

FATWA INSTITUTIONS IN ISLAMIC LAW

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Abstract

Fatwa is one of the products of Islamic legal thinking in the form of ijtihad of scholars who formulate a formula for legal provisions in response to questions raised regarding various aspects of law. The fatwafatwas of the Ulama have a casuistic nature and tend to be dynamic regarding problems in society that are important to know about the legal provisions of the Islamic community. These fatwafatwas are contributions to the development of Islamic law in particular and national law in general.

Keywords: fatwa, islamic law, ulama

INTRODUCTION

Indonesia is a nation with a predominantly Muslim population, so that in the political arena in Indonesia, it is sufficient to color the life of the nation and state. Likewise, regarding fatwa institutions that grow and develop which are dominated by the fatwa institution of the Indonesian Ulema Council (MUI).

Indonesian Ulema Council is one of the fatwa institutions whose existence is recognized because MUI has intellectual human resources consisting of various scientific disciplines, both Islamic sciences and general sciences, such as medicine. Medical science is used in researching and determining the levels of food containing alcohol, so that a food and or drink can be declared halal or unlawful. With the combination of knowledge possessed by the MUI institution, food or drinks consumed by the public can be labeled halal, so that people do not hesitate to consume them.

There are quite a number of fatwa institutions in Indonesia, apart from the MUI institutions, also from religious institutions such as NU, Muhammadiyah and so on. All of them have an influence on the Muslim community in Indonesia, so that sometimes they have different opinions in deciding and establishing their fatwa, for example in determining the day of Eid and issues of contemporary Islamic law. Contemporary legal issues in question are events that arise in society that never happened during the time of the Prophet Muhammad such as test tube babies. Issues like this require *ijtihad* that cannot be guided by personal results alone, but wherever possible it is produced by a mutual agreement in the form of *ijma'*.

It has become a habit among the people since the revelation of the Koran, legal fatwafatwas were conveyed by the Prophet Muhammad to answer questions, after his death the task of issuing fatwafatwas (*ifta*) was carried out by Khulafaur Rasyidin (Abu Bakar Siddiq, Umar bin Khattab, Uthman bin Affan and Ali bin Abi Talib) which were then continued by the Fourth generation of Imams of the Madzhab (Hanafi, Maliki, Syafii and Hambali) as well as leading scholars from the four schools of thought, until now the *ifta* task is still being carried on individually, collectively by the Ulama, as well as institutional organizations by the Ministry of Religion, the Indonesian Ulema Council (MUI) and Islamic mass organizations such as Muhammadiyah and Nahdlatul Ulama (NU).

For the interests and legal needs of the Muslim community and society, the fatwa institution is turned on as a reference and a place to ask questions, to obtain answers, and explanations regarding the legal provisions of a new problem that occurs and develops in society, for example in Egypt a Fatwa Hall was established and Al Azhar University had a Fatwa section, television, as well as radio Cairo provides Fatwa Program facilities that are widely broadcast to the public.

Dr. Rifyal Ka'bah Ma in his book: *Islamic Law in Indonesia* notes that "Countries in the Middle East as well as in ASEAN, Malaysia, Brunei and Singapore open IFTA for fatwa giving lessons every working day".

In Indonesia there has been a national level since July 26, 1975 the Indonesian Ulema Council was established which complemented its management with the Fatwa Commission which in the past 25 years has issued many important fatwafatwas, covering issues in various fields of religion, society, science/technology, medicine/health, social culture, education and others. At the same time, Islamic community organizations emerged such as Muhammadiyah with Lajnah Tarjih and Nahdlatul Ulama with Nahsul Masail; the two fatwa institutions were actively broadcasting their fatwafatwas to the community.

RESEARCH METHOD

The research method used is descriptive comparative which is a method that analyzes and solves problems that occur in the present based on the descriptions seen and heard from research results, either in the field or theory in the form of related data and books. With the discussion, then a comparison.

RESULTS AND DISCUSSION

The Meaning of *Fatwa* and Its Position in Islamic Law

Fatwa in the classic definition is optional or *ikhtiyariyah*, namely a choice that is not legally binding, although it is morally binding for *mustafti* (the party requesting the *fatwa*), while for other than *mustafti* nature *Islamic* which is more than just discourse. They are open to take the same *fatwa* or asking another *mufti*/expert for a *fatwa*. As for the Big Indonesian Dictionary, a *fatwa* is defined as an answer in the form of a decision or opinion given by a *mufti*/expert on a matter; and (2) the advice of pious people; good lesson; and advice.

