five aspects (*al-dharuriyah al-khams*). The term *al-dharuriyah al-khams* which has been used so far needs to be changed to *al-dharuriyah al-sab'ah*. The seven aspects are *hifz al-din* include protection and fulfilment of religious needs; *hifz al-nafs*: protection and fulfilment of life's needs; *hifz al-'aql* : protection and fulfilment of the needs of reason; *hifz al-nasl* : protection and fulfilment of the needs of children (including honor and self-respect (*hifz al-'ird*); *hifz al-mal*: protection and fulfilment of property needs; *hifz al-ummah*: protection and fulfilment of the needs of the people (community) and *hifz al-bi'ah*: protection and fulfilment of environmental needs.¹⁴ It should be understood that the only part of this research is *hifz al-ummah*.

The term *ummah* comes from the word *amma-yaummu* which means to lead, to support, and to imitate. Then came the word *umm* which means mother and priest means leader because these two always connote being a role model, a pedestal of views, and the hope of community members.¹⁵

The term *ummah* does not always have a religious connotation. In some statements "seriously" distinguishes between the religious meaning and the social meaning of the term. The understanding of the double meaning of *ummah* is based on the validation of the Qur'an itself which uses it with a variety of different

¹³ Ibid., 94.

¹⁴ Ibid., 104–105.

¹⁵ M. Quraish Shihab, *Wawasan Al-Quran* (Bandung: Mizan, 1996), 325.

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meanings. Ummah can mean time, pattern, or method, or it can also mean community. The community is defined as a religious community in general (or part of a religion) where ummah also describes several communities. Now the term is also interpreted simply by the Islamic community because it is believed to contain a religious meaning rather than a socio-historical meaning.¹⁶

It should be noted that the ummah itself is not part of a particular Islamic culture, although, on the one hand, it always shows a strong influence on Arab culture. What is more probable is that the ummah is a cultural cluster of Muslim communities in various places that provide harmony and complementarity. This trans-cultural Islamic culture unites and perpetuates the ummah and describes the powers and special qualities that arise from the various components of its real culture.¹⁷

In the verses of the Al-Qur'an, the word ummah with various forms is found—approximately—as many as 64 words with various meanings. The word ummah in the singular is repeated 51 times; in the plural form 13 times. This repetition is found in 25 surahs.¹⁸

Variants of meaning from the term ummah can at least be classified as nation, society or community group, religion or religious community, time or term, and also leader or synonym with priests.¹⁹ Ummah can also be interpreted as all humans, even all living things.

With these various meanings, today it is more difficult to limit how the word ummah functions, because since the emergence of the concept of the nation-state, at least for Muslims themselves they are faced with the big problem of placing religion's position in spatial-geographical political issues. This is the reality that Muslims must accept in going into a new phase of civilization.

This phenomenon of life also influences the reduction of the meaning of the term al-ummah by some scholars, to "all groups brought together by something,

¹⁶ Nazih Ayyubi, *Political Islam: Religion and Politics in Arab World* (USA and Canada: Routledge, 1993), 18.

¹⁷ Frederick M Deny, *Islam and the Muslim Community* (San Fransisco: Harper and Row Publishers, 1987), 10–11.

¹⁸ Faudhullah al-Husni Al-Muqdisy, *Fath Al-Rahman Li Thalib Ayat Al-Quran* (Indonesia: Maktabah Dahlan, n.d.), 31–32.

¹⁹ Dawam Rahardjo, *Ensiklopedi Al-Quran* (Jakarta: Paramadina, 2002), 483.

such as religion, the same time or place, whether the gathering is forced or at their will."²⁰ At least, this last understanding can be used as a basis, that *al-ummah* in the present context can be reduced to a group of people who live in a certain country.

Given the variant meaning of *ummah* in relation to being part of Islamic legal discipline, of course, the meaning of *ummah* must be returned to the basic postulate in Islam which is conceptualized as *maqashid al-shariah*. That the purpose of Islamic law is revealed not only to certain groups of people but universally applies to any group of people in this world. It should be explained that the universalism of Islamic teachings does not mean forcing all people to become Muslims, but, what is meant is how the *maslahah* values contained in Islam can be felt by all humans. This issue is important because Islam is *rahmatan lil'alam*.

