

The Principle of Moderatism in The Formation of Fatwa of The Indonesian Ulema Council Number 83 of 2023

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Abstract

This study analyses the principle of moderatism (wasathiyyah) in the formation of fatwas of the Indonesian Ulema Council (MUI), particularly Fatwa No. 83 of 2023 on the Law of Supporting the Palestinian Struggle. The principle of wasathiyyah, which is at the core of Islamic jurisprudence, encourages a balanced and moderate approach in legal and ethical matters. This research uses a qualitative method, with data collected through document analysis of fatwa texts, related scholarly works, and other relevant literature. The analysis aims to reveal how the wasathiyyah principle is reflected in the formation of the fatwa and its implications for Indonesian Muslim society. The results show that MUI Fatwa No. 83 of 2023 integrates the principle of moderatism in several key aspects. Firstly, it emphasises the importance of supporting the Palestinian cause as a humanitarian and ethical obligation, in accordance with the principles of justice and solidarity in Islam. Secondly, it balances such support with an invitation to use peaceful and legitimate means, rejecting extremism and violence. This reflects a deep understanding of wasathiyyah, which encourages proactive yet peaceful engagement in international solidarity. In addition, the fatwa highlights the role of Indonesian Muslims in fighting for Palestinian rights through diplomatic, economic, and educational efforts. This broadens the scope of support beyond mere political activism, encouraging a multifaceted approach that integrates ethical, legal and humanitarian dimensions.

Keywords: *moderatism; tawasuthiyah; MUI fatwa; Palestine.*

Abstrak

Penelitian ini menganalisis prinsip moderatisme (wasathiyyah) dalam pembentukan fatwa-fatwa Majelis Ulama Indonesia (MUI), khususnya Fatwa Nomor 83 Tahun 2023 tentang Hukum Dukungan terhadap Perjuangan Palestina. Prinsip wasathiyyah, yang menjadi inti dari yurisprudensi Islam, mendorong pendekatan yang seimbang dan moderat dalam masalah hukum dan etika. Penelitian ini menggunakan metode kualitatif, dengan data dikumpulkan melalui analisis dokumen teks fatwa, karya ilmiah terkait, dan literatur relevan lainnya. Analisis ini

bertujuan untuk mengungkap bagaimana prinsip wasathiyah tercermin dalam pembentukan fatwa tersebut dan implikasinya bagi masyarakat Muslim Indonesia. Hasil penelitian menunjukkan bahwa Fatwa MUI Nomor 83 Tahun 2023 mengintegrasikan prinsip moderatisme dalam beberapa aspek utama. Pertama, fatwa ini menekankan pentingnya mendukung perjuangan Palestina sebagai kewajiban kemanusiaan dan etis, sesuai dengan prinsip keadilan dan solidaritas dalam Islam. Kedua, fatwa ini menyeimbangkan dukungan tersebut dengan ajakan untuk menggunakan cara-cara damai dan sah, menolak ekstremisme dan kekerasan. Hal ini mencerminkan pemahaman yang mendalam tentang wasathiyah, yang mendorong keterlibatan proaktif namun damai dalam solidaritas internasional. Selain itu, fatwa ini menyoroti peran umat Muslim Indonesia dalam memperjuangkan hak-hak Palestina melalui upaya diplomatik, ekonomi, dan pendidikan. Hal ini memperluas cakupan dukungan di luar sekadar aktivisme politik, mendorong pendekatan multifaset yang mengintegrasikan dimensi etis, hukum, dan kemanusiaan.

Keyword: moderatisme; tawasuthiyah; fatwa MUI; Palestina.

Introduction

In an increasingly complex and dynamic global context, the principle of moderatism or wasathiyah in Islam has become an important foundation in guiding inclusive and tolerant religious practice and understanding. Wasathiyah, which teaches balance, justice and moderation, is the main foundation for Muslims in facing various social, political and economic challenges.¹ This principle promotes a balanced approach between tradition and modernity, and between religious demands and contemporary realities. As a country with the largest Muslim majority in the world, Indonesia has a strategic role in applying the wasathiyah principle, especially in the formation of fatwas by the Indonesian Ulema Council (MUI).²

The Indonesian Ulema Council (MUI) is an authoritative institution in providing religious guidance for Muslims in Indonesia.³ One of the latest fatwas

¹ Muhammad Khairan Arif, "Moderasi Islam (Wasathiyah Islam) Perspektif Al-Qur'an, As-Sunnah Serta Pandangan Para Ulama Dan Fuqaha," *Al-Risalah* 11, no. 1 (2020): 23, <https://doi.org/10.34005/alrisalah.v11i1.592>.

