

Reconstructing the Epistemology of MUI Family Law Fatwas: Integrating Ushul Fiqh, *Maqāṣid*, and Social Context

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Abstract

This study examines the methodological foundation of five fatwas issued by the Indonesian Ulema Council (MUI) on family law, focusing on their legal reasoning and epistemic consistency. Despite their significant influence on Muslim family life in Indonesia, many of these fatwas lack a clear explanation of how legal conclusions are derived from Islamic sources. Although references to the Qur'an and hadith are often present, the absence of transparent reasoning steps has raised concerns about their academic credibility and responsiveness to contemporary challenges. Using a normative-critical approach, this study analyzes five key fatwas related to polygamy, *sighat ta'liq talaq*, online marriage guardianship, interfaith marriage, and child custody. The findings reveal that most of these fatwas rely on direct textual references without elaborating the reasoning process or engaging with ethical objectives. This indicates a gap between scriptural authority and legal construction. To address this, the article proposes an integrative model of legal interpretation that combines textual sources, legal reasoning, ethical objectives, and social context. This model aims to strengthen fatwa accountability while ensuring relevance to the evolving realities of Muslim families today.

Keywords: Family Law, Islamic Jurisprudence, Legal Reasoning, Maqāṣid Al-Sharī'ah, MUI Fatwas.



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INTRODUCTION

The fatwas of the Indonesian Ulema Council (MUI) hold a strategic position in Indonesia's Islamic legal landscape, particularly in matters of family law (Ilhami, 2018; Rahman et al., 2024). In a context marked by religious plurality, the absence of sharia courts, and the community's need for legal certainty, MUI fatwas often function as authoritative references that guide daily religious practice and even influence legislation and judicial decisions in religious courts (Jamaa, 2018; Suaedy et al., 2023). Fatwas on issues such as divorce, polygamy, and marriage guardianship shape not only individual behavior but also social relations within Muslim family institutions (Rahmawati, 2015). In this sense, fatwas are not neutral normative statements, they carry ethical, social, and political consequences that directly affect Muslim family life.

Despite this institutional prominence, a persistent epistemic problem remains insufficiently addressed: the absence of an explicit, argumentative, and academically verifiable

istinbāt framework in many MUI family law fatwas (Rahman et al., 2025; Zuhri et al., 2024). Although most fatwas cite the Qur'an and hadith, these citations often appear affirmative rather than analytical, as they rarely explain the *istidlāl* (legal reasoning) that connects the naṣṣ to legal conclusions. As a result, fatwas tend to resemble declarative verdicts instead of the outcome of transparent, responsible *ijtihād* (Mubarak & Mahfudz, 2024). They state without explaining, decide without demonstrating the reasoning path, and bind without offering space for critical interpretation or scholarly verification.

This methodological opacity becomes especially problematic in an era where Muslim families face complex issues related to gender, justice, and shifting power relations. Contemporary communities increasingly expect legal opinions that are not only *syar'ī* but also fair, contextual, and epistemologically accountable (Abdul Kodir et al., 2025; Hasyim, 2020). Without explicit reasoning, the legitimacy and social effectiveness of fatwas risk weakening, creating a widening gap between religious authority and public trust.

Existing scholarship has examined MUI fatwas from sociological, historical, and political perspectives, for instance, studies on MUI's institutional role in the national legal system (Witro et al., 2021), the political dimension of fatwa production (Azwar & Rinaldi, 2024; Hosen, 2004; Mohamad Atho Mudzhar, 1990), and the council's influence on state-religion relations (Kaptein, 2004; Mursyidi, 2020). Other works highlight MUI's contributions to religious moderation (Pagar et al., 2023; Widoyo et al., 2023) and public morality (Achmad et al., 2022; Shuhufi et al., 2022). However, few studies directly investigate the epistemic structure of MUI family law fatwas, particularly the methods of *istinbāt* and *istidlāl* applied. This gap is significant because structured legal reasoning is the core foundation of *ijtihād* in Islamic intellectual tradition (Al-Ghazālī, 1993).

