

The Application of the Qiyas Method in Islamic Legal Reasoning: A Review of Fatwas by the Indonesian Ulama Council (MUI)

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Abstract: Fatwas play a crucial role in mediating between Islamic legal ideals and societal realities. This study examines the application of the qiyas method in fatwas issued by the Indonesian Ulama Council (MUI), focusing on its legal reasoning and relevance in contemporary contexts. Using a qualitative approach with content analysis, the research analyzes several MUI fatwas based on qiyas, including rulings on alcohol, Friday prayers on ships, and income zakat. The findings reveal that qiyas serve as a vital tool for MUI in addressing modern issues by drawing analogies from classical Islamic texts. This study highlights the dynamic nature of Islamic jurisprudence and the importance of qiyas in adapting Sharia to contemporary challenges

Keywords: Fatwa, Islamic Legal Reasoning, Indonesian Ulama Council (MUI), Qiyas Method

1. Introduction

Muslims firmly believe that the Shari'a, with all its instruments and values, is a concrete manifestation of the will of Allah (al-Syâri ') towards humans and the universe, where all the purposes for the creation of beings, the order of relations between the Khaliq and creatures, as well as duties and standards the rules that humans must carry out as al-aḥsan al-taqwīm which are perfectly contained in it. However, the existence of this shari'a still leaves quite a severe problem because some Muslims have the assumption that after the Prophet's death, the shari'a - which is contained in the al-Qur'an and Hadith has been complete and even closed the opportunity to reinterpret it (Alwi al-Maliki, 2023), While some others have the assumption that the Qur'an and Hadith are just dead texts, the interpretation of which must be carried out dynamically so that they can continue to be relevant for all ages and all situations.

Thus, it can be stated that after the death of the Prophet, the shari'a seems to have become a final doctrine that does not need to be reconstructed, that is, it is not bound by time and place, where its presence has been transformed into the true spirit of Islamic teachings (Sayyed Hossein Nasr, 1979), While the people are only tasked with applying, without the right to question again, this certainly left a big problem for Muslims, especially after Muhammad's death, because the presence of sharia - which was marked by Muhammad's acceptance of the holy texts of God through Jibril - was closely related to the dimensions of space and time. Even his presence was often the answer to these problems publicity problems that occur (Ahmad Hasan, 1988, Najih Maimun Zubair, t.t.). Moreover, over time, the existence of Islam amid a society that is increasingly besieged by the currents of modernity and globalization of the world has



begun to question its effectiveness in responding to issues of the masses, which are increasingly complex (Hussain 2019).

Many of the questions above arise because of Islam's presence as *rahmatan li al-'âlamîn*, and its emergence is full of the tendency to 'solve social problems. Besides, the historical progress of Islamic law development has taught its adherents that the transformation of social, cultural, economic, and even political values has influenced the change in Islamic law. Thus, the assumption then arises that Islamic law is not a legal unification, which cannot be interpreted. Still, as a normative force that always makes, places treats or considers society's interests as the substance of its position of flexibility, as long as it is not oriented to sacrifice the nobility of Islamic law (Faizah 2024). Based on the facts above, the logical consequence is that there is an obligation to carry out *ijtihad* (Widiyanti dan Chamim 2023), to answer these problems, some of which are manifested in *istinbât* processes.

In general, the formulation used by *jumhurs* in *istinbât* (ways of issuing a law from a *dalâil*) to establish a rule usually rests on the Qur'an, Sunnah, and Ra'yu. The existence of al-Qur'an and al-Sunnah as sources of this law does not leave much problem and debate, and almost all scholars agree with it. However, this is not the case with ra'yu (thought, reason). There are still many problems and debates. Closely related to the use of ra'yu in the *istinbât* process, the scholars included Abu Hanifah (81–150 H / 700–767 AD), Malik Ibn Anas (94–179 H / 714–812 AD), Ahmad Ibn Hanbal (164–241H) usually expresses what is called *qiyâs* (Bakar, Hannan, dan Mofid 2024).