Fatwa is the official answer to questions and issues related to legal issues. *Fatwa* comes from the Arabic word *al-ifta'*, *al-fatwa* which simply means giving a decision. *Fatwa* is not a legal decision that is made easily, or what is called making a law without basis.

According to Prof. Amir Syarifuddin, *fatwa* or *ifta'* comes from the word *afta*, which means giving an explanation. Definitely, a *fatwa* is an attempt to provide an explanation of *syara'* law by experts to people who do not know it. *Fatwa* is related to *fiqh*, both of which have a complementary relationship.

Fiqh contains a systematic description of the substance of Islamic law which is not entirely required by someone. *Fiqh* is seen as a book of law (*rechtsboek*), as a normative reference in carrying out daily actions. In the event that there are certain problems that require detailed explanations and descriptions, a person should consult the *mufti* to obtain advice or a solution to the problem at hand. It is clear that the function of the *fatwa* is to concretely apply the provisions of *fiqh* in certain matters.

Fiqh and *fatwa*, although very diverse and there may be contradictions with one another, are already part of the needs of society in the practice of implementing *sharia*. Compared to constitutional conventions which are written legal principles as referred to in the elucidation of the 1945 Constitution (before it was amended), which form the basis of constitutional life as long as these rules arise and are maintained in the practice of administering the state even though they are not written, it seems that *fiqh* and *fatwa* have in fact been occupy a similar position as convention in the practice of *shari'ah*.

The *salaf* (companions and *tabi'in*) do not like giving *fatwa* easily and if one of them has given a *fatwa*, it is considered sufficient. *Fatwas* also require adequate knowledge of what is intended to be *fatwa*. A *fatwa* issued by a *mufti* plays a role in transforming the general meaning of Islamic law into the specific cases at hand. In order to maintain the credibility of a *fatwa* which is morally binding for Muslims to obey, then not anyone can give a *fatwa* but it must meet certain qualifications like a *mujtahid*. *Fatwa* authority throughout the history of the journey of Islamic law has indeed been given to the scholars. There are *fatwas* issued individually and collectively in nature, which are the result of the consensus of the scholars.

In giving *fatwa*, not everyone can do it, a *mufti* must have several requirements that must be met such as mastering the opinions and principles in *ushul fiqh* and *fiqh*, having the equipment to carry out *ijtihad*, knowing the knowledge needed to formulate a law, for example the science of *Nahwu*, linguistics, science of *Mushthalah al-Hadith*, interpretation of verses and legal *hadiths*. Because the *fatwa* concerns religious matters, not just anyone can serve as *mufti*. The conditions that must be possessed by a *mufti* include:

1. The *fatwa* must be based on *mu'tabar* main books so that the *fatwa* given can be accepted by the recipient of the *fatwa*;
2. If he gives a *fatwa* based on the *qoul* of someone who is pious, then he can show the basis for taking his *fatwa*, thereby avoiding making mistakes and lying;
3. A *mufti* must understand or know the various opinions of the clergy so that there are no misunderstandings between him and the recipient of his *fatwa*;
4. A *mufti* must be a scholar who has honesty.

From the description above, it can be concluded that a *fatwa* is the result of a *mufti's ijtihad* in relation to a legal event submitted to him. So *fatwas* are more specific than *fiqh* or *ijtihad* in general. Because it is possible that a *fatwa* issued by a *mufti* has already been formulated in *fiqh*, but the *fatwa* requester has not yet understood it.

The word *fatwa* comes from Arabic which means opinion in the field of Legal Law (legal Opinion), while IFTA (Providing *fatwa*) is a synonym of *Ijtihad*, therefore *ifta* is more specific than *ijtihad* is *istinbath* (*rechtsvinding*) discovery of the formulation of legal provisions in general whether there are existing cases or not, while *ifta* concerns existing cases where the *Mufti* formulates and determines the legal provisions. Professionally, *ifta* is an independent profession, but in many countries which are based on Islam or countries where the majority of the population consists of Muslims, the profession is closely related to state authority.

In the historical trajectory of the development of Islam from the first to the eighth century of the *Hijri*, it was the state that appointed *muftis* (scholars giving *fatwas* who were selected from qualified leading scholars). During the reign of the autonomous dynasty, the position of *Mufti* was concurrent with the position of *Qadhi* (Judge).