From the authors' perspective, *Hifz al-ummah* in the perspective of *maqashid al-shariah* is universally applicable, not limited to cultural relativism or certain groups. However, this statement certainly raises a problem, because it is impossible to close one's eyes to the fact that the map for the establishment of a nation-state has become a feature of the political map in all parts of the world, including in the Islamic world.

In fact, the middle ground for the question of how to interpret the *ummah* in today's context, which seems to contradict one another, has been synthesized in the "summary of the goals of the Indonesian Nation" in the opening of the 1945 Constitution when declaring independence, namely,

1. Protection: The purpose of protecting the state is contained in the fourth paragraph of the 1945 Constitution which reads "Protect every nation and all of Indonesia's bloodshed". The things that are meant to be protected are all the components that make up the Indonesian nation starting from the people, natural resources, and national values. State Objectives in the Preamble of the 1945 Constitution: Welfare
2. Welfare of the nation: contained in the fourth paragraph of the 1945 Constitution which reads "To promote public welfare". State Objectives in the Preamble of the 1945 Constitution.

²⁰ Shihab, *Wawasan Al-Quran*, 326.

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3. To educate: The nation's intelligence is contained in the fourth paragraph of the 1945 Constitution which reads: "...to educate the life of the nation...". The purpose of educating the nation is to ensure that all Indonesian people have the opportunity to receive a proper and quality education.
4. Creating Peace: The last goal of the state is order and peace which is contained in the fourth paragraph of the 1945 Constitution which reads: "... and participate in carrying out world order based on freedom, eternal peace, and social justice...".

Goals of the Indonesian state above, it is no exaggeration to say that it has succeeded in synthesizing the meaning of ummah as a certain group among human communities such as a nation-state, and the meaning of ummah in the sense of all human beings. The latter also means legitimizing the concept of *ukhuwah Islamiyah* between Indonesian Muslims and Muslims in any part of the world in this world, because the goal of an independent Indonesian nation is to participate in carrying out world order based on freedom, eternal peace, and social justice, which has implications for protecting all mankind from colonialism and so on.

Pancasila as an ideology is of course the basis or foundation upon which the State of Indonesia is founded. Where is the border of the Indonesian state, that is where the Indonesian nation (al-ummah) gathers to work together in achieving the common good? This is another point of view on the meaning of *hifz al-ummah*, namely the general benefit, even though the workspace is limited by geographical area.

On the way to benefit, all of Indonesia's bloodshed is guaranteed the freedom to practice their respective religions (tolerance). Because Indonesia has claimed to be a nation with God, this is certainly the basic capital for creating harmony in the social system, because facts are common, jealousy due to the exclusivity of certain religions, or restrictions on the practice of religion will lead to severe conflict, even to the point of bloodshed. Belief in God means not acknowledging the existence of multiple gods, but respecting every believer in God.

In maintaining and developing the life of the ummah, cooperation on the basis of humanity is needed. This collaboration is certainly an acceleration toward the common good. Humanity, meaning that the Indonesian nation's competition is not tested on where it comes from, ethnic or cultural background, however, to answer who the Indonesian nation is, it is always tested on whose aspect is most beneficial for human life as a whole.

The phrase Indonesian unity is also an aspect of *al-daruriat*, even though the ummah meaning of this precept is reduced to just the Indonesian nation, but this is very important. Because don't let this nation want to be divided by any nation, which sometimes propagates enmity among the nation's children. That is, without unity, it is impossible to achieve general welfare or prosperity.

This also relates to deliberation. The public good cannot only be based on the logic of the majority. Therefore, to accommodate minority rights, deliberation is a tool in *hifz al-ummah*. Most importantly, the basic pillar of deliberation is that it must be based on the principle of justice which is based on equality (*al-musawah*), because discrimination is one of the destroyers and obstacles to the preservation and development of the social system.²¹

C. Method

This research is normative legal research. The legal sources (research data) used are entirely literary in nature; using literary sources to discuss the problems that have been formulated. The data collected consists of written sources that have been published in the form of books, journals, research results, and collections of MUI fatwas, or other sources that are directly or indirectly related to this research.