In its development, *qiyâs* - in its existence as one of the sources of Islamic law - in the realm of jurisprudence has become one of the causes that have led to disagreements or disputes among scholars. The Shi'ah Imamiyah and Daud al-Dzahiri schools, for example, do not want to recognize the *qiyâs* method, let alone accept or use it. Meanwhile, other scholars such as *Jumhur Ulama* and Syi'ah Zaidiyah Mazhab accept it as proof of sharia law (Subhi Mahmasani, 1981). Differences in views of *qiyâs*, among others, can also be seen from the opinions expressed by Al'-Allamah Ibn Hazm Abu Muhammad Ali bin Said bin Hazm bin Khalid bin Khalaf bin said bin Sufyan bin Yazid (384-456 H / 994-1064) used to be called Ibn Hazm - which states that the Qur'an and al-Sunnah are complete and perfect. There cannot be a problem without an answer to it Ibn Hazm, t.t.). The opinion expressed by Ibn Hazm is very contradictory to the view expressed by Ibn Qayyim al-Jawziyah, who stated that ulama and Muslims should not be static, relying only on the Koran and al-Sunnah in solving problems faced by Muslims. On the other hand, he called for scholars and Muslims to be dynamic, actively carrying out *ijtihad* and using their minds to think. More than that, Ibn Qayyim also forbade *taqlid* for scholars and Muslims (Ibn Qayyim al-Jawziyah, 1984).

The elaboration above gives a little illustration that the existence and honesty of *qiyâs* as an effort to explore a law still leaves a problem and debate for an extended period. This is ironic because *qiyâs* has long occupied an important position in Islamic jurisprudence, which has become the mainstay of *jumhur ulama* when a problem is not found in the legal status of the Qur'an, Sunnah, or *ijma'*. If *qiyâs* is used to determine Islamic law and Islamic law is believed to be the law of God, while its existence and honesty are still problematic, doesn't this mean reckless actions that harm the people?

Therefore, the author is interested in discussing this issue, especially those related to the views of two figures - Ibn Hazm and Ibn Qayyim, whose opinions stand opposed. This study aims to analyze the application of *qiyas* in MUI fatwas and its implications for contemporary Islamic legal reasoning. In this paper's discussion, before specifically entering into the ideas and thoughts of the two figures about *qiyâs*, the author will first describe the views of *jumhur* scholars of *fiqh* regarding the position of *qiyâs* as a method of establishing law in Islam.

2. Methods

This study uses a qualitative method with a content analysis approach to several fatwas issued by the Indonesian Ulema Council (MUI). The main source of data comes from the official MUI fatwa document, both published in the form of books, journals, and the official MUI website. Data were collected through a comprehensive review of MUI fatwas, focusing on those that explicitly mention the use of *qiyas*. In addition, secondary data was obtained from

literature that discussed fatwa methodologies, Qiyas principles, and various previous studies that examined MUI fatwas in the context of Islamic law.

In the analysis process, the fatwas that have been collected are studied with an ushul fiqh approach by highlighting the pattern of legal reasoning, the basis of the evidence used, and the relevance of Qiyas in shaping legal decisions. To ensure the validity and reliability of the data, this study applies the source triangulation technique, namely by comparing the content of the fatwa with various references to Islamic law, such as classic and contemporary ushul fiqh books, and comparing it with fatwas from other institutions at home and abroad. In addition, the validity of the research is also strengthened by peer debriefing, namely through discussions with academics and Islamic law experts to test the consistency and accuracy of data interpretation. With this approach, the research is expected to provide a comprehensive and objective analysis in understanding the use of Qiyas in the MUI fatwa.

3. Result and Discussion

3.1 Qiyâs in the Perspective of Fiqh Ulama

3.1.1 Understanding Qiyâs

In language, qiyâs, in other terms, is also known as an analogy, which means measuring, knowing the size of something, comparing or comparing something with another (Abd Majid Al-Shaghir, 1994). Meanwhile, in terminology, qiyâs has several definitions. Sadr al-Syari'ah (d. 747 H), a figure in the Hanafi school of ushul fiqh, expressed that qiyâs is "Applying original law to furû law" due to illat unity which cannot be achieved through a language approach alone" (Abd Majid Al-Shaghir, 1994). Meanwhile, the majority of Syafi'iyyah scholars define qiyâs with the meaning of "Bringing unknown laws to known laws to establish regulations for both, or nullifying laws for both, both law and nature law" (Al-Ghazali, 1974).