² Ma'ruf Amin, "Islam Wasathiyah Dan Kunci Mewujudkan Perdamaian Dunia," *Pojok MUI*, accessed June 18, 2024, <https://mirror.mui.or.id/opini/41511/islam-wasathiyah-dan-kunci-mewujudkan-perdamaian-dunia/>.

³ Tri Bambang Prasetyo and Wahyuddin Bakri, "Praktik Otoritas Mui Dalam Menjaga Kerukunan Umat Beragama Di Indonesia," *Sosiologia: Jurnal Agama Dan Masyarakat* 1, no. 2 (2023): 89.

issued by MUI is Fatwa Number 83 of 2023 on the Law of Supporting the Palestinian Struggle. This fatwa comes amid increasing international attention to the Israeli-Palestinian conflict and global support for Palestinian rights. This fatwa is not only a reflection of religious attitudes, but also reflects the political and humanitarian attitudes of Indonesian Muslims in the global context.

This fatwa aims to provide clear legal guidance regarding the obligations of Indonesian Muslims in supporting the struggle of the Palestinian people. In its formation, MUI adopted wasathiyah principles to ensure that such support is done fairly, moderately and non-violently. The fatwa emphasises the importance of international solidarity and support for human rights, while maintaining domestic social integrity and peace.

The analysis of the principle of moderatism in MUI Fatwa No. 83 of 2023 shows how MUI tries to integrate Islamic values with the contemporary socio-political context. The wasathiyah principle is applied to balance between religious obligations and humanitarian responsibilities.⁴ With this approach, MUI not only affirms support for Palestine, but also encourages Muslims to take legitimate and peaceful actions in fighting for their rights.

There are many writings related to the principle of moderatism and MUI Fatwa No. 83 of 2023, including: Zamroni Wafa's writing on the concept of moderate Islam in the Qur'an, this concept emphasizes tolerance, dialogue, and acceptance of differences, which is crucial in the Islamic context which is also related to the formation of fatwas,⁵ including fatwas on support for Palestine. Eko Siswanto and Athoillah Islamy's article focuses on the indicators of religious moderation in Indonesia, where the indicators are parallel to the values of universal benefits that are the orientation of Islamic law (maqasid syariah).⁶ The writing of Abdul Syatar

⁴ Nurul Husna, "Makna Dan Hakikat Wasathiyah," *Romeo: Review of Multidisciplinary Education, Culture and Pedagogy* 1, no. 1 (2021): 87, <https://doi.org/10.55047/romeo.v1i1.59>.

⁵ Zamroni Wafa, "Prinsip Dasar Dan Pengembangan Toleransi Intern Dan Ektern Umat Beragama Perspektif Al-Qur'an," *Ad-Da'wah* 22, no. 1 (2024): 55, <https://doi.org/10.59109/addawah.v22i1.59>.

⁶ Eko Siswanto and Athoillah Islamy, "Fikih Moderasi Beragama Dalam Kehidupan Bernegara Di Indonesia," *Al-Adalah: Jurnal Hukum Dan Politik Islam* 7, no. 2 (2022): 199, <https://doi.org/10.35673/ajmpi.v7i2.2802>.

et al related to the moderation aspect in producing fatwa products conducted by MUI.⁷

The writings related to Fatwa Number 83 of 2023 were also found in several articles, such as the writings of Rofiqi Ardiansyah and Rudi Hermawan who examined the boycott of Israeli products carried out at the Bagus store in accordance with MUI Fatwa Number 83 of 2023, and supported the concept of Maqashid Shari'ah by protecting religion, soul, mind, property, and offspring.⁸ Muhammad Yasir et al developed a sentiment classification model using five classification methods such as Naïve Bayes, Decision Tree, Random Forest, Support Vector Machine (SVM), and K-Nearest Neighbor (KNN) to understand the response to Fatwa Number 83 of 2023.⁹ Samsu Karim Sormin and Farra Diba Maulida Malik's article analyses Fatwa Number 83 of 2023 in the mass boycott of products affiliated with Israel. Although supported by some, the boycott is also controversial and has sparked debate about its effectiveness and implications for dialogue and peace in the Middle East.¹⁰

There are also writings from Amirul Nahwi Padang and Uswatun Hasanah that discuss the boycott of Israeli products in MUI Fatwa No. 83 of 2023 from the perspective of *maslahah mursalah*, where according to this theory, the dictum in the fatwa that recommends a boycott is valid, this is because the boycott of Israeli products occupies the position of *maslahah dlarury*. By not buying Israeli products, we are indirectly helping our brothers and sisters in Palestine.¹¹ In addition, Imadah Thoyyibah et al in their article also explored the ethical basis of the value of the

⁷ Abdul Syatar et al., "Integrating Wasthiyah Paradigm to the Issuance of COVID-19 Fatwa; Indonesia Case," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 20, no. 1 (2022): 48, <https://doi.org/10.31941/pj.v20i1.1717>.