In general, there are two legal sources used in this research,

1. Primary legal source, namely a collection of MUI fatwas from 2006-2018;
2. Secondary legal source, namely literature written by academics relating to MUI fatwas and the concept of *maqashid asy-shari'ah*. In addition, the author also enriches it with various scientific writings and books that have

²¹ Muhammad Syukri Albani Nasution et al., "Hifz Al-Din (Maintaining Religion) and Hifz Al-Ummah (Developing National Integration): Resistance of Muslim Youth to Non-Muslim Leader Candidates in Election," *HTS Teologiese Studies / Theological Studies* 78, no. 4 (June 9, 2022): 1-9, accessed October 25, 2022, <https://hts.org.za/index.php/hts/article/view/7526/22225>.

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correlation and relevance to the article. Meanwhile, legal sources related to analysis can be traced from books on *Ushul fiqh* and Islamic legal philosophy.

As for the technique used in collecting legal source, it is a data collection technique that is usually used to collect source in the form of thoughts and concepts, which in this case originate from primary and secondary sources—certainly including the fatwas of the Indonesian Ulema Council and the concept of *maqashid al-shari'ah*. Then, the data is presented in qualitative form. Thus, this study emphasizes extracting the values contained in the fatwas of the Indonesian Ulama Council by observing and studying the theories or concepts contained in these fatwas and decisions.

Furthermore, all legal sources collected, both primary and secondary, are classified and analysed according to their respective sub-discussions. Then proceed with an in-depth study of the works that contain research objects using content analysis and comparative analysis.

D. MUI Fatwas on *Masāil Asāsiyyah Wathaniyyah* (National Strategic Issues)

From 2006 to 2018, there were 22 (twenty-two) MUI fatwas on "national strategic issues". Interestingly, the fatwa is the result of an *Ijtima'* decision of the Indonesian Fatwa Commission, therefore it can be said that the contents of the fatwa are the answers to all the problems that exist in various regions in Indonesia.

Table 1. Collection of MUI Fatwas on National Strategic Issues in 2016-2018

Year	Fatwas
2006	<ol style="list-style-type: none"> 1. Confirmation of the Form and Existence of the Indonesian State; 2. Harmonization of the Religious Thinking Framework in the National Context; 3. <i>Taswiyāt al-Manhaj</i> (Equal Mindset in Religious Matters); and 4. <i>Tansīq al- Ḥarakāh</i> (Coordination of Strategic Steps in Religious Matters).
2009	<ol style="list-style-type: none"> 1. The Principles of Islamic Teachings concerning Interreligious Relations within the Frame of the Unitary State of the Republic of Indonesia; 2. The Role of Religion in Fostering the Nation's Morals; 3. Implementation of Islam <i>Raḥmatan Lil 'Ālamīn and Shālihūn Likulli Zamānīn Wa Makānīn</i> in the Life of Society, Nation and State; and 4. Using Voting Rights in General Elections.
2012	<ol style="list-style-type: none"> 1. The Principles of Good Governance According to Islam (<i>Mabādi' al-Ḥükumah al-Fādhihah</i>); 2. Criteria for Obedience to <i>Ulil Amri</i> (Government) and Limits; 3. Implementation of the concept of human rights in the life of the nation and state; 4. Democratic Ethics and Freedom of Expression; and 5. General Election of Regional Heads.
2015	<ol style="list-style-type: none"> 1. The Position of a Leader Who Does Not Keep His Promise; 2. Criteria for Disbelief (<i>Dhawābit al-Takfīri</i>); 3. Religious Radicalism and its Countermeasures; 4. Utilization of Land for the Welfare of the People and the Nation; and 5. Integration of Islamic Law into National Law.
2018	<ol style="list-style-type: none"> 1. Maintaining the Existence of the State and the Obligation to Defend the State; 2. The Principles of Ukhuwah as Pillars of Strengthening the Unitary State of the Republic of Indonesia; 3. Relations between Religion and Politics in the Life of the Nation and State; and 4. Community Economic Empowerment.

Source: Primary Legal Source In 2006, the *Ijtima' Ulama Fatwa Commission of the Indonesian Ulema Council* II issued a fatwa related to national strategic issues.

In its preamble, MUI emphasized that "Islamic teachings oblige its adherents to love the country and defend their homeland". The fatwa also takes into consideration the "phenomenon that has occurred recently in the life of the nation and state", namely, regarding "there have been attempts to separate oneself from the Unitary State of the Republic of Indonesia (separatism)".²²

There were 4 (four) related fatwas issued in 2006. First, "Confirmation of the Form and Existence of the Indonesian State". As a basis for the determination, together with the Koran, al-Sunnah, and Opinion of Ulama, MUI also contains rules,

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Preventing damage is more priority than bringing benefits. This rule is enforced if there is a conflict between damage and benefit.²³ Rebels of a country, or a region that declares they want to separate themselves from the unity of the country, often use the benefit as their reason. However, in reality, it is the damage that results from these efforts.