While Wahbah al-Zuhaili defines qiyâs as "Uniting something that is not stated in the law in naş, with something that has been said by the law by naş, due to the existence of illat unity between the two" (Wahbah al-Zuhaili, 1978). Even though there are redaction differences in some of the definitions put forward by the classical and contemporary ushul fiqh scholars above about qiyâs, they still agree that the process of establishing law through the qiyâs method is not establishing rules from the beginning (istinbâṭ al-ḥukm wa insyâ'uḥu), but only reveal and explain the law (al-kasyf wa al-izhâr li al-ḥukm - which exists in a case whose legal status is not clear (Wahbah al-Zuhaili, 1978).

This implies that the disclosure and explanation are carried out through in-depth discussion of one illat of a case at hand, if the illat is the same as the legal illat mentioned in naş, then the law of the case at hand is a law that has been determined by the naş.¹ This implies that the disclosure and explanation are carried out through an in-depth discussion of one illat of a case at hand. If the illat is the same as the legal illat mentioned in naş, then the law of the subject at hand is the law that the naş has determined (Abu Zahrah, t.t.).

3.1.2 The Wisdom of Qiyâs in Islamic Law

Ushul fiqh scholars have different opinions on the question of the status of qiyâs in establishing a syara 'law. These differences can be seen in the opinion of the jumhur ulama, who believe that qiyâs can be used as a method or means to istinbath all syara laws' (Tajuddin' Abdul Wahab al-Subki, 1978). Meanwhile, mu'tazilah scholars argue that qiyâs can only be applied in establishing law as long as the law can fulfill two things. First, during illat, the law is manşûş (mentioned in naş) either manifestly or through signs. Second, the law of far'u must be more critical than aşl law. At this point, Wahbah al-Zuhaili mapped the opinions of ushul fiqh scholars (regarding the hujjahan of qiyâs) into

¹ For example, a mujtahid wants to know the laws of drinking beer or whiskey. From the results of careful discussion and research, the two drinks contain intoxicating substances, such as those in khamr. This intoxicating substance then becomes the cause (illat) of the prohibition of khamr, according to the word of Allah in surah al-Mâ'idah: 90-91. Thus, the mujtahid found the law for beer and whiskey, which is the same as the law for khamr, because illat is the same for both. The illat similarity between a case where there is no naş and the law that has a na menyebabkan causes legal unity.

two groups, namely the group that accepts qiyâs as the argument of law, which consists of the majority of ushul fiqh scholars such as Shafi'iyah scholars, and other groups. This group rejects qiyâs as a legal proposition, consisting of al-Nazzam, Dhahiriyyah, and Iraqi mu'tazilah scholars (Wahbah al-Zuhaili, 1978).

When examined further, the reasons for the group rejecting qiyâs as arguments in establishing syara 'laws include relying on the word of Allah in surah al-Hujurât/49: 1, *"O you who believe, do not precede Allah and His Messenger ..."* This verse in the perspective of the group implies that there is a prohibition for someone to do charity with something that is not in the Qur'an and the Sunnah of the Prophet. Thus, according to them, making qiyâs as a guide is an attitude of charity based on something that is outside the Qur'an and the Sunnah of the Prophet, and therefore it is prohibited. Besides, they also explained the contents of the letter al-Isrâ': 36, *"And do not follow what you do not know of,"* which, according to them, implies that Allah forbids someone to do charity with something that is not known with certainty (*qat' i*). Therefore, based on these verses, they concluded that the use of qiyâs in Islamic jurisprudence is not allowed (Muin Umar, dkk, 1986).

