


Methods Of Determining DSN MUI Fatwa On Sharia Economics

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Article Info	ABSTRACT
Keywords: Determination of Fatwa, DSN-MUI, Sharia Economy	The National Sharia Council of the Indonesian Ulema Council (DSN-MUI) in determine the related fatwa sharia economy. The fatwa issued by DSN-MUI holds role important in determine guidelines as well as appropriate policy with sharia principles in practice economy in Indonesia. Research This use approach qualitative descriptive with focus on studies case in the process of determination several DSN-MUI fatwas regarding Islamic economics. Data obtained through interview with DSN-MUI member, analysis fatwa documents, as well as study relevant literature. Research results show that determination of the fatwa by DSN-MUI through a number of stages, namely collection information, discussion scientific, study library, consultation with experts, and finally reach consensus For produce a fatwa. This process aiming For ensure the fatwa is issued No only in accordance with sharia rules, but can also follow development dynamic economy. In addition, research This disclose that DSN-MUI uses a collective ijihad approach that involves various parties, including academics, practitioners, and regulators, in order to ensure validity as well as wide acceptance against the fatwa issued. Findings from study This give contribution significant in development sharia economy in Indonesia and can become reference in the issuance of a similar fatwa in a country with system Islamic economics.
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INTRODUCTION

Muslims in the world in life in society set up with religious values, in general textual rule That there is in the Qur'ān and hadith of the Prophet. Rule about connection men and women the has set and as as befits religious text, no will experience changes, although society that runs teachings That has experience changes. As for those who experience change is understanding on text that is not changed that, according to with the context.

Islam is the perfect religion revealed by Allah SWT earth For become blessings lil'alamin (mercy) for all over nature). Islam is the only religion of Allah SWT that provides a clear and dynamic guide to aspect life man When only and in various situation, besides That capable face and answer various type challenges in every era. Islam regulates order life with perfect, no only arrange someone's worship problem to God, but also rules problem transactions that is connection fellow human, relationship man with other creatures and with natural surrounding areas, such as social culture, agriculture, technology, no except in the field of economy. Islam views important problem economy, things this is because economy is part from life human being who is not can be separated, but is not is objective end from life This

but as means For reach more goals good. Every man have need the main thing, namely clothing, food and shelter.

The term sharia economics is not just discipline knowledge about economy in Islamic teachings. However is doctrine Islamic teachings about management economy in a way comprehensive For explain about matter about in life economy, as well as the laws that apply therein. Doctrine This is gathering theory basic and applied used For solve problem in life economy. System Sharia economy itself is a system an economy based on Islamic teachings and values that originate from from the Koran and al-Sunnah, as well developed based on principle consensus and qiyas. Orientation Finally is worship of Allah with use appropriate means Islamic law.

National Sharia Council, which is below shade The Indonesian Ulema Council (MUI) issued fatwas related to products and services Islamic finance, such as banking, insurance, capital markets, and other sectors economy others. This fatwa functioning as guidelines for transactions economics and finance still in accordance with Islamic law. Every product finances that you want labeled as Sharia products must be comply with the DSN fatwa in order to be able to recognized by the authorities regulation and society.

In the system Islamic law, fatwa has sufficient role dominant in give consideration law religious to society, even though the fatwa is not have strength binding law. However, in context Indonesian society fatwa status institution religious, especially the fatwa of the Indonesian Ulema Council has very significant influence. For example, when the MUI issued a fatwa regarding prohibition bank interest in 2003, then response society is very significant in problem This is. show that the DSN MUI fatwa provides influence on order social community the Indonesian nation as a whole overall. The fact is show that the MUI fatwa has role important as a regulator and become reference in society. The strength The influence of the MUI fatwa caused the MUI to have to more responsive on the evolving dynamics in life society, so that a fatwa was issued can respond development of the times with principle *maqashid al-syariah* and *al- mashlahah*. The determination of the fatwa by the DSN MUI is part from effort ensure that all over aspect Islamic economy in Indonesia is running in accordance with principles of Islam, maintaining justice, balance and openness in transaction economy.