Second, "Harmonization of Religious Thinking Framework in the National Context". In the fatwa it is explained, "in the life of the nation and state, religion must be used as a source of inspiration and guiding principles, so that there is no clash between the religious frame of mind and the frame of mind of nationality".²⁴

Third, "*Taswiyāt al-Manhaj* (Equalization of Mindset in Religious Issues)". Not getting involved in dissent is encouraged, but not mandatory. Differences of opinion that occur-actually-is are a natural thing. What is not normal is the attitude of "those who feel that only their own opinion is the most correct and tends to blame other opinions and reject dialogue". This latter attitude, of course, will destroy social harmony.

A self-righteous attitude, in the MUI fatwa, is explained as an attitude that is contrary to the principle of tolerance (*al-tasamuh*). This attitude also includes *ananiyyah* (egoism) and *asabiyyah hizbiyyah* (group fanaticism). If left unchecked, it

²² Tim Penyusun, *Himpunan Fatwa Majelis Ulama Indonesia*, ed. Andriyansyah Syihabuddin and Hijrah Saputra (Jakarta: Emir Imprint, 2020), 1239.

²³ Abdul Karim Zaidan, *Al-Wajiz Fi Syarh Al-Qawa'id Al-Fiqhiyyah Fi Al-Syari'ah Al-Islamiyyah Nuaddi Al-Faqtī Wa Kharabi Al-Buyuti*, trans. Muhyiddin Mas Ridha (Jakarta: Pustaka Al-Kausar, 2020), 162.

²⁴ Tim Penyusun, *Himpunan Fatwa Majelis Ulama Indonesia*, 1244.

has the potential to create hostility (*al-'adawah*), conflict (*al-tanazu'*), and disintegration (*al-insyiqaq*).²⁵

Fourth, "*Tansiq al-Ḥarakāh* (Coordination of Strategic Steps in Religious Matters)". In this part, the MUI gave a fatwa, that the Muslim movement should have been carried out effectively. What is meant by effective is a movement whose characteristics are *Islahiyyah*, moderate (*al-Tawassuth*), balanced (*al-Tawazun*), dynamic, and utilizing all existing potential. The fatwa also explained that the movement was aimed at the people and the nation.

In 2009, MUI again issued a fatwa related to national strategic issues. Just like in 2006, in 2009 there were also 4 (four) fatwas.

First, "*Principles of Islamic Teachings on Interreligious Relations within the Frame of the Unitary State of the Republic of Indonesia*". In the fatwa decree, it is explained, that "in the context of nation and state, after the proclamation of 1945 Islam views the position of religious people as fellow citizens of the nation who are bound by national commitment so that they must live side by side in peace with the principle of *mu'ahadah* or *muwatsaqah*, not the position of *muqatalah* or *muharabah*".

Second, "The Role of Religion in the Development of National Morals". The MUI gave a fatwa that there was a need for a national movement to develop national morals originating from religious values sponsored by the government. This is based on the fact that the Indonesian nation is on the brink of a moral crisis.

Third, "*Implementation of Islam Raḥmatan Lil 'Ālamīn and Shālihūn Likulli Zamānīn Wa Makānīn* in Community, National and State Life". The contents of the fatwa explain that Islamic teachings are teachings that are *Raḥmatan Lil 'Ālamīn and Shālihūn Likulli Zamānīn Wa Makānīn*, so Islamic teachings must be a source in structuring the life system of the nation and state. Therefore, the Ulama, Zu'ama, and Muslim Scholars are obliged to compile, and elaborate Islamic concepts and thoughts in a comprehensive manner covering political, economic, social, cultural, and so on.²⁶

²⁵ Ibid., 1247.

²⁶ Ibid., 1281.

Fourth, "Using Voting Rights in General Elections". Choosing a Leader in Islam is an obligation. This obligation relates to upholding the Imamate and *Imamat* in common life.

In 2012, MUI again held the *Ijtima'* Ulama of the Indonesian Fatwa Commission IV. In this *Ijtima'*, national strategic issues were also the subject of separate discussion. In fact, if the *Ijtima'* previously only had 4 (four) fatwas, in this *Ijtima'* in Tasikmalaya there were 5 (five) fatwas.