The absolute requirements for being appointed as a *Mufti* are:

- a. Islamic scholars/*mujtahids*
- b. have insightful personal (fair) integrity

- c. knowledgeable and has the ability to find and determine the law of a problem with personal reasoning

Since the beginning of the development of Islam, the legal need for *fatwas* has increasingly been felt, this is due to the increasing number of Muslim adherents, the expansion of the territory of Islamic rule, the emergence of new problems that do not yet have legal rules/provisions, the need for this law is increasingly urgent and is very much needed by Islamic scholars. Islamic law experts who are competent to provide *fatwas*. In Islamic literature, we recognize a collection of *fatwas* that have been recorded from the scholars of the four schools of thought. In Indonesia, the collection of *fatwas* is regulated by the Indonesian *Ulama* Council, *Lajnah Tarjih* Muhammadiyah and *Nahsul Masail* Nahdlatul Ulama.

In the era of the Prophet Muhammad's apostolate, what we know today with the duties and authorities in the legislative, executive and judicial fields were in one hand, namely the Prophet Muhammad himself as the messenger of God, at that time there was no separation between Religious Law and State Law.

The Prophet as the leader of the people/community, implements and regulates the running of government and determines the law. Deciding cases, one of the impacts of the political expansion of the territory and power and influence of Islam is that Islamic communities who are far from the center of government experience problems in consulting with the scholars who are in the center of government, so that Muslims in the regions submit their problems to the *ulama/mujtahidin* lokak settlement solutions according to Islamic law which of course are settlement solutions. According to Islamic law which are of course in accordance with the opinions and considerations of these scholars/mujtahidin in understanding Islamic law which began in a phase of the development of *Ijtihad* law in the form of *fatwas*.

Even though the legal products of *ulama's fatwas* have no binding power and are only legal information, they are highly respected/cared for and obeyed as legal references in dealing with and determining the legal provisions of a problem. In Indonesia, the Indonesian *Ulema* Council, Muhammadiyah and NU have periodically collected/recorded *fatwas* that have been ordered and published, even among Muhammadiyah, the *fatwas* produced by *Lajnah Tarjih* are made into a kind of special *Fiqh* taught in schools up to university level, as well as being practiced among NU.

The dynamic nature of a *fatwa* means that a *fatwa* is not static, liable and not closed to the rule of change through a certain mechanism. Previous *fatwas* can be revised and annulled by later *fatwas*. In the literature, we know the *Ulama/Mujtahid Agung* Imam Syafi'i in the form of *qaul qadim* (old *fatwa*) and *qaul jadid* (new *fatwa*) regarding the same case according to developments in the dynamics of society, changes in the situation according to the development of the dynamics of society, changes in the situation and conditions after he moved from Baghdad (Iraq) to Cairo (Egypt).

From historical records, after state law was no longer fully based on Islamic legal rules, the position of *Mufti* (giving *fatwas*) has become an official position in several Islamic countries, such as the *Mufti* of Egypt, the *mufti* of Kuwait and other *muftis* (some of whom have visited Indonesia) With these developments the distribution of law to:¹

- a. *Diyani*, matters of worship/religion, which are resolved through a *fatwa* institution;
- b. *Qadhai*, juridical problems are getting clearer, the resolution is through the judiciary.

A *fatwa* is always associated with the legal category in *Ahkam Al Khamsah* in a matter or an action, namely Compulsory/*sunnah*/non-compulsory law, *Haram/halal* and *Makruh /mubah*

Today, the legal need for *fatwas* is increasing not only among the Islamic community but among the general public. In addition to religious issues, it also includes contemporary legal issues such as medicine/health, economics/finance/banking/insurance, science and technology, politics, socio-culture/education and various other topics, as well as several issues that have recently received the spotlight, for example: women as Heads of State/President, euthanasia, gene cloning in humans and the latest cases during the pandemic are use of the coronavirus vaccine.

Role of the Indonesian Ulema Council (MUI)

The Indonesian Ulema Council, abbreviated as MUI, is a non-governmental organization that accommodates Islamic scholars, *zu'ama* and scholars in Indonesia to guide, foster, and protect Muslims throughout Indonesia. The Indonesian Ulema Council was established on 7 *Rajab* 1395 *Hijri*, coinciding with July 26, 1975 in Jakarta, Indonesia. MUI is the government's partner in implementing development programs for the development of an Islamic life. The Indonesian Ulema Council as a forum for deliberation for Muslim scholars, *zu'ama* and intellectuals strives to:

¹ Dr. Rifyal Kabah, MA, dalam Hukum Islam di Indonesia, hal 214

- 1) Provide guidance to Indonesian Muslims in realizing religious and social life that is blessed by Allah Subhanahu wa Ta'ala;
- 2) Providing advice and *fatwas* regarding religious and social issues to the Government and society, increasing activities for the realization of Islamic *ukhuwah* and inter-religious harmony in consolidating national unity and integrity;
- 3) Become a liaison between the *ulama* and *umaro* (government) and mutual translators between the people and the government in order to make national development successful;
- 4) Improving relations and cooperation between organizations, Islamic institutions and Muslim scholars in providing guidance to the community, especially Muslims by holding mutual consultation and information.