This article addresses that gap by critically examining the epistemology of five key MUI fatwas related to divorce, marriage guardianship, child custody, polygamy, and interfaith marriage. It identifies methodological weaknesses in the structure of *istinbāt* used in these fatwas and proposes an alternative approach based on the integration of *uṣūl al-fiqh* and *maqāṣid al-sharī'ah*. The integrative model developed in this study emphasizes four analytical pillars: the naṣṣ foundation, *istidlāl* methods, normative *maqṣad*, and socio-legal context.

To guide the analysis, this study addresses three research questions: How do MUI fatwas construct their legal reasoning in issues of Islamic family law? To what extent do these fatwas incorporate *uṣūliyyah* and *maqāṣidiyyah* principles in their formulation? and, what epistemic model can reconstruct a more accountable, transparent, and contextually grounded *istinbāt* process for contemporary fatwa-making?

Theoretically, this study reaffirms the necessity of restoring *ijtihād* as a responsible intellectual practice rather than a mere reproduction of classical rulings. Ethically, it argues that fatwas must address not only “what is the law,” but also “why the law applies” and “for whom the law is intended,” considering issues of benefit, justice, and power relations. By proposing a more transparent and integrative methodology, this study aims to strengthen both the scientific legitimacy and moral authority of fatwas in shaping a more just and contextually relevant Islamic family law.

RESEARCH METHODS

This study adopts a normative-critical design with a juridical-philosophical orientation. The focus lies not merely in evaluating the content of MUI fatwas on Islamic family law, but in dissecting the epistemic architecture that underpins them. The goal is to investigate how legal rulings are derived, what methodological tools are, or are not, employed in the process of *istinbāt al-ḥukm*, and to what extent these fatwas demonstrate the intellectual integrity expected of religious legal authority. The juridical lens enables us to examine the structure of reasoning within fatwa texts as legal pronouncements, while the philosophical dimension positions these texts within broader ethical, epistemological, and social frameworks.

The data in this study consist of five official fatwas issued by the Indonesian Ulema Council (MUI), each of which addresses fundamental issues within the discourse of Islamic family law. These include the 2013 fatwa on polygamy beyond four wives, the 1996 fatwa on *sighat ta'liq talaq*, the 2021 decision concerning online marriage guardians, the 2015 ruling on child custody in cases of interfaith parenthood, and the 2005 fatwa prohibiting interfaith marriage. These fatwas were purposefully selected due to their thematic relevance, legal implications, and accessibility through official publications of the MUI, particularly the Munas and Ijtima' documentation.

To interpret these texts rigorously, this study is anchored in classical and contemporary references within *uṣūl al-fiqh* and *maqāṣid al-sharī'ah*. Works such as al-Ghazālī's *al-Mustasfā* (Ghazali, 2006) and Kamali's *Principles of Islamic Jurisprudence* (Kamali, 1996) provide the foundational principles of legal deduction, while Jasser Auda's *Maqasid as Philosophy of Islamic Law* (Auda, 2010) offers a critical reformulation of *maqāṣid* as a dynamic, multidimensional ethical framework. These texts not only serve as comparative anchors but also as methodological mirrors that allow us to reflect on the epistemic strengths and lacunae in the MUI's legal reasoning.

The analysis of the fatwas proceeds in four interrelated stages. First, a content analysis is conducted to map the structure of each fatwa: how arguments are presented, what sources are cited, and whether the transitions from textual evidence to legal ruling are coherently constructed. Second, we trace the presence, or absence, of *istidlāl* mechanisms, such as analogy (*qiyās*), juristic preference (*istihsān*), consideration of public interest (*istiṣlāḥ*), or preclusion of harm (*sadd al-dharī'ah*). Third, we evaluate the integration of *maqāṣid al-sharī'ah*, particularly whether goals like justice, protection of dignity, and family stability are explicitly embedded in the formulation, or merely implied as rhetorical ornaments. Finally, each fatwa is placed in dialogue with the broader epistemology of *uṣūl al-fiqh* and *maqāṣid*, assessing whether its reasoning is consistent, transparent, and responsive to the social realities of contemporary Muslim families in Indonesia.