First, "The Principles of Good Governance According to Islam (Mabādi' al-Ḥükumah al-Fādhillah)". The principles of the MUI's fatwa regarding an ideal government are as follows,

1. Benefit Oriented;
2. Leaders are intelligent, physically and mentally strong. The most important thing is piety;
3. Prioritizing public benefit;
4. Prioritizing the people who need it the most and acting fairly and trustworthy;

Leadership must be intended to achieve legal goals (*Maqashid al-Syariah*).

Second, "Criteria for Compliance with *Ulil Amri* (Government) and its Limits". According to the MUI, government policies that are aligned with religious goals, including those that are still *khilafiyah* but for the public interest, must be obeyed. Meanwhile, government policies that are clearly contrary to religious principles do not have to be obeyed.

Third, "Implementation of the Concept of Human Rights in the Life of the Nation and State". MUI also discussed human rights issues. MUI gave a fatwa, so that Muslims support the government in promoting, fulfilling, protecting, and upholding human rights in accordance with the constitution so that a society that is in accordance with the values of Pancasila is realized.²⁷

Fourth, "Democratic Ethics and Freedom of Expression". Islam respects freedom of expression as long as it does not conflict with religious values, ethics, morals, and national identity. "Islam and the 1945 Constitution", according to MUI, "fully guarantee the principles of deliberation to convey aspirations, seek agreement

²⁷ Ibid., 1353.

within an ethical frame, mutual respect, and mutual respect between elements of the nation.

Fifth, "General Election of Regional Heads". This time, the MUI fatwa can be said to a systemic criticism and social criticism. The reason is in the fifth part of this fatwa, according to the MUI.

Currently, the direct election of regional heads has enormous benefits, including (i) the emergence of disharmony in the leadership hierarchy nationally; (ii) resulting in the high cost of democracy, thereby delaying the priority scale of community development which is currently in a difficult economy; and (iii) has the potential to create horizontal conflict between elements of society which can involve Ethnicity, Religion, Race and Intergroup issues; (iv) the moral damage that hit the general public due to the rise of money politics (*riswah siyasiyyah*).²⁸

Then in 2015. In that year, MUI again held the *Ijtima* 'Ulama of the Indonesian Ulema Council Fatwa Commission V, in Tegal, Central Java. At that time, it also issued 5 (five) fatwas.

First, "Position of Leaders Who Don't Keep Their Promises". According to MUI, "public leaders who violate their oaths and/or do not carry out their duties must be held accountable through the relevant institutions and processed according to the provisions of the applicable laws and regulations. Such public leaders, too, may not be re-elected. Interestingly, in this fatwa the MUI also issued a fatwa against the MUI itself so that, "MUI always gives *tausiah* (Islamic lectures) to leaders who break their promises and oaths".

Second, "Criteria for Disbelief (*Dhawābit al-Takfīri*)". After explaining the matters of disbelief and the dangers of making it easy to disbelieve, the MUI then gave a fatwa, "to decide on a belief, word, or deed is *kufr*, is the authority of the Central MUI with strict requirements and procedures".

Third, "Religious Radicalism and its Countermeasures". The MUI has issued a fatwa, "Religious radicalism which is manifested in the form of acts of terrorism is a crime against humanity and civilization and fulfils the elements of a criminal act (*jarimah*) which must be charged with severe punishment.

²⁸ Ibid., 1365.

4 Fourth, "Land Utilization for the Welfare of the People and the Nation". MUI wants in its fatwa, that land is used optimally and must be protected from damage for the sake of the survival of the Indonesian people.

39 Fifth, "Absorption of Islamic Law into National Law". In order for the absorption of Islamic law into national law to be carried out in an optimal, effective, and sustainable manner, it is hoped that the MUI will advocate for the preparation of Draft Laws and other statutory regulations.

The latest in this study was in 2018. In the annex to the decision of the *Ijtima* 'Ulama of the Indonesian Fatwa Commission VI in 2018, there were 4 (four) fatwas discussing national strategic issues.

58 First, "Maintaining the Existence of the State and the Obligation to Defend the State". In 2006, as has been explained, the MUI fatwa at that time was a fatwa regarding the "state form", this time the MUI gave a fatwa to maintain its existence. According to the MUI, efforts to maintain the existence of the state must create a just life, especially in the legal, economic, social, and political fields, so as to create a sense of justice, security and prosperity equally. In addition, citizens are also obliged to defend the country, so that they can anticipate all forms of threats that come from within and outside.