⁸ Rofiqi Ardiansyah and Rudi Hermawan, "Analisis Penerapan Fatwa MUI Nomor 83 Tahun 2023 Tentang Hukum Dukungan Terhadap Perjuangan Palestina Di Toko Bagus," *Al-Mada: Jurnal Agama, Sosial, Dan Budaya* 7, no. 1 (2024): 47.

⁹ Muhammad Yasir et al., "Analisis Sentimen Terhadap Kontroversi Fatwa MUI Nomor 83 Tahun 2023 Tentang Pemboikotan Produk Yang Terafiliasi Israel," *Jurnal Ekonomi Manajemen Sistem Informasi* 5, no. 4 (2024): 409, <https://doi.org/10.31933/jemsi.v5i4.1845>.

¹⁰ Samsu Karim Sormin and Farra Diba Maulida Malik, "Perilaku Konsumsi Terhadap Boikot Produk Pro Israel," *Karimah Tauhid* 3, no. 3 (2024): 3114, <https://doi.org/10.30997/karimahtauhid.v3i3.12443>.

¹¹ Amirul Nahwi Padang and Uswatun Hasanah, "Pemboikotan Produk Pendukung Israel Berdasarkan Fatwa MUI Nomor 83 Tahun 2023 Ditinjau Dari Maslahah," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 2 (2024): 1866, <https://doi.org/10.47476/assyari.v6i2.6742>.

alignment of MUI Fatwa No.83 of 2023 concerning Support for the Palestinian Struggle. In their article, Imadah Thooyibah et al concluded that the value of MUI's partiality towards Palestine is rooted in the hierarchy of Islamic values that are rational-transcendental. Islamic religious values are in line with the value of mashlahat (common good) in order to uphold justice and humanity. MUI's alignment is based on the fundamental principles of Islam (maqashid syariah) to protect religion, soul, offspring, property, and intellect.¹²

From the various articles written above, this research focuses on uncovering how the principle of wasathiyah influences the content and implications of Fatwa Number 83 of 2023. Using qualitative methods and document analysis, this research examines the text of the fatwa, related literature, and the views of scholars and academics. The aim is to understand the extent to which the principle of moderatism is applied and how this affects the perceptions and actions of Indonesian Muslims in supporting Palestine. It is hoped that this paper can contribute to academic discussions on the application of wasathiyah principles in the context of religious law and policy. Through this analysis, we can see how moderate Islamic values can be applied in dealing with complex global issues, and how religious institutions such as MUI can play a strategic role in promoting peace and social justice.

Research Method

In general, the research type of this article is a kaulitative research, the design is in the form of research (library reserach) by taking various literature sources as research data sources, with the aim of revealing the principle of moderatism in MUI Fatwa Number 83 of 2023. This research approach uses a normative approach because it is intended to describe the relationship between the fatwa and the reality of bokiot as a real phenomenon, with an analysis knife of the principle of moderatism. Primary data sources are obtained from MUI Fatwa Number 83 of 2023 which is accessed through the MUI website. Secondary data as support is

¹² Imadah Thooyibah et al., "Landasan Etik Nilai Keberpihakan Fatwa MUI No.83 Tahun 2023 Tentang Dukungan Terhadap Perjuangan Palestina," *Jurnal Pendidikan, Sains Sosial, Dan Agama* 9, no. 2 (2024): 41, <https://doi.org/10.53565/pssa.v9i2.1013>.

obtained from Islamic law books, both Islamic law philosophy, ushul fiqh, fiqh rules, and related articles relevant to the research theme.

From the data collected through interrelated documents, the author tries to analyse it through a descriptive analytical process and content analysis as an analytical knife. Conclusions are drawn by using inductive thinking method (drawing conclusions from specific things to general).

Result and Discussion

A Glimpse of MUI's Birth History

The Indonesian Ulema Council (MUI) is an organisation that serves as a forum for the deliberation of Ulama, Zu'ama, and Muslim Scholars in Indonesia to guide, foster and protect Muslims throughout Indonesia. The Indonesian Ulema Council was established on 7 Rajab 1395 H, coinciding with 26 July 1975 in Jakarta.¹³ The basic idea for the establishment of MUI came from a conference of scholars in Jakarta organised by the Islamic Da'wah Centre formed by the government where KH M. Dahlan was the Minister of Religious Affairs, from 30 September to 4 October 1970. At that time, a suggestion was made to promote the unity of the Muslims in social activities by forming an assembly of Indonesian scholars who were given the task of providing fatwas.¹⁴