To ensure validity, this study employs a model of textual triangulation. Each fatwa is not only read in its own textual integrity but also cross-verified with official MUI documents, contextualized through classical fiqh positions, and critically examined through interpretive frameworks. This multi-layered reading process guards against both superficial critique and normative overreach, allowing for a grounded, academically defensible reconstruction of fatwa methodology. In this integrative approach, methodology is treated not as a technical exercise but as an ethical act of scholarly responsibility. A fatwa, in this view, is not merely a product of citation, but a mirror of how religious knowledge interacts with lived realities, legal logic,

and moral vision. Hence, this study moves beyond criticism and toward construction, toward imagining a model of *istinbāt* that is at once rigorous, transparent, and capable of articulating justice in a plural and evolving world.

RESULTS AND DISCUSSION

Fatwa without Ushul: Identifying Methodological Gaps in the Indonesian Ulama Council's Fatwa on Family Law

This study found that the argumentative structure of MUI fatwas in the field of family law still shows fundamental weaknesses in methodological aspects, especially in their explanation of *istinbāt al-ḥukm*. The five fatwas analyzed in depth in this study are Fatwa Number 17 of 2013 concerning Polygamy of More than Four Wives, Fatwa of 1996 on *Sighat Ta'liq Talaq*, the 2021 Ijtima' Ulama Decision on Online Marriage Guardians, the 2015 Ijtima' Fatwa on Child Custody for Parents of Different Religions, and Fatwa Number 4/MUNAS VII/MUI/8/2005 on Interfaith Marriage.

From a textual reading, it can be confirmed that all of these fatwas only mention normative arguments in the form of verses from the Qur'an or positive legal provisions (such as the Compilation of Islamic Law and Law No. 1 of 1974), without including a comprehensive explanation of the legal reasoning process used. There is no explanation as to whether a conclusion was reached through *qiyās*, *istiḥsān*, *istiṣlāḥ*, or other structured methods of *istinbāt*. Fatwas often appear to be “doctrinal conclusions” rather than the result of methodological and epistemically responsible *istidlal*.

For example, Fatwa No. 17 of 2013 states that “having more than four wives at the same time is haram” with reference to QS. al-Nisā' [4]:3. However, there is no further argumentation on how this prohibition is derived from the verse: whether it is the result of *qiyās ma'nawī*, the principle of *sadd al-dzarī'ah*, or a form of *takhyīr* and *tartīb* in *ushul*. In fact, classical *fiqh* literature that debates the permissibility of *zawāj khāmis* in certain contexts is not included in the dialogue of this fatwa, so that it appears to be a final decision without elaboration on the legal process.

Similarly, the 1996 Fatwa on *sighat ta'liq talaq* stipulates that the recitation of the *sighat* is not obligatory in a marriage contract because its substance is already “contained in the Marriage Law and the KHI.” This demonstrates a regulatory argument centered on positive law, but it is not accompanied by a *maqāṣid* critique of the protective function of the *sighat* for women or an *ushuliyyah* analysis of the authority of *talak*.

The 2021 Ijtima' Ulama Decision on online marriage guardians allows this practice as long as the requirements of the presence of two witnesses and *ijab-qabul* are fulfilled in real-time. This decision relies on an administrative reading of the Law and PMA No. 20 of 2019, without presenting a classical legal dialogue on contracts in virtual assemblies, or an analogical approach to distance selling in the rich *turās* literature. There is no exploration of *maqāṣid* principles such as convenience (*taysīr*), validity (*ṣaḥīḥ*), or protection of the rights of the married parties.

Furthermore, the 2015 Ijtima' Fatwa on child custody for parents of different religions stipulates that *hadanah* must be given to Muslim parents in order to protect the child's faith. Although normatively logical, this fatwa does not mention whether the conclusion is based on the analogy of *ḥifẓ al-dīn*, *qiyās* to spiritual leadership, or a more contextual interpretation of

maqāshidiy. There is no reading of the reality of social pluralism or evaluation of the *maslahat* of children in a pluralistic society.