The mechanism and process for issuing fatwas, in general theoretically MUI has have rule guidelines for procedures implementation of the fatwa. In the fatwa guidelines it is stated that a fatwa only issued after moreover formerly learn sources the four laws, namely the Al-Quran, Sunnah, *Ijma* and *Qiyas*. But in the practice there is something direct researching script jurisprudence existing classics and analogize with the issue being discussed without learn moreover formerly the verses of the Qur'an and the relevant hadiths.

RESEARCH METHODS

Research used *library* research is study theoretical, references and literature related scientific with culture, values and norms that develop in a given situation social research. Can it is said that studies library Can influence credibility results research conducted. Journal This use method descriptive bibliography. Where the method This try give description or explanation to a object that becomes focus research, become One integrated whole in the form of facts

and explanations. With Thus, the author try to pardon method fatwa determination regarding Islamic economics.

As for data collection, it was carried out with method documentation that is collect and search various reference from books, journals, theses, dissertations, reports and other sources, of course those that are related with object research. After the data is collected, then writer sort the data needed in research. Then the data is analyzed in detail and depth so that writer can interesting A the conclusion that is considered is A facts found writer in study this research.

RESULTS AND DISCUSSION

Determination of Fatwa

Definition of Fatwa

Fatwa (الف توى) (according to Language means answer about answer a incident or event (giving) a firm answer to all events that occur in society). According to Imam Zamak Hasyari in his book *Al- Kasyaf* the meaning of fatwa is a smooth road or straight. In science *Usul Fiqh*, fatwa means the opinion expressed a *mujtahid* or *expert* as the answer submitted requester of fatwa in a cases of a nature No tie.

Ibrahim Anis in *al- mu'jam al- wasith* defines fatwa as " Answer to something difficult in problem Islamic law and legislation." Meanwhile, in "Lisan al - 'Arab", fatwa in general in a way etymology mentioned with the term " alfutya-wal " futwa " interpreted with " ifta " which is noun masdar from the word " afta ' , yafti-ifta " which means " to give " explanation " or " something that is issued a fatwa by a faqih.

However, due to the fatwa issued related with problem transactions, then its validity in a country that does not make Islamic law as guidelines become No binding. That is, not Can tie everyone. When you can tie only for those who are voluntary to bow down self to the provisions of the fatwa. So that its validity No fixed and not can made into reference or umbrella law.

In general terminologically, as stated by Zamakhsyari (d.538 H) fatwa is explanation law syara about a problem on question somebody or group. According to As- Syatibi, fatwa means *al- iftaa* means descriptions about law the syara that is not tie For followed. According to Yusuf Qardawi, a fatwa is to explain law syara in a problem as answer on questions asked by the fatwa requester (*mustafti*) Good in a way individual or collective. From several understanding on there are two things important things to do noted :

- 1) Fatwa is of a nature *responsive*. He is answer legal *opinion* issued after existence a question or request for fatwa (*based on demand*). In general, fatwas are issued as answer on the question that is incident or cases that have been happen or real. A fatwa giver (*mufti*) may For reject give a fatwa on question about events that have not happened happen.
- 2) In terms of strength law, fatwa as answer law (*legal opinion*) is not nature tie. In other words, the person who asks for a fatwa (*mustafti*), Good individuals, institutions, and public wide No must follow Contents or the law given to him. This is due to that the fatwa is not tie as decision court. It could be a fatwa of a *mufti* somewhere place different with the fatwa of another *mufti* in the same place.

However Thus, if this fatwa Then adopted become decision court, and things This common happens, then then He own strength binding law. Moreover Again If He adopted become law positive / regulatory a certain area. Currently more fatwa authority nature institutional from individual. Rarely Again found fatwas that are individual in nature. Needs public to law always questionable to institutions that have authority For that. In position this fatwa is getting worse wide No only limited to problem law *jurisprudence* just as well as its institutions. The position of the fatwa is also increasingly important in various sectors and lines life, such as fatwas on aspects economy sharia, finance and fatwas on product halal guarantees needed by the community.