MUI was established with the aim of bringing together scholars from various Islamic organisations in one forum. The main function of this forum is to discuss issues relevant to Muslims and to issue fatwas and teach Islamic practices. MUI was formed through a meeting or deliberation between ulama, scholars and zu'ama from all over Indonesia. The participants came from various backgrounds, including 26 scholars representing 26 provinces, 10 scholars from central-level Islamic organisations such as NU, Muhammadiyah, Syarikat Islam, and others, and 4 scholars from the Islamic Spiritual Services (Rohis) of the TNI and POLRI. In addition, there were 13 independent figures and scholars who participated in the

¹³ "<https://mui.or.id/Sejarah-Mui/>, Akses 4 Juni 2022," n.d.

¹⁴ Muhammad Atho Mudzhar, *Fatwas of the Indonesian Ulema Council: A Study of Islamic Legal Thought in Indonesia 1975-1988*, ed. Soedarso, Bilingual (Jakarta: INIS, 1993), 66.

deliberation. The result of this deliberation was an agreement to form a forum where Muslim scholars, *zu'ama*, and intellectuals deliberate collectively. This agreement was recorded in the "Charter of the Establishment of MUI," which was signed by all participants of the deliberation. The first National Conference of Ulema took place in Jakarta on 21-27 July 1975.

Position and Duties of MUI Fatwa Commission

The relationship between fatwa commission and MUI organisation is regulated in the bylaws article 5 paragraph (1) where MUI organisation consists of commission and institution/body, paragraph (3) article 5 refers to the existence of fatwa commission in letter a.¹⁵ As part of MUI's duty and function, which is to issue fatwa related to social and religious issues, MUI formed a special commission in charge of fatwa, namely MUI Fatwa Commission. This commission was formed along with the establishment of MUI in 1975.

The establishment of MUI fatwa commission cannot be separated from the history of the establishment of MUI institution itself, where MUI was formed to promote the unity of Muslims in social activities by forming an assembly of Indonesian scholars who were given the task to give fatwas.¹⁶ In the early days of its formation, the fatwa commission numbered 7 people from the representatives of ulama and Islamic mass organisations, this number continued to change every 5-year period of management of the fatwa commission, which in 2005-2010 had 41 members.¹⁷

The duty of the fatwa commission is to deliberate and issue fatwas on issues of Islamic law faced by the community. Fatwa commission hearings are held as needed or when MUI has been asked for its opinion by the public or by the government on certain issues of Islamic law. It usually takes one session to issue a fatwa, and it is possible that one session can produce several fatwas.¹⁸

¹⁵ Tim Penyusun MUI Pusat, *Pedoman Penyelenggaraan Organisasi Majelis Ulama Indonesia*, ed. M. Ichwan Sam (Jakarta: Majelis Ulama Indonesia Pusat, 2001), 46.

¹⁶ Pusat, 46.

¹⁷ Pusat, 46.

¹⁸ Muhammad Atho Mudzhar, *Fatwas of the Indonesian Ulema Council: A Study of Islamic Legal Thought in Indonesia 1975-1988*, 79-80.

The Position of MUI Fatwa in the Indonesian Legal System

According to Law No. 12/2011 on the Formation of Laws and Regulations, there are five types of laws and regulations that apply in Indonesia, namely: (1) 1945 Constitution; (2) Law or Government Regulation in Lieu of Law (Perpu); (3) Government Regulation; (4) Presidential Regulation; and (5) Regional Regulation. Based on the hierarchy and types of regulations, the position of Fatwa of the Indonesian Ulema Council (MUI) is not included in the legislation that has binding legal force. MUI Fatwa is only a legal opinion that may be followed or not followed by the community. The fatwa only has binding force if it has been stipulated in a certain legal form by an authorised institution. Therefore, the implementation of MUI fatwa by Muslims is more of personal religious awareness and not as a legal obligation.¹⁹

Nevertheless, MUI Fatwa has a very important role. MUI Fatwa serves as one of the legal considerations for the government and legislators in drafting or stipulating laws and regulations. It is important to know that the source of law in Indonesia comes from three elements, namely: Western Law, Islamic Law, and Customary Law. This means that fatwa, as a product of Islamic law, can be integrated into Indonesian legislation. Moreover, given the history of MUI's formation, this institution can be said to act as part of the "government's interest" in formulating policies.