As a response to issues of Islamic law that are currently developing and actually emerging in society, the MUI has issued many *fatwas*. Recently, legal politics has been colored by discussions about the existence of the *fatwa* within the framework of the Unitary State of the Republic of Indonesia. Meanwhile, the MUI *fatwa* is a decision or opinion given by the MUI regarding a legal issue that arises in the life of Muslims. Even though MUI *fatwas* are not included in the category of positive law, and do not have coercive legal force, their enforcement may not use state apparatus such as police and prosecutorial institutions, and are not permitted in coercive ways, except if the MUI *fatwa* material has been adopted into the form of regulations in the form of laws and regional regulations. Basically, the contents and materials of the MUI *fatwa* are limited to or constitute mere opinions, which are not legally binding in nature and are not even binding on Muslims themselves, and cannot be enforced coercively, let alone being the sole basis for imposing sanctions in criminal acts.

In the constitutional legal system in Indonesia, the position of the MUI *fatwa* is only an aspirational law that has morally constructive power for communities that have aspirations to practice it, but the *fatwa* cannot be used as a coercive tool for other groups that have different opinions with the MUI *fatwa*, because it is not included in positive law. In other words, the position of the MUI *fatwa* can only be equated with the opinion of experts in law, language and religion. Because, to assess the material and content of the *fatwa*, Muslim scholars, *zuama* and intellectuals have more competence and knowledge to issue *fatwas*. So that the position of a *fatwa* in the life of Muslims is not legally binding, but only binding religiously. Thus, there is no opportunity for a Muslim to oppose it if the *fatwa* is based on valid propositions or texts. While positive law is the law that is currently in effect which includes generally accepted laws and regulations (*regeling*) or decisions that apply specifically (*beschikking*), the implementation of which is guarded by the state apparatus and the justice system.

The main task of the MUI, as set out in its basic guidelines, states that this assembly is expected to carry out its roles and duties in giving *fatwas* and advice, both to the government and to the public regarding religious issues in particular and related issues faced by the state in general. Muslims crave and expect a *fatwa*, because *fatwas* have the explanations about religious obligations (*faraidh*), limitations (*hudud*), and states about the prohibition or lawfulness of something.

The general basis for establishing a *fatwa* by the MUI is based on *al-adillah al-ahkam* and bringing benefit to the people. In addition, the basis for *fatwas* are the Koran, *Hadith*, *ijma'*, *qiyas* and other legal arguments. While the *fatwa* determination procedure is carried out with predetermined stages and steps. In addition, the authority of the MUI is to issue *fatwas* on general religious issues that concern Indonesian Muslims nationally and on matters of Islam in regions that are suspected of spreading to other regions. There are at least three parts to the process in determining a *fatwa*, namely the legal basis for establishing a *fatwa*, *fatwa* procedures, techniques and organizational authority in issuing *fatwas*.

The position of the MUI *fatwa*

The MUI National Legal System, when viewed from the perspective of state institutions, is in the realm of the political infrastructure area, it is in the midst of society and the heartbeat of the socio-cultural life of society. Infrastructure is more in community empowerment spaces so that its role can only be seen by exploring the community. Because MUI is an organization of Muslim scholars who have the duty and function of empowering the community/Muslim community. MUI is an organization that exists in society and it is not a state-owned institution or represents the state. This also means that the MUI *fatwa* is not a state law that has sovereignty that can be imposed on all people. The MUI *fatwa* also does not have sanctions and does not have to be obeyed by all citizens. As a socio-political force that exists in the constitutional infrastructure, MUI *fatwas* are only binding and obeyed by the Muslim community who feel they have a bond with the MUI itself. This means that

actually the legality of the MUI *fatwa* cannot force all Muslims to obey it, moreover, to force all Indonesian citizens.