Finally, Fatwa No. 4/MUNAS VII/MUI/8/2005 on interfaith marriage explicitly states that marriage between Muslims and non-Muslims is haram and invalid, with reference to QS. al-Baqarah [2]:221. Although this opinion is in line with the *jumhur*, there are no comparative arguments against minority schools of thought such as *Ḥanafī* or the *maqāshid* narrative about spiritual protection in interfaith marriages, especially in the context of the Muslim diaspora or the reality of a democratic state.

In general, the five fatwas do not explicitly display the structure of *istidlāl ushuliyyah*. There is no systematic thinking that shows how the fatwas are derived from the text through the tools of *ushul fikih* or how *maqāshid* is used as an ethical framework. Even when *maslahat* is mentioned, it appears descriptively, not as a methodological construct. This absence creates a gap between the arguments and the fatwas, between the texts and the context, between the *Sharia* and society. To reinforce these findings, we present a systematic table of the analysis results below:

No.	Fatwa Topics	Fatwa Number & Year	Arguments Used	The Istidlāl Method (Legal Reasoning)	Critical Notes
1	Polygamy More Than Four	MUI Fatwa No. 17 of 2013	QS. al-Nisā' [4]:3	Not explained	There is no elaboration on the methods of <i>qiyās</i> or <i>maqāshid</i> . Differences in <i>madhhab</i> views are also ignored.
2	Sighat Ta'liq Talaq	MUI Fatwa of 1996	Law No. 1 of 1974 and KHI	Positive law logic	Relying on national regulations, without exploring <i>maqṣad sighat</i> or Islamic legal reasoning.
3	Online Marriage Guardian	2021 MUI Fatwa Commission Ulama Meeting	Marriage Law & PMA No. 20 of 2019	Not explained	There is no analogy with remote contracts in classical <i>fiqh</i>

					or analysis of the maqāṣid of convenience.
4	Child Custody for Parents of Different Religions	2015 MUI Fatwa Commission Ulama Meeting	QS. al-Baqarah [2]:233; al-Taḥrīm [66]:6	Not explained	No argumentation was found for maqāṣid (ḥifẓ al-dīn) or reasoning through qiyās.
5	Interfaith Marriage	MUI Fatwa No. 4/MUNAS VII/MUI/8/2005	QS. al-Baqarah [2]:221	Not explained	There is no discussion of comparative fiqh or maqāṣid, even though this issue is sociologically complex.

The findings in this section form the basis for the next section, which is a critical discussion and constructive suggestions for formulating a model of fatwa istinbāt that is more transparent, accountable, and contextual, without detaching it from its theological roots.

Epistemic Discontinuity in the *Istinbāt* Fatwa of the Indonesian Ulema Council: A Critical Analysis of the Absence of *Ushuliyah* and *Maqāṣidiyyah* Structures

The main findings of this study indicate that the fatwas issued by the Indonesian Ulema Council (MUI) in the field of family law are still not based on an explicit methodological framework that can be verified academically. A number of important fatwas, such as those relating to polygamy of more than four wives, sighat ta'liq talaq, online marriage guardianship, child custody rights for parents of different religions, and interfaith marriage, display a pattern of legal determination that formally refers to naṣṣ and state regulations (such as KHI or Law No. 1 of 1974), but without being accompanied by an adequate istidlāl structure. In other words, these fatwas resemble normative statements rather than the results of transparent, argumentative, and methodologically responsible legal reasoning.

This phenomenon reveals a serious epistemic disconnect between text, method, and context. In the treasury of ushul fikih, as explained in the theoretical section of this paper, istinbāt al-ḥukm does not simply mean transferring the meaning of the text into a legal conclusion, but also a scientific dialectical process involving instruments of reasoning such as qiyās, istiḥsān, istislāh, sadd al-dzarī'ah, and *maqāṣid al-sharī'ah* as value orientations. When all of these instruments are absent, fatwas lose their critical function and become mere legal quotations.