Legal basis

In general, fatwas are issued based on explanation of the Al-Quran, hadith, *ijma'*, and *qiyas*. All four is source argument sharia law which has agreed by the majority of ulama. Number of scholars agree validity fourth source the as sources Sharia law. Example verses of the Qur'an which are explicit use fatwa terminology can found for example in verses following:

1) An-Nisa' verse [4] :59

Yaya O Allah, the Most Gracious O Muhammad The Most High Allah is the Most Gracious And He is the Most Merciful Allah is the Most Gracious And Allah is the Most Gracious O Lord, May Allah be pleased with you Fina The Most High FYI Shaykh For the sake of Allah O Allah Allah is the Most Gracious And the Most Gracious Ain The Lord The Most High In the name of Allah And He is the Most Gracious Allah is the Most Gracious Allah is the Most Gracious Yarra And He is the Most Gracious Allah is the Most Gracious

Meaning : " *O you who believe, obey Allah and obey (His) Messenger, and ulil amri in between you. Then If You different opinion about something, then give it back He to Allah (Al Quran) and the Messenger (sunnah), if You truly believe to God and the day then. That is so That more main (for you) and more Good the consequences* ".

In Tafsir Al-Ahkam Syekh H. Abdul Halim Hasan issues trust, obedience to Allah, Rasul, and *Ulul Amri* as stated in Surah An -Nisa verses 58 – 59 above is is the basics main for Islamic laws. If Allah did not lower the other verses in the Qur'an are sufficient second paragraph That for race muslim, origin just laws That placed on top base main second paragraph earlier. (*Al-Manar*, V). In verse This is Allah SWT, no said " obey Allah, obey the messenger and obey *the head amri*," but rather " obey the apostle and *ulul amri*, then that is so That means, obey *the head amri* That dive they That obey Allah and His Messenger and as long as order they based on to the command of Allah and His Messenger. But if the command they only based on to thought solely, not mandatory obey order *the head amri* That.

2) An-Nisa' verse [4]: 29

Yaya O Allah, the Most Gracious O Muhammad Allah Allah is the Most Gracious O Muhammad And I will not forgive you And He is the Most Gracious O Allah Anya Toki The Lord of the Rings O Allah The Lord May Allah be pleased with you

Meaning : *O you who believe, do not You each other eat treasure your fellow man with the wrong path, except with road current business with Like The same like among You..."*

In Tafsir Al-Ahkam, Sheikh H. Abdul Halim Hasan explains paragraph This with firm prohibit people from eating other people's property or his wealth Alone with road void,

meaning No There is right nya. Eating treasure Alone with road void is to pimp treasure on the road sin. Eating other people's property with road void There is various how, such as opinion Suddi, eat it with road usury, gambling, cheating, and abuse. According to Hasan Ibnu Abass, eating other people's property with No There is changeover. Also included in the cancelled road thisisall sell prohibited purchases *syara* ' ; which is not including is, the way business that mutually " pleases " (likes each other like) among them, namely from second party. Already Of course business that is permitted by *the syara* ' .

Although in paragraph This is Allah SWT. limiting only with road commerce only, but This No means, that people are prohibited eat other people's property with road grants, alms, and so on. Just mentioned commerce that, because that's it the most road done in swap exchange.

Fatwa has high position in Islamic religion. The fatwa is looked at as one of the alternatives that can solve freezing in development Islamic law and Islamic economics. Fatwa is one of the alternative For answer developments of the times that are not covered with texts religious (*An- nushush al- syar'iyah*). general MUI fatwa opinion always also pay attention to benefits general (*maslahah* „ *mmah*) and the essence religious teachings (*maqashid al- syari'iyah*), so that the MUI fatwa is truly become alternative For made into guidelines in operate business Islamic economics in Indonesia.