The Concept of Moderatism in MUI's View

Before discussing the concept of moderatism according to MUI, the author will first explain the meaning of moderatism itself. In Arabic, the word moderate is referred to as *wasathiyah*. The word *wasath*, which is the root of the word *wasathiyah*, linguistically has four meanings. Firstly, as a noun (*isim*), *wasath* means the middle position between two opposing positions. Secondly, as an adjective, *wasath* means choice (*khiyar*), main (*afdhal*) and best (*ajwad*). Third, it

¹⁹ Al Fitri Johar, "Kekuatan Hukum Fatwa Majelis Ulama Indonesia," *Mahkamah Agung Republik Indonesia: Direktorat Jenderal Badan Peradilan Agama*, 2019, 5.

means justice (*'adl*). Fourth, it means something that is between good and bad/neutral (*ash-shay'u baina al-jayyid wa ar-rad'i*).²⁰

In terms of terms, the Ministry of Waqf and Islamic Religious Affairs of Kuwait as quoted by Mukhlis Hanafi, states that wasathiyah is defined as a method of thinking, interacting and behaving based on a tawazun (balanced) attitude in addressing two possible behavioural conditions to be analysed and compared, so that an attitude can be found that is in accordance with the conditions and does not conflict with the principles of religious teachings and community traditions. From this understanding, a wasathiyah attitude will protect a person from the tendency to fall into an excessive attitude (*ghuluw*).

Based on the language and terms above, moderatism refers to an understanding of the middle way in thinking and acting in religion, including in making fatwas. The concept of moderatism or religious moderation is known in MUI terms as "Wasathiyah Islam". Islam Wasathiyah refers to "Middle Islam" with the aim of realising the best ummah (*khairu ummah*). This concept was introduced at the 9th National Conference (Munas) in Surabaya, 24-27 August 2015. In the plenary session that discussed the reports of the commission sessions, several points were concluded that defined the principles of the practice of Wasathiyah Islam. There are ten principles of Wasathiyah Islam that have been formulated, namely:²¹

1. Tawassuth (taking the middle way), namely understanding and practising religion without exaggerating (*ifrath*) or reducing religious teachings (*tafrith*).
2. Tawazun (balance), namely applying a balanced understanding of religion in all aspects of life, both worldly and ukhrawi, with firmness in distinguishing between deviations (*inhiraf*) and differences (*ikhtilaf*).
3. Itidal (straight and firm), namely putting everything in its place and carrying out rights and obligations proportionally.

²⁰ Iffati Zamimah, "Islamic Moderation in the Indonesian Context (Study of Moderate Islamic Interpretation M. Quraish Shihab)," *Al-Fanar: Journal of Al-Qur'an Science and Interpretation* 1, no. 1 (2018): 81.

²¹ Moh. Mukri, *Menegakkan Prinsip-Prinsip Wasathiyah Dalam Bingkai Kebhinekaan* (Bandar Lampung: Pusat Penelitian dan Penerbitan LPPM UIN Raden Intan, 2017), 170–72.

4. Tasamuh (tolerance), which recognises and respects differences, both in religious and other aspects of life.
5. Musawah (egalitarian), which is not discriminating against others because of differences in beliefs, traditions, or origins.
6. Shura (deliberation), which is to solve every problem through deliberation to reach consensus with the principle of prioritising benefits.
7. Ishlah (reform), which prioritises the principle of reform to achieve a better situation, accommodating the changes and progress of the times, while adhering to the principle of *al-muhafazhah 'ala al-qadimi al-shalih wa al-akhdzu bi al-jadidi al-ashlah* (maintaining good old traditions and taking new ones that are better).
8. Aulawiyah (prioritising the priority), which is the ability to identify things that are more important to implement than those that are less important.
9. Tathawwur wa Ibtikar (dynamic and innovative), which is always open to change according to the times and creating new things for the benefit and progress of humanity.
10. Tahadhdhur (civilised), which means upholding good manners, character, identity and integrity as *khairu ummah* in the life of humanity and civilisation.

Principles, System and Procedure of Fatwa in MUI Fatwa Commission

According to KH Ma'ruf Amin (as the former chairman of the MUI Fatwa Commission), the Fatwa of the Indonesian Ulema Council (MUI) must adhere to three principles in making decisions, namely:

1. Moderate (tawassuthi)
2. Not being harsh (tasyaddudi)
3. Not being easy (tasaahuli)

These three guidelines become a strong basis so that all decisions issued have solid legitimacy both in terms of institutional, ummah, and nationality. If not, the decision taken will not have legal legitimacy organisationally, because it violates the agreed *manhaj* (*mukholafatul manhaj*) of MUI.