Meanwhile, the jumhur of ulama ushul fiqh, which allows qiyâs as a method in syara 'law, in expressing their arguments, also relies on several verses of the al-Qur'an, including Surat al-Hashr verse 2; *"So take (that incident) to be a lesson, O people who have views."*

According to them, the verse speaks of the punishment that Allah sent to the unbelievers of the Banu Nadhir as a result of their bad attitude towards the Prophet. At the end of the verse, Allah instructs Muslims to make this story a lesson, including in the category of qiyâs. Therefore, they concluded that the stipulation of law through qiyâs which Allah calls al-I'tibâr, is permissible, and even the al-Qur'an has ordered it (Muin Umar, dkk, 1986). Other verses that they also use as the reason for allowing qiyâs are all verses of the al-Qur'an, which contain illat as the cause of the law, for example, Surat al-Baqarah verse 222: *"They ask you (Muhammad) about menstruation. Say, "menstruation is dirt". Therefore, you should keep yourself away from women during menstruation."*

Surat al-Maidah 5 verse 91: *"Surely the devil intends to cause enmity and hatred among you, because (drinking) alcohol and gambling, and hinders you from remembering Allah and praying, so stop you (from doing that action).*

Surat al-Maidah 5 verse 6: *"Allah does not want to make things difficult for you, but He wants to clean you and complete His blessings for you ..."*

Like the scholars who reject qiyâs, the opinion of the jumhur scholars who accept qiyâs (apart from being based on the verses of the Koran) is also based on the Prophet's hadith, including the hadith narrated by Muadz Ibn Jabal, namely when the Prophet sent him to Yemen to become a qadi. At that time, the Prophet spoke with Mu'adz: *"How do you establish the law when an incident is told to you? Mu'adz replied, "I will determine based on the al-Qur'an."* Rasul continued his question, *"If you do not find it in the Al-Qur'an?"* Mu'adz said, *"I will determine it with the Sunnah of the Prophet."* *"If you don't get the Sunnah of Rasulullah?"* Mu'adz replied, *"I will do ijihad seriously."* Mu'adz explained that after the dialogue, the Messenger of Allah then patted his chest and said, *"Praise be to Allah for giving instructions to the officers appointed by the Messenger of Allah because he acted according to the pleasure of Allah and His Messenger"* (Muin Umar, dkk, 1986)).

In this hadith, according to the jumhur of ulama ushul fiqh, the Prophet acknowledged ijthâd based on the opinion of reason, in which qiyâs was included in this type of ijthihad. The jumhur added that in another hadith, the Prophet also used the qiyâs method to answer questions posed to him. For example, one day, Umar bin al-Khattab came to the Messenger of Allah saying:

"On this day, I have made a big mistake, I kissed my wife while I was in a state of fasting". Then the Messenger of Allah said to Umar: "What do you think if you rinse your mouth while fasting, is your satisfaction off? Umar replied, "No", then Rasulullah SAW said: then why do you regret it?"

According to the opinion of the *jumhur*, in the *hadith*, the Prophet *qiyâs* his mouth by kissing his wife, which according to Rasulullah, does not break the fast. Thus, *jumhur* scholars argue that *qiyâs* is one of the legal methods in the process of seeking an Islamic law (Muin Umar, dkk, 1986).

3.1.3 Overview of the Indonesian Ulema Council

The Indonesian Ulama Council (MUI) is a forum and organization for *ulema* throughout Indonesia. This institution was established on 27 July 1975 by the Ulama Congress activity, which was held from 21 to 27 July 1975. At the end of the event, 53 participants comprised representatives of the newly formed regional *ulema* assemblies, representatives of the central management of ten existing Islamic organizations, several free *ulema*, and four ABRI representatives signed the declaration of the establishment of the Indonesian Ulama Council. They appointed Hamka as the first general chairman of the MUI (Atho Mudzhar, 2003).

As a religious institution, MUI is mandated to provide *fatwas* and advice to both the government and the Islamic community regarding religious issues in particular and the problems faced by the nation in general. Besides, MUI is also expected to promote national unity, become a mediator between the government and *ulema*, and represent Muslims in meetings between religious groups. Also included in the MUI's duties is to ensure that none of the laws in this country contradicts Islamic teachings (Atho Mudzhar, 2003).

The *fatwa* commission of the MUI is prepared and issued. This commission is given the task and authority to negotiate and issue *fatwas* on Islamic law issues facing society. *Fatwa* Commission hearings are usually held as needed or when the public or the government has consulted the MUI. Apart from being attended by the Chairman and all *Fatwa* Commission members, the trial was also accompanied by outside invitations, such as free scholars and scientists related to the issue being discussed (Atho Mudzhar, 2003).