Fatwa Classification

At the moment There are 86 fatwas from the National Sharia Council (DSN) of the Indonesian Ulema Council (MUI) regarding Islamic Finance and Banking. This is can seen as following :

- 1) Fatwa about Savings
- 2) Fatwa about Mudharabah
- 3) Fatwa about Musyarakah
- 4) Fatwa about Murabahah
- 5) Fatwa on Salam and Istishna '
- 6) Fatwa on Ijarah
- 7) Fatwa about Debts and Receivables
- 8) Fatwa about Hawalah
- 9) Fatwa on Rahn (Pawn)
- 10) Fatwa about Bank Indonesia Certificate
- 11) Fatwa on Cards
- 12) Fatwa on Money Market
- 13) Fatwa about Sharia Insurance
- 14) Fatwa on Sharia Capital Markets
- 15) Fatwa about Sharia Bonds
- 16) Fatwa on Government Securities
- 17) Fatwa about Export / Import
- 18) Fatwa about *Multi Level Marketing* (MLM)
- 19) Fatwa on Business Results in Islamic Financial Institutions (LKS)
- 20) Fatwa about Financing
- 21) Fatwa on Guarantee

The number of DSN-MUI fatwas can keep going to increase customized with someone's request for a fatwa or institution finance Sharia to products new economics and finance Sharia in Indonesia. Practitioners economy Sharia, society and government (regulators) still keep going requires fatwas from DSN-MUI regarding with practices and products institution Islamic economy.

DSN-MUI

Understanding DSN-MUI

National Sharia Council- Indonesian Ulema Council (DSN-MUI) was formed in frame realize aspiration Muslims about problem economy and encourage implementation Islamic teachings in field economy / finance implemented in accordance with guidance Islamic law. The formation of DSN-MUI is step efficiency and coordination of the scholars in respond related issues with problem economy / finance. Various problems / cases that require a fatwa will be accommodated and discussed together to obtain similarity view in handling by each Sharia Supervisory Board (DPS) in the institution Islamic finance. For push implementation Islamic teachings in life economy and finance, DSN-MUI will always and play a role in a way proactive in respond development dynamic Indonesian society in field economics and finance.

Organization This named the National Sharia Council, Indonesian Ulema Council (abbreviated DSN-MUI), in Arabic is called "al- Ha' ah al Syar'iyah al- Wathaniyyah – Majlis al-Ulama al- Indunisiyyi " and in Language English named "National Sharia Board-Indonesian Council of Ulama". National Sharia Board -Indonesian Council of Ulama, which is usually abbreviated as DSN-MUI, is implementing agency task Indonesian Ulema Council in determine the related fatwa activity economics, business and sharia finance as well as supervise its implementation with mission grow develop Islamic economics and institutions sharia finance / business for welfare people and nation. Organizational vision This is to popularize Islamic economics and shariaization economy public.

History of DSN-MUI

Along with development institution Islamic finance in Indonesia, on 29-30 July 1997 the MUI held location work about sharia mutual funds, which is one of the the recommendation is established the National Sharia Council which then agreed on October 14, 1997 held meeting For forming DSN. In 1998, DSN was formed, and only official operational in 1999 with Decree No. Kep-754/MUI/II/ 1999 dated 10 February 1999 concerning Formation of the MUI National Sharia Council. With the presence of this SK, in a way official DSN can create and issue fatwas that are issued as reference operational for institution Islamic finance, and also as knowledge practical for public general public who do tran witness with institution Islamic finance. Because the economy No only related with Muslims only, then this DSN-MUI fatwa also applies tie for non- Muslims who choose transaction finance in institutions Islamic finance.

The presence this DSN-MUI institution in a way theological-normative-sociological functioning as an ' explanatory ' and differentiator institution Islamic finance from institution finance conventional. In reality society, still There is question about whether the bank interest The same with usury. The presence of this DSN-MUI institution give information based theological-normative-sociological about institution operational Islamic finance in Indonesia. DSN-MUI is religious/ theological legitimacy for ability products offered by the institution

Islamic finance to Indonesian society. With thus, in a way theological-normative presence this DSN-MUI institution is For unite people in vision the same economy in receptacle institution Islamic banking and finance.

Big vision of DSN-MUI is to popularize Islamic economics and shariaization economy society. Growing develop Islamic economics and institutions sharia finance / business for welfare people and nation. As Indonesia's economic fatwa institution, DSN-MUI, carries out task as following :

- 1) Developing implementation sharia values in activity economy in general, and finance specifically.
- 2) Issuing a fatwa or types activity finance.
- 3) Issuing a fatwa on products / services Islamic finance.
- 4) Supervise determination of the fatwa that has been issued.