KH. Ma'ruf Amin briefly explains the system and procedure of fatwa determination in the Indonesian Ulema Council (MUI) as follows:

1. Before a fatwa is issued, a review of the opinions of the imams of the mazhab is conducted on the issue to be fatwaised, by carefully examining the arguments that support the opinion.
2. Issues that have a clear law (al-ahkam al-qath'iyah) will be conveyed in accordance with its clarity.
3. For issues where there are differences of opinion among the madhhabs, the process of determining fatwas is based on
 - a. Efforts to find common ground between the various opinions of the madhhabs through al-jam'u wa al-taufiq.
 - b. If efforts to find common ground are unsuccessful, the determination of a fatwa is based on the results of tarjih using the muqaranah al-mazahib method and utilising the principles of muqaran ushul fiqh.
4. For issues where there is no legal opinion among the madhhabs, the determination of fatwas is done through collective ijihad (ijihad jama'i) using bayani, ta'lili methods such as qiyas, istihshan, ilhaqi, istishlahi, and sad al-dzari'ah.
5. The determination of fatwa always pays attention to the public good (mashalih 'ammah) and maqashid al-syariah as the main consideration in producing fatwa decisions.

In general, the fatwas issued by the MUI Fatwa Commission are moderate (*tawassuth*). This means that the fatwa is not too strict with the text of the text (*tasyaddud*), but also not too far out of the understanding of the text and only considers the public interest (*tasahhul*). The MUI Fatwa Commission adheres to the principle that the assumption of a benefit that turns out to violate sharia principles must be rejected. This is due to the fact that such benefits fall into the category of uncertain benefits (*mashlahah mauhumah*), while the benefits contained in sharia fall into the category of certain benefits (*mashlahah qath'iyah*).

Therefore, there is no reason to prioritise the needs of society alone by ignoring the principles of sharia.²²

Background to the Issuance of MUI Fatwa Number 83 of 2023 on the Law of Supporting the Palestinian Struggle

The background of the issuance of MUI Fatwa Number 83 of 2023 concerning the Law of Supporting the Palestinian Struggle is based on the fact of the Israel-Hamas war that began on 7 October 2023. This war has brought massive casualties and destruction to Gaza City, Palestine.²³ The Palestinian Ministry of Health reported that as of Monday 17 June 2024, 37,347 people have been killed in Gaza during more than eight months of war between Israel and Hamas, and a total of 85,372 people have been injured.²⁴

The prolonged Palestinian-Israeli conflict has triggered a boycott movement against Israeli products. The root of the problem lies in the Jewish people's unilateral claim to Palestine, which gave birth to the political movement of Zionism that aims to make Palestine the homeland of the Jewish people. Israeli aggression against the Palestinian people, including land grabbing, bloodshed and destruction of homes, has exacerbated the situation and fuelled the boycott movement. The movement to boycott Israeli products has been ongoing for a long time, with the first calls from the Arab League in the 1940s. The latest conflict in October 2023, fuelled by Hamas attacks on concerts in Gaza and Israeli retaliation, further strengthened the boycott fervour.

Amidst the geopolitical complexities of the Middle East, various countries have shown their stance on this conflict. Indonesia, through President Joko Widodo and the House of Representatives, has expressed its condemnation of the Israeli attacks

²² Mardani, *Ushul Fiqh*, 2nd ed. (Depok: RajaGrafindo Persada, 2016), 387.

²³ Albertus Adit, "Jumlah Korban Tewas Akibat Perang Di Gaza Capai 37.084 Orang," Kompas.com, accessed June 18, 2024, <https://www.kompas.com/global/read/2024/06/09/204551270/jumlah-korban-tewas-akibat-perang-di-gaza-capai-37084-orang>.

²⁴ Romys Binekasri, "Kemenkes Palestina: 37.347 Tewas Di Jalur Gaza Akibat Serangan Israel," CNBC Indonesia, accessed June 18, 2024, <https://www.cnbcindonesia.com/news/20240617181756-4-547161/kemenkes-palestina-37347-tewas-di-jalur-gaza-akibat-serangan-israel>.

and support for Palestine. Other countries such as Malaysia, Turkey, Pakistan, Qatar, Kuwait and Bangladesh are also active in the boycott campaign of Israeli products.

In response to this situation, the Indonesian Ulema Council (MUI) issued MUI Fatwa Number 83 of 2023 on the Law of Supporting the Palestinian Struggle on 8 November 2023. This fatwa affirms the haram of supporting Israeli aggression directly or indirectly, including buying products from manufacturers affiliated with Israel. The MUI fatwa recommends three steps for Indonesian Muslims: First, actively encourage the Palestinian cause. Second, distribute zakat, infaq and shadaqah for Palestine. Third, forbidding support for Israeli aggression. MUI's fatwa serves as a guide for Indonesian Muslims in supporting Palestine and resisting Israeli aggression.²⁵

MUI Fatwa No. 83 of 2023 on the Law of Supporting the Palestinian Struggle

Facts have proven that Israel's aggression and annexation of Palestine has caused many casualties, countless injuries, thousands of people displaced, as well as damage to homes, buildings, and public facilities. Support for Palestine has come from various parties, with some sending manpower and weapons, raising financial support, and providing moral support through prayer as a form of humanitarian solidarity and the embodiment of ukhuwah Islamiyah and ukhuwah insaniyah.