MUI *fatwas* have independent powers that drive government politics to formulate regulations that contain the substance of Islamic teachings. Such a *fatwa* has the power to control government politics. MUI's independent power influences the relationship between MUI *fatwa* and government politics in Indonesia to form a pattern of inter-independence based on civil society. There are several post-reformed of MUI *fatwa* patterns. First, *fatwas* that strengthen the resilience of the Unitary State of the Republic of Indonesia. Second, *fatwas* with the power of public reasoning, became the basis for drafting laws, such as the *fatwa* of banning Ahmadiyah, pornography, *sharia* regional regulations and *sharia* banking. Third, *fatwas* that have an impact on the formation of participatory public opinion in elections, such as the *fatwa* against abstaining from voting, non-Muslim legislative candidates and female presidents.

Fatwas in the Islamic legal system have a fairly dominant role in providing legal considerations among the people, even though they are considered not to have binding legal force (*gbair mulzimah*), unlike the case with court decisions that are *ilzam* (binding). In the Indonesian context, the MUI's *fatwa* status has a significant influence, it has become the foundation for the development of Islamic political ethics and Islamic law in Indonesia. The position of a *fatwa* in the context of *sharia* relations and state law can become a model for the design of Indonesia's national law.

In the context of legal provisions in Indonesia, a *fatwa* is not a rule that must be followed and enforced. Indonesia is a country that has a dual system in all fields including in the field of law. Continental European Law, Customary Law, and Islamic Law are the surviving laws in this country. *Fatwa* itself is included in Islamic law, and can be used as a consideration in legislation and judge's decisions in court.

If referring to the types and hierarchies as referred to in Law Number 12 of 2011, the position of the MUI *fatwa* is not a type of statutory regulation that has binding legal force. According to Najib, Lecturer at the *Sharia* Faculty of the Ibrahimy Islamic Institute, MUI's position in Indonesian constitutionalism is actually in the elements of state administration infrastructure, because MUI is an organization of *Alim Ulama Muslims* who have duties and functions to empower society or Muslims, meaning that MUI is an existing organization. In society, is not a state-owned institution or represents the state.

If examined from a constitutional and legal point of view, MUI *fatwas* are basically non-binding and cannot be enforced by law enforcement, however, *fatwa* is only legal opinion which may or may not be followed. Likewise, if viewed from the point of view of abstract regulations, a *fatwa* can only be binding if a certain legal form has been taken by a competent institution, so that it becomes positive law. Carry out *fatwas* as a form of personal religious awareness, not as a legal obligation. This means that the MUI *fatwa* is not a state law that has sovereignty that can be imposed on all people. Basically, the legality of MUI *fatwas* cannot be forced to be obeyed by all Muslims.

Position of the DSN *Fatwa* in the Legal System in Indonesia

The *fatwas* issued by the DSN-MUI are not positive law, just like the *fatwas* issued by the MUI in other fields. In order for the *fatwas* issued by the DSN-MUI to be valid and binding as positive law applies in Indonesia, Law Number 21 of 2008 concerning Islamic Banking states that the *fatwas* issued by the DSN-MUI can be followed up as regulations of Indonesian Bank.

The provisions regarding the DSN-MUI *fatwa* that can be valid and binding is understood from article 26 of Law Number 21 of 2008:

- 1) Business activities as referred to in Article 19, Article 20, and Article 21 and/or *sharia* products and services, must comply with *Sharia* Principles.
- 2) The *Sharia* principles referred to in paragraph (1) are issued by the Indonesian Ulema Council.
- 3) The *fatwa* as referred to in paragraph (2) is set forth in a *Bank Indonesia* Regulation.
- 4) In the framework of drafting Bank Indonesia Regulations as referred to in paragraph (3), *Bank Indonesia* forms a *sharia* banking committee.
- 5) Further provisions regarding the procedures for establishing, membership and duties of the *sharia* banking committee as referred to in paragraph (4) are regulated in a *Bank Indonesia* Regulation.

From article 26 of Law Number 21 of 2008, it can be concluded that there is binding legal force between the *fatwa* issued by the DSN-MUI and positive law in the form of PBI issued by *Bank Indonesia*. This relationship shows how the role of *fatwa* institutions in Indonesia is very significant and strategic in building and advancing Islamic Financial Institutions while still paying attention to *sharia* laws that must be obeyed by LKS.