With task as written above, then authority DSN-MUI institution is as following :

- 1) Issue a fatwa that binds the Sharia Supervisory Board in each institution Islamic finance and become base action law party related.
- 2) Issue a fatwa that becomes runway for provisions / regulations issued by the agency authorized, such as Ministry of Finance and BI.
- 3) Give recommendations and/ or to pull out recommendation the names of those who will sit on the Sharia Supervisory Board at a time institution Islamic finance.
- 4) Inviting the experts explain a the problem is needed in discussion Islamic economics includes authority monetary / institution finance domestic and foreign.
- 5) Stop deviation from the fatwa that has been issued by the National Sharia Council.

Legal Basis of DSN-MUI

- 1) Pancasila and the 1945 Constitution of the Republic of Indonesia.
- 2) Republic of Indonesia Law Number 13 of 2003 concerning Employment.
- 3) Republic of Indonesia Law Number 40 of 2007 concerning Limited Liability Companies.
- 4) Decree of the Minister of Manpower Number 25 of 2017 concerning Determination Standard Competence Indonesian National Work Position Work Sharia Supervisor.
- 5) Basic Guidelines and Household Guidelines Indonesian Ulema Council, deed Notary Public Number 034, dated April 15, 2014, and the Decree of the Minister of Law and Human Rights Man Number : AHU00085.60.10.2014, and the changes based on Results of the 9th MUI National Conference in 2015.
- 6) Regulation Organization Indonesian Ulema Council Number : Decree 407/MUI/IV/2016 concerning Articles of Association and Bylaws of the National Sharia Council - Indonesian Ulema Council.
- 7) Decision Letter of the Board of Directors Indonesian Ulema Council (MUI) Number : Decree 1211/MUI/XI/2017 concerning Improved Composition and Personnel of the Management of the National Sharia Council - Indonesian Ulema Council / Replacement Inter- Time Solemn Period 2015-2020.
- 8) Decision of the National Sharia Council - Indonesian Ulema Council No. KEP-26/DSNMUI/VIII/2017 concerning Certification Competence Sharia Supervisor for the Sharia Supervisory Board.

Implementation of DSN-MUI

Implementation of DSN-MUI in activity Islamic banking in Indonesia can seen from a number of things, such as :

1) Determination of fatwa.

DSN-MUI issues a fatwa regarding products, services, and banking activities that are based on sharia principles. The fatwas issued by DSN-MUI are binding and mandatory adhered to by the institution Islamic finance.

2) Supervision.

DSN-MUI supervises products Islamic finance, such as Islamic banking, insurance, mutual funds, and venture capital, to suit with Islamic law.

3) Guidelines implementation sharia principles.

The DSN-MUI fatwa becomes guidelines implementation sharia principles in sharia banking. However, there are a number of obstacle in implementation of DSN-MUI fatwas, such as : Fatwas that are difficult translated or applied in regulation banking, DSN-MUI Fatwa which is not in harmony with law positive, Emptiness law on regulation about concept of debt in Sharia guarantee, Weakness Supervision and Costs tall consequence implementation full on sharia principles in the DSN-MUI Fatwa.

Islamic Economics

Definition of Islamic Economics

Economy, in general defined as things to learn behavior man in use source rare power For produce goods and services needed human. Some expert define Islamic economics as a the science that studies behavior man in business For fulfil need with tool fulfillment limited needs within Sharia framework. The science that studies behavior a Muslim in a framed Islamic society with sharia. Definition the contain weakness Because produce concept that is not compatible and not universal. Because of definition the push somebody trapped in a priori decision (a priori judgment), Correct or still wrong must accepted. Muhammad Abdul Manan defines Islamic economics as following "Islamic economics is a social science which studies the economic problems of a people imbued with the values of Islam. It means knowledge Islamic economics is knowledge knowledge social studies problems economy a society inspired by Islamic values.

Temporary that. M. Umer Chapra to mean Islamic economics as following "Islamic economics was defined as that branch which helps realize human well-being through and allocation and distribution of scarce resources that are inconsistent with Islamic teaching without unduly curbing Individual fredom or creating continued macroeconomic and ecological imbalances. It means Islamic economics is A knowledge that helps effort realization happiness man through allocation and distribution source limited power that exists in corridor that refers to Islamic teachings without to give freedom individual or without behavior macro sustainable and non - existent economy imbalance environment. While Syed Nawab Haider Naqvi, science Islamic economics, in short is study about behavior representative Islamic economy in public modern muslim.