However, there are also those who support Israeli aggression both directly and indirectly, such as providing arms and personnel assistance, financial support from companies affiliated with Israel and Zionism, building public opinion in favour of Zionism, and buying products that clearly support Israeli aggression and Zionism. This phenomenon raises questions about the law of supporting the Palestinian cause. In response to this, the Fatwa Commission of the Indonesian Ulema Council feels the need to issue a fatwa on the law of supporting the Palestinian cause as a guideline for the ummah.²⁶

²⁵ Padang and Hasanah, "Pemboikotan Produk Pendukung Israel Berdasarkan Fatwa MUI Nomor 83 Tahun 2023 Ditinjau Dari Masalahah," 1869–70.

²⁶ MUI, "Fatwa Majelis Ulama Indonesia No. 83 Tahun 2023 Tentang Hukum Dukungan Terhadap Perjuangan Palestina," *Https://Mui.or.Id/*, 2023, 1–9,

The fatwa states that the legal provisions regarding support for the Palestinian struggle for independence against Israeli aggression have been ruled as obligatory. This support includes the distribution of zakat, infaq and sadaqah for the benefit of the Palestinian cause. In general, zakat funds must be distributed to mustahik in the vicinity of the muzakki, but in an emergency or urgent need, zakat funds may be distributed to mustahik who are further away, including for the Palestinian cause. In contrast, supporting Israeli aggression against Palestine or supporting those who help Israel, either directly or indirectly, is prohibited.

The fatwa also recommends that Muslims support the Palestinian cause through various means, such as raising humanitarian funds, praying for victory, and performing ghaib prayers for Palestinian martyrs. The government is also expected to take firm steps in helping the Palestinian cause through diplomacy at the UN, sending humanitarian aid, and consolidating OIC countries to pressure Israel to stop its aggression. In addition, Muslims are encouraged to avoid transactions and the use of products affiliated with Israel or supporting occupation and Zionism.²⁷

The basis for this fatwa is the Qur'anic verses that underline the prohibition of doing damage (QS. Al-Baqarah: 11), the prohibition of killing fellow humans (QS. al-Isra: 33), the obligation to resist expulsion and occupation (QS. Al-Hajj: 40), and the command to help each other and solidarity between people (QS. Al-Maidah: 2). This support also includes the distribution of zakat to war victims as part of jihad in the cause of Allah. The fatwa calls on Muslims and the government to take concrete actions in support of the Palestinian cause through various means, including diplomacy, humanitarian aid, and boycotting products that support aggression and Zionism.

In addition to Qur'anic verses, this fatwa is also based on several Prophetic traditions that emphasise the importance of ethics in warfare (HR Abu Daud), the command to do justice and the prohibition of doing wrong to others (HR Bukhari-Muslim), and solidarity in various aspects of life, especially in the context of

<https://mui.or.id/baca/berita/keluarkan-fatwa-terbaru-mui-imbau-umat-islam-berhenti-konsumsi-produk-perusahaan-pendukung-israel>.

²⁷ MUI.

warfare and social relations (HR Bukhari-Muslim). In addition to the Qur'anic verses and Prophetic traditions, this fatwa is also reinforced by fiqh rules that serve as a guide in overcoming kemudaratan (loss or harm) and setting priorities between benefit (advantage) and mafsadah (damage), such as the rule *الضرر يزال, تصرف الإمام على الرعية منوط بالمصلحة*. The opinions of classical and contemporary scholars are also used as a basis and consideration in issuing fatwas.²⁸

Analysis of the Principle of Moderatism in MUI Fatwas Number 83 of 2023

MUI Fatwa No. 83 of 2023 on the Law of Supporting the Palestinian Struggle is a response to the escalation of the Israel-Hamas conflict that has peaked since 7 October 2023 and caused massive damage and casualties. This fatwa emerged as a guideline for Muslims in providing support for the Palestinian cause, given the urgent and emergency situation.

In stipulating this fatwa, MUI puts forward the principle of moderatism which consists of three main pillars: moderation (*tawassuthi*), not being harsh (*tasyaddudi*), and not being easy (*tasahhuli*). The principle of moderation (*tawassuthi*) is reflected in MUI's approach that is balanced and does not favour extremes.²⁹ This fatwa emphasises the importance of supporting the Palestinian struggle for independence as an obligation, but it should be done in a proportionate and not excessive manner. This can be seen from the recommendation to distribute zakat, infaq and sadaqah to the Palestinian people in an emergency, which shows sensitivity to the humanitarian context and the urgency of the situation.³⁰

The principle of not being harsh (*tasyaddudi*) in this fatwa can be seen from the rejection of support for Israeli aggression and Zionism. MUI explicitly forbids support, either directly or indirectly, to those who help Israel in its aggression against Palestine. This approach shows a firm stance but still within the corridors of justice and ethics. The fatwa also recommends Muslims to avoid transactions

²⁸ MUI.