43 Second, "The Principles of Ukhuwah as Pillars of Strengthening the Unitary State of the Republic of Indonesia". Strengthening the Unitary State of the Republic of Indonesia with Ukuwah, according to the MUI, all parties and components of the nation must always be fully aware of maintaining harmonious brotherly relations between Muslims; between nations; and between humans.

36 Third, "Religious and Political Relations in the Life of the Nation and State". In the MUI's explanation, "Islam is a teaching that originates from revelation. Therefore, Islam is a comprehensive teaching. Islam has guidelines for virtues that are universal and cover all aspects of life. Islam also includes social, economic, political, and cultural orders. Thus, Islam rejects views and attempts to separate religion and politics.²⁹

²⁹ Ibid., 1593.

Fourth, "Empowerment of the People's Economy". One of the excerpts of the MUI fatwa in this discussion is addressed to the government. The government is obliged to formulate economic policies that are more in favour of the interests of the people, for example by prioritizing economic development policies and strategies that are more in line with the basic character and structure of Indonesian society which is based on agriculture, fisheries, plantations, and so on. Most importantly, do not depend on foreign debt.

E. *Hifz al-ummah* as MUI Fatwa Consideration on *Masāil Asāsiyyah Wathaniyyah* (National Strategic Issues)

Regarding the contents of the fatwa as explained earlier, it can be seen that all aspects of *al-daruriyyah* which are protected in Islamic law are taken into consideration by the MUI in formulating the fatwa *Masāil Asāsiyyah Wathaniyyah* (National Strategic Issues).

Hifz al-din (safeguarding religion and diversity), has been explicitly published by the MUI in the Criteria for Disbelief (*Dhawābit al-Takfīri*) and Religious Radicalism and its Countermeasures. This is intended so that the religious knowledge of the Muslim community in Indonesia is maintained. Likewise, with the religious aspect, the MUI has explained that a Muslim must be religious in an Islamic, moderate (*al-Tawassuth*), balanced (*al-Tawazun*), and dynamic manner.

Hifz al-nafs (guarding the soul), has been neatly attached to "Implementation of the Concept of Human Rights in the Life of the Nation and State". MUI gave a fatwa, so that Muslims support the government in promoting, fulfilling, protecting, and upholding human rights in accordance with the constitution. Thus, a society that is in accordance with the values of Pancasila is realized.

Hifz al-'aql (maintaining common sense), has been issued by the MUI in "harmonization of the Religious Thinking Framework in the National Context". In the fatwa it is explained, in the life of the nation and state, religion must be used as a source of inspiration and guiding principles, so that there is no clash between the religious frame of mind and the framework of national thought.

Hifz al-nasl (safeguarding generations/children), from the aspect of Islamic family law, is indeed not explained explicitly. Because the discussion about this has

been discussed in another fatwa. However, the fatwa regarding the leadership required by the MUI to achieve legal objectives (*Maqashid al-Syariah*), of course, already covers *hifz al-nasl*.

Hifz al-mal (maintaining the adequacy of assets), has been explicitly explained, namely on the Empowerment of the People's Economy. One of the excerpts of the MUI fatwa in this discussion is addressed to the government. The government is obliged to formulate economic policies that are more in favour of the interests of the people, for example by prioritizing economic development policies and strategies that are more in line with the basic character and structure of Indonesian society based on agriculture, fisheries, plantations, and so on.

As for *hifz al-ummah*, which among other things means maintaining national integration or "togetherness", is the most widely used as consideration in MUI fatwas. In fact, the title of this fatwa already represents that. Starting from 2006 to 2018, all of them made *hifz al-ummah* a consideration as well as the content of the fatwa itself.

F. Conclusion

The concept of *hifz al-ummah* as part of *Maqashid al-Syariah* has played a role in the MUI's fatwa formulations on *Masā'il Asāsiyyah Wathaniyyah* (National Strategic Issues). This can be understood from the preambles and fatwa decisions which do not only consider human needs as a *mukallaf*, but also consider the protection and needs of the community, people, country, and human relations. MUI even emphasizes that Muslims maintain harmonious brotherly relations with other Muslims; with the nations; and with humans.

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