Based on the above description, Hasanuzzaman conclude that Islamic economics " A knowledge and application from orders and regulations in sharia, namely For avoid injustice in acquisition and distribution material resources to provide satisfaction human, so that allow

man carry out not quite enough the answer towards God and society (Islamic economics is the knowledge and application of injunctions and rules of the shari'ah that prevent injustice in the acquisition and disposal of material resources in order to provide satisfaction to human beings and enable them to perform their obligations to Allah and the society).

History of Islamic Economics

Islamic economics or Islamic economics has existed in Indonesia since in 1991, at the same time with the birth of PT Bank Muamalat Indonesia (BMI). There are several expert who explains definition sharia economy. One of them, Yusuf Qardhawi, said that Islamic economics is economy based on to deity with objective end to God. Then, Monzer Kahf to mean Islamic economics is part from knowledge economics that is indisciplin. This means that Islamic economics is not can stand alone and need good and deep mastery to Islamic sciences. In In general, Islamic economics is system economy that implements teachings of the Quran and Hadith or Islamic rules in its activities. The purpose of development sharia economy is so that the Indonesian people, especially Muslims, can do activity economy in accordance with Islamic law. Initially, sharia economics was more Formerly introduced to rural communities, such as farmers at that time considered will more easy accept a matter new. After that, introduction Islamic economy continues to be continued until to public other.

From the year to year, the sharia economy is growing developing, which has proven with practice values applied public based on Islamic law, as following : In debt without usury. Doing system for results. Not producing prohibited haram products behind with Islamic rules. Along with BMI's operation on May 1, 1992, implementation Islamic economics also No direct follow experience development. The birth of BMI encourages the emergence of other Islamic banks in Indonesia, such as Bank Syariah Mandiri, BRI Syariah, BNI Syariah, and many more Lots again. At first, BMI operations were not walk smoothly caused by grounding weak law. Therefore that, the government and the House of Representatives (DPR) finally do refinement with issued Law No. 10 of 1998, namely implementation of a dual banking system. Dual Banking System create a conventional bank can do activity appropriate business with principle Islamic law. Policy new This accepted with good by the company Indonesian banking marked with the emergence of other sharia banks. All Islamic banking and sharia economic products are below rule laws, including Law No. 21 of 2008 concerning Islamic Banking and Law No. 19 of 2008 concerning State Islamic Securities. With development Islamic banking, the Islamic economy that is applied in it also participates experience growth.

Legal Basis of Sharia Economics

There are some the law that becomes runaway thinking and determination draft economy in Islam. Some base the Islamic law among them is as following :

Al-Qur'an

The Qur'an is the word of Allah SWT. which was delivered to the Prophet Muhammad SAW. in a way worry free through the angel Gabriel from start Al-Fatihah letter ends An-Nas letter and read it is worship. The Qur'an is base law the eternal and original Islamic economy, and is source as well as the first reference for Islamic law, because in it there is global rules and regulations the details. As Allah says in Surah An-Nisa [4] verse 80

مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ وَمَنْ تَوَلَّى فَمَا أَرْسَلْنَاكَ عَلَيْهِمْ حَفِيظًا ۗ

Meaning : " *Whoever obeys the Messenger, verily He has obey Allah. and Whoever turns away (from obedience that), then we do not send you For become caretaker for they.*"

The verse above state that the Qur'an explains laws syara ' that in a way overall, because explanations of as-Sunnah come from from the Koran. Al-Qur'an as source main for all Islamic law has explain the basics law, such as to order to humans to fulfill promise (engagement) and confirm halal sell buy along with its forbidden usury. Then, as in QS Al-Baqarah verse 188 there is prohibition Eat treasure with the way that is not legitimate, including through bribe that is as following :

وَتُؤْتُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْهُنَّ بِمَا كَفَرْتُمْ وَتُؤْتُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْهُنَّ بِمَا كَفَرْتُمْ وَتُؤْتُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْهُنَّ بِمَا كَفَرْتُمْ
God willing وَتُؤْتُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْهُنَّ بِمَا كَفَرْتُمْ وَتُؤْتُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْهُنَّ بِمَا كَفَرْتُمْ وَتُؤْتُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْهُنَّ بِمَا كَفَرْتُمْ

Meaning : *and don't some You eat treasure some others in between You with false path and (do n't) you carry (the matter of) wealth That to the judge, so that You can eat some than treasure other people 's things with (road commit) sin, even though You know".*

In Tafsir Al-Ahkam, Sheikh H. Abdul Halim Hasan Ibnu Jabir, Ibnu Munzir, and Ibnu Abi Hatim narrated from Ibn Abbas, and he said, " Ayata this is downgraded regarding with the debtor, who denies his debt before the judge, even though he know Correct that he owe." As for the meaning "Eat your wealth between you (yourself) with the invalid way "is take other people's property with the path that is not allowed Sharak, even the owner treasure feel pleased and happy heart deliver his wealth that. Like somebody Woman with the purpose of adultery, or like a gambler, a loser feel consent deliver his wealth to the winner in gambling. In QS An-Nisa verse 29 it is found provision that trading on base Like willing is one of form Halal transactions are: as following :

يَأْتِيهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَهُمْ بَيْنَهُمْ سُبُوًا إِنَّ اللَّهَ كَانَ بِكُمْ
or يَأْتِيهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَهُمْ بَيْنَهُمْ سُبُوًا إِنَّ اللَّهَ كَانَ بِكُمْ

Meaning : " *O you who believe, do not You each other eat treasure your fellow man with the wrong path, except with road Current Business with Like mutual liking between you. and don't You kill yourself ; Indeed, Allah is Most Merciful to you.*"

In Tafsir Al-Ahkam Syekh H. Abdul Halim Hasan this verse with firm prohibit people from eating other people's property or his wealth Alone with road void, meaning No There is his rights. Eating treasure Alone with road void is spend his property on the road sin. Eating other people's property with road void There is various how, such as opinion suddi, eat it with road usury, gambling, cheating, and abuse. According to Hasan and Ibn Abbas, eating other people's property with No There is changeover. Also included in the cancelled road This all sell prohibited purchases syara ' which is not including is, the way business that mutually " pleases " (like The same like) among you, namely from second party. Already Of course business that is permitted by the syara '.

FATWA DETERMINATION METHOD

Fatwa law is *obligatory the right to life*, if there is someone else who can give a fatwa other than himself. As for if No there is someone else who can giving fatwas and issues that are fatwad That Enough urge so he also obligatory duty must give a fatwa on event That 's why the fatwa concerning religious issues then No anyone can occupy as *mufti* conditions that must be met owned by a *mufti* such as :

- a. The Fatwa must based on to the main books that are mutabar so that the fatwa is given That can accepted by the recipient of the fatwa.

- b. If He issue a fatwa based on *qou*/somebody a'lim, then He can show base source taking his fatwa that, with thus He avoid from do wrong and lie.
- c. A *mufti* must understand or know various type the opinion of scholars not to happen error understanding between he and the recipient his fatwa.
- d. A *mufti* must be a scholar who has honesty (Zen, 2009:213).
There is a number of related terms with the process of issuing fatwas (*iftaa*), namely :
 - a. *Al- Ifta* or *Al- Futya*, meaning activity to explain law *syara* ' (fatwa) as answer on questions asked.
 - b. *Mustafti*, meaning individual or the group that submitted question or ask for a fatwa.
 - c. *Mufti*, meaning the person who gives answer on question the or the person who gives the fatwa.
 - d. *Mustafa phew*, It means problem, event, case or the incident whose legal status is being questioned.
 - e. *Fatwa*, It means answer law on problem events, cases or the incident in question.