²⁹ Mardani, *Ushul Fiqh*, 387.

³⁰ Imarotul Mufidah, "Pandangan Ulama Nahdlatul Ulama (NU) Dan Muhammadiyah Di Banyumas Terhadap Fatwa MUI Nomor 83 Tahun 2023 Tentang Hukum Dukungan Terhadap Perjuangan Palestina" (Universitas Islam Negeri Prof. K. H. Saifuddin Zuhri Purwokerto, 2023), 3.

and the use of products affiliated with Israel or supporting the occupation and zionism, illustrating a commitment to the principles of justice without having to take extreme measures.

On the other hand, the principle of not making things easy (*tasahhuli*) is evident in the concrete recommendation to support the Palestinian cause through various measurable means. The fatwa recommends humanitarian fundraising, prayers, and *ghaib* prayers for Palestinian martyrs, as well as encouraging the government to take diplomatic steps at the UN and through the consolidation of OIC countries. MUI does not simplify in the sense of ignoring legal and ethical aspects in providing support, but rather provides clear guidelines that can be implemented in real terms.

The legal basis of this fatwa includes Qur'anic verses that emphasise the prohibition of doing damage, the prohibition of killing fellow human beings, the obligation to resist expulsion and occupation, and the command to help each other and solidarity between humans. These verses provide a strong foundation to support the Palestinian cause in a just and humane manner. In addition, the Prophet's hadiths that emphasise ethics in war and the prohibition of wrongdoing are important references in drafting this fatwa. This approach ensures that the fatwa issued not only has a strong theological basis but is also relevant to current conditions.

This fatwa is also reinforced by the rules of *fiqh* that serve as a guide in overcoming evil and setting priorities between benefit and *mafsadah*. These rules, such as "الضرر يزال" (*fad* must be eliminated) and "تصرف الإمام على الرعية منوط" (the leader's actions towards his people must be based on the benefit), provide a solid framework for MUI in establishing this fatwa. The opinions of classical and contemporary scholars are also considered to ensure that this fatwa has strong legitimacy and can be accepted by various groups.³¹

In the whole process of issuing this fatwa, MUI demonstrated its commitment to the principle of moderatism by prioritising balance, justice and public interest. This fatwa not only provides clear legal guidance for Muslims in supporting the Palestinian cause but also reflects an approach that is ethical, moderate, and relevant

³¹ Imadah Thoyyibah et al., "Landasan Etik Nilai Keberpihakan Fatwa MUI No.83 Tahun 2023 Tentang Dukungan Terhadap Perjuangan Palestina," 48.

to the contemporary situation. The principles of moderatism upheld by MUI ensure that this fatwa can be well received and implemented, maintaining the legitimacy and trust of the community towards this religious institution.

Conclusion

MUI Fatwa Number 83 of 2023 on the Law of Supporting the Palestinian Struggle is a very relevant response to the emergency situation and the escalation of the conflict between Israel and Hamas that has occurred since October 2023. This fatwa affirms the importance of supporting the struggle for Palestinian independence as an obligation of Muslims, but with a moderate approach (*tawassuthi*), not being harsh (*tasyaddudi*), and not being easy (*tasahhuli*). This moderate approach not only ensures that the support remains in accordance with the values of justice and ethics, but also avoids extreme measures that can harm the public interest.

In the process of issuing fatwas, MUI puts forward solid principles of Islamic law, starting from a careful review of the arguments of the Qur'an and hadith, as well as considering various opinions of the madhhabs in order to reach common ground (*al-jam'u wa al-taufiq*). When differences of opinion cannot be resolved, MUI uses the tarjih method to determine decisions based on the principles of justice and public benefit. Thus, this fatwa not only has strong theological legitimacy, but is also embedded in the current context that requires clear and measurable guidance for Muslims.

Ultimately, this fatwa not only provides legal guidance, but is also a reflection of MUI's commitment to the principles of moderatism that underpin every decision it makes. The support explained in this fatwa includes aspects of humanity, international solidarity, and ethics in warfare demanded by Islamic teachings. Thus, this fatwa is not only a legal statement, but also a concrete effort to bring benefit to the general public, reflecting the important role of MUI in providing relevant direction and guidance in the current global context.

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