Qiyas is one of the methods used by MUI in answering *fatwas* or producing laws. Among the *fatwas* issued by the MUI, which are based on *Qiyas*, are the law of alcohol, the law of Friday prayers on boats, and the law of *zakat* on income (profession).

3.2. Qiyas in the Fatwa of the Indonesian Ulema Council

3.2.1. Alcohol Law

The *fatwa* on alcohol was tried by the Indonesian Ulama Council on 29 Dzulqad'ah 1430 to coincide with November 18, 2009. The arguments presented are several verses from the Qur'an, *Hadith*, and *aqwal* of the *ulema*. The verses quoted in this decree include:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

"O you who believe, Verily (drinking) *khamar*, gambling, (sacrificing for) idols, drawing fate with arrows, are included in the deeds of satan. So stay away from these actions so that you get good luck." (QS Al-Maidah/5: 90).

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنْفَعَةٌ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَّفْعِهِمَا

"They ask you about wine and gambling. Say: "In both, there are great sins and some benefits to man, but the sins of both are greater than the benefits." (Al-Baqarah/2: 219).

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَى حَتَّى تَعْلَمُوا مَا تَقُولُونَ وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ حَتَّى تَغْتَسِلُوا

"O you who believe, do not pray while you are drunk so that you understand what you are saying (don't even go to the mosque). You are in a *junub* state [301] unless you just pass away until you shower" (QS. An-Nisa`/4: 43).

"Everything that is intoxicating is alcohol, and everything that is intoxicating is haram" (HR. Muslim from Ibnu Umar).

After reciting the verses and hadiths above, in this fatwa, the MUI describes the criteria for khamar, alcohol, and alcoholic drinks in general provisions. According to the MUI, the three are:

- a. Khamar is any intoxicating drink, whether from wine or otherwise, whether cooked or not;
- b. Alcohol is a generic term for any organic compound that has a functional group (-OH) attached to a carbon atom. The general formula for the alcohol compound is R-OH or Ar-OH, where R is an alkyl group, and Ar is an aryl group;
- c. Alcoholic drinks are: 1) Beverages containing ethanol and other compounds, including methanol, acetaldehyde, and acetaldehyde, which are engineered by fermentation of various types of vegetable raw materials containing carbonates; or 2) Drinks containing ethanol and/or methanol added intentionally (Majelis Ulama Indonesia, 2011).

Furthermore, by observing the arguments and definitions above, MUI stipulates the following fatwas:

- a. Drinking alcoholic drinks as referred to in the general provisions of the law is haram;
- b. Khamar, as referred to in the general provisions, is unclean;
- c. Alcohol, as referred to in the general provisions originating from khamar, is unclean. Meanwhile, Alcohol that does not come from khamar is not diluted;
- d. Alcoholic drinks are unclean if the alcohol/ethanol comes from khamar. Alcoholic beverages are not unclean if the alcohol/ethanol comes from non-yeast;
- e. The use of alcohol/ethanol produced by the khamar industry for food, beverage, cosmetics, and medical products is haram;
- f. The use of non-khamar industrial alcohol/ethanol is either the result of chemical synthesis from petrochemicals or the non-khamar fermentation industry's product for food products, beverages, and the production process cosmetics, drugs, the law is: permissible if it is not medically harmful;
- g. The use of alcohol/ethanol from non-khamar industrial products, whether it is the result of chemical synthesis from petrochemicals or non-khamar fermentation products for the production process of food, beverage, cosmetics, and pharmaceutical products, the law is haram, if it is medically dangerous (Majelis Ulama Indonesia, 2011).

From the MUI fatwa above, it is clear that alcohol is the same as the khamar mentioned in the Al-Qur'an and the Prophet's Hadith. The harmful effects caused by alcoholic drinks are the same as the detrimental effects of khamar, as mentioned in various texts. Among them are: causing oblivion to Allah, destroying health, destroying economic potential, disturbing security and order, and endangering the life of the nation and state because drinking alcohol destroys unity and integrity, which in turn destroys national stability (Majelis Ulama Indonesia, 2011).