DSN-MUI has an important role in maintaining LKS compliance with *Sharia* principles. Law Number 21 of 2008 confirms that every business activity must not conflict with *sharia*, which is referred to in the *fatwa* that has been issued by the DSN-MUI and has been converted into the PBI. Thus a *fatwa* that has been referred to and made into a *Bank Indonesia* Regulation (PBI) which is binding on every LKS or binding on the public, while a *fatwa* that has not been contained in a PBI cannot be said to be binding. However, when referring to *Bank Indonesia* Regulation No.11/15/PBI/2009 which has provided an understanding that *sharia* principles are Islamic legal principles in banking activities based on *fatwas* issued by the National *Sharia* Council-Indonesian Ulema Council, then *sharia* principles by law have been in force. As positive law even though it has not been stated in a *Bank Indonesia* Regulation.

CONCLUSION

Legislative rules of Islamic law since the beginning of the growth and development process, after going through various stages and entering the stages of compiling and codifying them are part of positive law in Indonesia in the form of statutory products as well as legal thoughts by *fatwa* institutions. Along with Indonesia in general, the activities of legal discussion forums and Islamic mass organizations, products from *fatwa* institutions should be further improved, compiled/booked and published to the public as guidelines and reference material in anticipating problems in today's society and an increasingly complex future.

REFERENCES

- Antonio, Muhammad Syafi'i, *Bank syariah: dari teori ke praktik*, Jakarta: Gema Insani, 2001. Ascarya, *Akad & Produk bank Syariah*, Jakarta: PT RajaGrafindo Persada, 2008.
- Ensiklopedi Islam, PT IChitar Baru van Hoeve, Jakarta 1993
- Gayo, Ahyar A., "Kedudukan Fatwa MUI Dalam Upaya Mendorong Pelaksanaan Ekonomi Hukum Dan HAM RI, 2011.
- Hasan, Zubairi, *Undang-undang Perbankan Syariah: Titik Temu Hukum Islam dan Hukum Nasional*, Jakarta: Rajawali Pers, 2009.
- Himpunan Keputusan dan Fatwa Majelis Ulama Indonesia, Sekretariat MUI, Mesjid Istiqlal Jakarta
- Idris, Abdul Fatah, *Menggugat Istinbath Hukum Ibnu Qayyim Studi Kritik Terhadap Metode Penetapan Hukum Ibnu Qayyim Al-Jauziyah*, Semarang: Pustaka Zaman, 2007.
- Johar, Al Fitri, "Kekuatan Hukum Fatwa Majelis Ulama Indonesia (MUI) Dari Perspektif Peraturan Perundang-Undangan Di Indonesia", <https://badilag.mahkamahagung.go.id/>
- Mahmoed Syaithoet, *Fatwa-fatwa*, Terjemahan Bustami A. Gani. Zaini Dahlan
- M. Arto Mudzhar, *Fikh dan Reaktualisasai Pemahaman Islam*, *Mimbar Hukum* No. 3 Tahun II, 1991
- Nafis, Muhammad Cholil, *Teori Hukum Ekonomi Syariah*, Jakarta: Penerbit Universitas Indonesia, 2011.
- Najib, Ainun, "Fatwa Majelis Ulama Indonesia Dalam Perspektif Pembangunan Hukum Responsif", *Jurnal Lisan Al-Hal*, Volume 4, Nomor 2 Desember 2012.
- Pedoman Fatwa Majelis Ulama Indonesia ditetapkan dalam Surat Keputusan Nomor: U-596/MUI/X/1997.
- Rifyal Ka'bah, *Hukum Islam di Indonesia*, Catatan 1, Universitas Yarsi, Jakarta, 1998
- Sjahdeini, Sutan Remy, *Perbankan Syariah Produk-produk dan Aspek Hukumnya*, Jakarta: PT Jakarta Agung Offset, 2010.
- Syarifuddin, Amir, *Ushul Fiqh Jilid II*, Jakarta: Kencana, 2008.
- Syariah", Penelitian Hukum Badan Pembinaan Hukum Nasional Kementerian https://mui.or.id/wp-content/uploads/2020/07/1.-PO_PD-PRT-MUI-HASIL-MUNAS-2015_1-42.pdf
- Tim Penyusun Kamus Pusat Pembinaan dan Pengembangan Bahasa, *Kamus Besar Bahasa Indonesia*.
- Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan.
- Undang-undang Nomor 21 tahun 2008.
- Zamroni, Muhammad, "Peran DSN-MUI dalam Kegiatan Perbankan Syari'ah", *Tasyri': Jurnal Tarbiyah-Syari'ah Islamiyah* Volume 25 Nomor 1 (2018),45-56.