Fifth term the is One unity that is not inseparable in the process of determining the fatwa. In determining the fatwa, the existence of the method used is very important so that every fatwa determination process must follow method said. A fatwa that was issued without use methodology, decision the resulting law not enough have solid argumentation. Therefore, the implementation method (*manhaj*) in every fatwa determination process is a inevitability. *Manhaj Fatwa of the National Sharia Council (DSN)* procedural is moreover formerly look for answer on problems faced with check it out in the Qur'an and Sunnah. If the answer That it turns out there, then problem That answered done and finished. If not there is, then look for just in case Already There is *ijma'* of scholars regarding matter that. Then If No there is also in *consensus* then look for the answer with do *analogy*.

Procedure DSN fatwa determination is carried out in plenary meeting attended by all DSN members with accompanied by Bank Indonesia or institution finance others, and party industry finance, good banking, insurance, capital markets, and institutions that have connection with Islamic economics and finance. Before the fatwa is discussed in plenary meeting, draft fatwa has been discussed by the Daily Executive Body, so when plenary discussion meeting draft fatwa already in level settlement end. The draft fatwa can changed in a way overall or Possible just rejected, but generally draft fatwa that has been prepared by the Implementing Agency daily accepted, even though Of course just There is notes critical from the members plenary meeting. Usually after finished plenary meeting will formed team designer in charge formulate a fatwa in accordance with with view or proposal from the participants the DSN plenary meeting.

According to KH. Ma'ruf Amin, chairman of DSN-MUI, that in a way summary systems and procedures the determination of fatwas in the DSN-MUI environment is as following :

- a. Before the fatwa is determined, it is carried out review moreover formerly the opinions of the imams of the schools of thought about the problem that will passed away said, in a manner thorough following the reasons.
- b. The problem that has been clear the law (*al- ahkam al- qath'iyah*) will delivered as existence.

- c. In the matter that occurred difference opinion (*khilafiyah*) among school of thought, then (1) the determination of the fatwa is based on the results business invention point meeting between opinions sect through *al-jam'u* and (2) if business invention point meeting No succeed carried out, the determination of the fatwa is based on the results *tarjih* through method *the path of the school of thought* with use rules principle jurisprudence *muqaran*.
- d. In a matter that is not found opinion the law among mazhab, the determination of fatwa is based on the results of *jama'i*ijthad (collective) through method *baby interpretation* (*qiyas, istihshani, ilhaqi*), *istishlahi*, and *sad al- zari'ah*.
- e. The determination of fatwas is always pay attention welfare general (*mashalih 'ammah*) and *maqashid al-syariah*.

In general In general, the fatwas issued by the DSN-MUI are of a moderate (*Sustainability*), meaning No too rigid to text nash (*tasyadud*), but also not too go out from *understanding of the text* and only consider welfare general. DSN-MUI holds that assumption existence mashlahah which turns out violate sharia principles must be rejected. Because of the benefits such as That including the benefits that have not been surely (*mashlahah mauhumah*), while those contained in sharia include definite benefit (*benefit*) *qath'iyah*). So that No There is reason For to pretext prioritize need Customer with violate sharia principles.

CONCLUSION

Fatwa law is *obligatory the right to life*, if there is someone else who can give a fatwa other than himself. As for if No there is someone else who can giving fatwas and issues that are fatwad That Enough urge so he also *obligatory duty* must give a fatwa on event that. In determining the fatwa, the existence of the method used is very important so that every fatwa determination process must follow method said. A fatwa that was issued without using methodology, decision the resulting law not enough have solid argumentation. Therefore, the implementation method (*manhaj*) in every fatwa determination process is a inevitability. Procedure DSN fatwa determination is carried out in plenary meeting attended by all DSN members with accompanied by Bank Indonesia or institution finance others, and party industry finance, good banking, insurance, capital markets, and institutions that have connection with Islamic economics and finance. Before the fatwa is discussed in plenary meeting, draft fatwa has been discussed by the Daily Executive Body, so when plenary discussion meeting draft fatwa already in level settlement end. The mechanism and process for issuing fatwas, in general theoretically MUI has have rule guidelines for procedures implementation of the fatwa. In the fatwa guidelines it is stated that a fatwa only issued after moreover formerly learn sources the four laws, namely the Quran, Sunnah, *Ijma* and *Qiyas*. But in the practice there is something direct researching script jurisprudence existing classics and analogize with the issue being discussed without learn moreover formerly the relevant verses of the Qur'an and hadiths.

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