This fatwa explains that khamar is haram and unclean, as well as alcohol made from dai khamar, while alcohol made from other than khamar is haram but not unclean. So it is necessary to distinguish between alcohol that comes from khamar and that which is not from khamar; that which comes from unclean wine, but what is not from khamar is not unclean. Based on this argument, the MUI determines that the use of non-khamar alcohol for the production process of food, beverage, cosmetics, and medicinal products is legally permissible, provided that it is not harmful. Conversely, if it is dangerous, then it is haram (Majelis Ulama Indonesia, 2011).

The decrees of the fatwa on alcoholic drinks made from khamar by the Indonesian Ulema Council are thus through the process of the qiyas method or analogy with khamar that has been mentioned in the texts of the Qur'an and the Sunnah of the Prophet SAW. Meanwhile, the fatwa on the haram of non-alcoholic alcohol, which is harmful, is

qiyas-insulted by actions that endanger oneself. Ashl in this matter is khamar, the law of ashl is haram, its 'illah is destroying physical health, disturbing public order, eliminating the morality of the nation, and its far'u is an alcoholic drink derived from khamar. Whereas those that are not derivatives of khamar are qiyâs, which refers to things that make mafsadah.

3.2.2. Friday prayers for travelers on board

The Indonesian Ulema Council issued a fatwa on 10 February 1976, in which one of the points reads: "Friday prayers are by the Ibn Hazam School and the opinion of some Hanbaliahs" (Ibn Hazam, t.t.), Those who implement it are legal according to the views of Ibn Hazam and some of the Hanabilah circles, but the law is not obligatory, as is the opinion of jumhur.

MUI rests its views on several arguments:

1. School four (Hanafi, Maliki, Syafi 'i, and Hanbali) says it is not mandatory and it is not valid Friday' for travelers;
2. There is also an analogy of the Hanbali School of people who live on the same ship and are similar to Bedouins, where they do not get rukhsah safar and are required to establish their Friday and Friday legally;
3. The Zahiri School and those who share his view oblige and consider the traveler's Friday prayer valid.

From the above opinion, it can be seen that MUI sees Ibn Hazam's view, which argues that the obligation to pray on Friday applies to travelers, slaves, free people, and people who are not on the way (al-muqim). This means that the Friday prayer for the traveler is still obligatory and valid as it is obligatory and valid for those who are not traveling. Then MUI also looked at the view of some Hanabilah who equated people living on ships with Bedouins.

This conception contradicts the view of the jumhur, which argues that Friday prayer is not obligatory for travelers (Ibn Rusyd, t.t.). such as the hadith narrated by Abu al-Zubeir from Jabir:

أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَعَلَيْهِ الْجُمُعَةُ فِي كُلِّ يَوْمٍ جُمُعَةٍ إِلَّا مَرِيضًا أَوْ مُسَافِرًا أَوْ امْرَأَةً أَوْ صَبِيًّا أَوْ مَمْلُوكًا

Rasulullah Sallahu Alaihi Wasallam said: "Whoever believes in Allah and the Last Day, then he is obliged to perform Friday prayers every Friday, except for sick people, pilgrims, women, small children or servants of danger."

Responding to the viewpoint of this jumhur, Ibn Hazam argues that the traditions that are used as evidence by the jumhur are weak traditions, including this hadith, because there are traditions that are mursals and in their sanad, there are three people who are majhul, so they cannot be used as evidence.

After examining this carefully, we conclude that MUI is not in a firm position to take a position when faced with two different views. Hence, it seems that MUI is cautious (ihtiyat) and takes a compromise step by taking the middle path, namely by accommodating both opinions. and concludes that people who pray on Friday at the prayer ship are valid, but the law is not obligatory.

In terms of the istinbat method used, it appears that MUI uses qiyas, fiqh principles, maslahah mursalah, and talfiq. *The MUI uses qiyas in the analogy of travelers with Bedouins who do not have a fixed place of silence where they do not receive rukhsah safar. For this reason, because the Bedouin does not get rukhsah safar, he is obliged to pray on Friday. Although people living on ships are analogous to Bedouins, MUI does not oblige Friday prayers for people living on boats but only allows or is strongly recommended. This is where the MUI appears, in addition to using qiyas but also practicing talfiq by taking part in Ibn Hazam's opinion and part of the jumhur view. Ibn Hazam's statement is taken in terms of the permissibility and validity of Friday prayers on a ship, especially for ship workers. In contrast, Jumhur's opinion is taken in terms of legal provisions that are still not obligatory. Then, according to its primary considerations, MUI also adheres to and applies the principles of fiqh, which, according to Islamic law: "where if there are two differences*

of opinion among fiqh scholars, one can choose which opinion is stronger (diligent), more Maslahat and more stable. the heart embraces it".

Besides, it seems that MUI has also applied the maslahah mursalah principle in its distinct argument. Following MUI's considerations in point two, which states that providing the opportunity for Friday prayers for people who work on ships and rarely find Friday prayers while on land is an opportunity to improve religious education, strengthen brotherhood, and, of course, provide benefits (maslahah) for them.

3.2.3. Zakat of Income (Profession)

The Indonesian Ulema Council on June 7, 2002, issued a fatwa on income zakat, which reads:

1. Income zakat is any income such as salary, honorarium, wages, services, and others that are obtained by lawful means, either routine or non-routine, such as doctors, lawyers, consultants, and the like, as well as income obtained from other independent jobs;
2. All forms of halal income must be issued zakat on the condition that they have reached the nishab in one year, which is 85 grams of gold;
3. Income zakat can be issued upon receipt of the nishab is sufficient. If you do not reach the nishab, all income is collected for one year. Then zakat is issued if the net income is sufficient nishab;
4. The level of zakat of income is 2.5%.

The issue of income zakat is ijthadiyah, whose provisions have not been explicitly regulated in the text (al-Qur'an and Sunnah). Because this issue is significant and often raises questions among the Muslim community, the MUI stipulates that 2.5% of the zakat must be paid if the nishab is 85 grams of gold at the time of receiving the income (if it reaches the nishab) or after it has been collected for a year (haul) of net income.

As a basis and consideration, MUI relies on its fatwa on provisions, including:

1. QS al-Baqarah (2): 267:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ ۖ وَلَا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِآخِذِيهِ إِلَّا أَنْ تُغِصُّوا فِيهِ وَاعْلَمُوا أَنَّ اللَّهَ عَزِيزٌ حَمِيدٌ

O you who believe, devote (in the way of Allah) a portion of your good works and a portion of what We bring out from the earth for you. And do not choose the bad things and spend them, even though you do not want to take them yourself but by drawing your eyes to them. And know that Allah is Rich, Praiseworthy.

2. QS Al-Baqarah (2) : 219 :

وَيَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْغَفْوُ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَتَفَكَّرُونَ

"And they ask you what they support. Say: "That is more than necessary". Thus Allah will explain His verses to you so that you think."

3. QS al-Taubah (9): 103:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ

"Take zakat from some of their assets, with that zakat you clean and purify them and pray for them. Surely your prayer (becomes) peace of mind for them. And Allah is All-Hearing, All-Knowing."

4. The following hadiths:

The hadith marfu' from Ibn Umar:

لا زكاة في مال حتى يحول عليه الحول

"And there is no zakat on the property until it reaches haul."

The hadith narrated by Muslims from Abu Hurairah:

ليس على المسلم في عبده ولا فرسه صدقة

"A Muslim is not subject to zakat on his slaves and horses."

Hadith narrated by Hakim bin Hazam:

أَلَيْدُ الْعُلْيَا خَيْرٌ مِّنَ أَلَيْدِ السُّفْلَىٰ وَابْتَدَأْ بِمَنْ تَعُولُ وَخَيْرُ الصَّدَقَةِ عَنْ ظَهْرِ غِنًى وَمَنْ يَسْتَغْفِرْ يُعَفِّهِ اللَّهُ وَمَنْ يَسْتَغْنِ يُغْنِهِ اللَّهُ

"Hands on top are better than hands down. And start with the people you depend on. And the best of alms is that which is issued from people who do not need it. Whoever keeps his honor, Allah will take care of him, and whoever feels enough, Allah will provide sufficiency for him."

5. Opinions of two scholars:

- a. Al-Nawawi's comments on the hadith narrated by Muslims from Abu Hurairah, which state that for al-Nawawi, this hadith is proof not to be subject to zakat on qinyah assets (assets that are used for use and are not productive or developed);
- b. Yusuf Qardawi comments that the zakat obligation is not seen in terms of the amount or the minimum of assets but from the point of view of the nishab for those who do not owe and have exceeded their primary needs. For this reason, the income nishab is equivalent to 85 grams of gold.

Based on the provisions and arguments presented, it can be concluded that the method applied to determine the conditions of zakat on income is based on the al-Qur'an, Hadith, and Qiyas. Besides, MUI also considers the opinions of two scholars (al-Nawawi and Yusuf Qardawi) in issuing decisions.

MUI uses the Al-Qur'an argument to determine that income is included in good business results as a general understanding of QS al-Baqarah (2): 267. Then the provision of issuing professional zakat after exceeding the need is based on the knowledge of *العفو* as in QS al-Baqarah (2): 219 with the meaning: "What is more than they need", while QS al-Taubah (9): 103 is understood as an order (obligatory) to issue a zakat, including income zakat.

The hadith of the Prophet (s) is also used as evidence in determining zakat income. The hadith marfu' from Ibn Umar is used as a stipulation on the existence of haul for income zakat, while the hadith narrated by Muslims from Abu Hurairah is the basis that income zakat is a productive good because it has the potential to develop. MUI took this opinion after paying attention to al-Nawawi's statement and comments regarding the qinyah property in the hadith. Furthermore, the hadith narrated by Bukhari from Hakim ibn Hizam and the hadith narrated by Ahmad from Abu Hurairah is understood as the basis that zakat is excluded from excess assets or needs (*عن ظهر غنى*).

MUI uses Qiyas in terms of:

1. Equalize the terms of the income zakat nishab with the gold nishab, which is 85 grams of gold;
2. Equalizing the 2.5% level of zakat that must be issued as stipulated in gold zakat;
3. Equalizing the terms of the haul for income that does not reach the nishab at the time of receipt with the provisions for zakat gold.

Finally, it can also be seen that in addition to the arguments above, MUI also pays attention to and makes two views of ulama from two different generations as legal considerations and to strengthen their fatwa. Imam al-Nawawi is a representation of classical scholars, and Yusuf Qardawi is a representation of modern scholars.

4. Conclusion

Through the MUI Fatwa Commission, the Indonesian Ulema Council plays an independent and aspirational role in determining fatwas that consider the power of legal arguments and the benefit of Muslims. Although the MUI fatwa does not have a positive legal force in Indonesia, the support of the ummah makes it the main reference in various religious issues. The law-making process in the MUI fatwa is carried out through the collective *ijtihad* of the ulama, which serves as a positive input and aspiration of the ummah to the government to maintain the harmony of religious, national, and state life.

This study found that *Qiyas* is used consistently by the MUI in establishing fatwas on contemporary issues, such as alcohol laws, the obligation to pray Friday on ships, and professional zakat. In the case of alcohol, the MUI applies *Qiyas* by equating the alcohol from the *khamar* with the *khamar* mentioned in the *Nash*. In the fatwa on Friday prayers on ships, the MUI reconciles the condition of sailors with the life of the Bedouin tribe who do not have a permanent residence but still provide legal relaxation. Meanwhile, in the fatwa of professional zakat, MUI equates *nisab* and zakat levels with gold.

The practical implications of these findings suggest that the *Qiyas* method applied by the MUI can be a model for other Islamic institutions in dealing with contemporary legal issues. The use of *Qiyas* allows fatwa institutions to respond to social dynamics while remaining based on sharia principles. Therefore, it is important for other fatwa institutions to develop a flexible legal *istinbath* method but still adhere to the rules of *Ushul Fiqh*.

For further research, it is recommended that further exploration be carried out on the acceptance of MUI fatwa in various Muslim communities in Indonesia. This includes how the MUI fatwa is understood, implemented, and accepted by Muslims from various social, cultural, and economic backgrounds. In addition, future research can compare the *Qiyas* method used by the MUI with fatwa institutions in other countries to gain a broader understanding of the development of fatwas in the Islamic world.

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