One of the epistemological misunderstandings that often arises is the assumption that simply quoting verses from the Qur'an or hadiths means that fatwas automatically use *ushul fikih* (Muhamad Shadiq et al., 2024). This, in our opinion, is a misleading simplification. In the scientific framework of Islam, citing evidence is not synonymous with *ushul fikih*. This is because *ushul* is not about what is quoted, but how the quotation is analyzed, considered, and justified methodologically. Simply stating QS. al-Nisā' [4]:3 in a fatwa on polygamy, for example, does not necessarily mean that *istinbāt* has occurred if it is not accompanied by an explanation: is the verse used textually, through analogy (*qiyās*), or reinterpreted based on the *maqāṣid* of family protection and relational justice?

Moreover, in the case of online marriage guardians, the MUI's decision only mentions the requirements of real-time and the presence of witnesses without discussing *syurūṭ al-‘aqd* from a classical *fiqh* perspective, or how the digitization of marriage should be viewed in light of *maqāṣid* such as convenience (*taysīr*), protection of women's rights, and strengthening the legality of the sanctity of the family. The absence of this elaboration shows that *maqāṣid* has not been used as an epistemological tool, but merely as a passive value that does not actually guide the construction of law.

This condition illustrates that fatwa products often lack a traceable *ushuliyyah* structure. There is no explanation of how the law is derived from the *naṣṣ*, what *‘illah* is taken, what *istidlāl* method is used, and why that conclusion is chosen from the various legal possibilities in the *fiqh* treasury. As a result, fatwas lack scientific transparency, are difficult to re-examine by the academic community, and are prone to losing public legitimacy, especially among contemporary Muslim communities that are increasingly aware of social plurality and substantive justice (Husain et al., 2024).

Beyond that, without the formulation of *maqāṣid normatif* as a foundation, fatwas become a normative reproduction of texts and positive regulations that do not respond to the dynamics of the times. In the context of interfaith marriage, for example, fatwas declare its prohibition based on QS. al-Baqarah [2]:221 without investigating: how is the legal position debated in the four *madhabs*? How can *maqṣad hifẓ al-dīn* be weighed against *hifẓ al-nasl* and *hifẓ al-‘ird* in the reality of the diaspora or multicultural societies? And how are the interests of children and women in such marriages taken into consideration?

One of the main challenges in strengthening the authority of contemporary fatwas lies in the epistemological framework that underlies the process of *istinbāt*. A number of recent studies show that fatwas in many institutional contexts often appear more as products of institutional decisions than as the result of *ijtihād* that is transparent and methodologically testable. Mohd Harifadilah Rosidi, for example, in his study of fatwa authority in various Muslim countries, notes that a centralized fatwa model risks diminishing the deliberative dimension of *ijtihad* and shifting fatwas to become “authoritative institutional products, but with minimal epistemic openness (Harifadilah Rosidi, 2025).”

In this landscape, the legitimacy of fatwas can no longer be based solely on the symbol of religious scholarship or the big name of the institution that issues them. Instead, the credibility of fatwas is increasingly determined by methodological openness, clarity of *istidlāl*, and their relevance to *maqāṣid al-sharī‘ah* as well as the social reality in which the fatwas operate (Aziz et al., 2025). Fatwas that are born in institutional spaces without transparent

istinbāt mechanisms tend to be perceived as claims of authority, rather than products of reason that can be retested (Hasyim, 2020).

In other words, fatwas that aim to serve as normative and ethical references for the contemporary Muslim public need to show explicit and accountable lines of argumentation, rather than simply presenting legal conclusions without a traceable framework of reasoning. Thus, the reconstruction of the methodology of fatwa *istinbāt* is not merely an academic project, but an ethical calling. It demands that *uṣūl al-fiqh* and *maqāṣid al-sharī'ah* not only be discursive embellishments in *ijtima'* forums, but also be used as a real framework in drafting fatwas: from *naṣṣ* to method, from method to value, from value to context. Without this, fatwas will only be repetitions, and in many cases, will actually prolong legal inequality in the name of religion.

In this context, the thoughts of contemporary figures such as Mohammad Hashim Kamali and Jasser Auda play an important role. Kamali emphasizes that *uṣūl al-fiqh* should not be reduced to a mechanical procedure, but must be built on the principles of *rational coherence*, methodological openness, and public accountability (Kamali, 2003). Meanwhile, Auda expands the horizon of *maqāṣid* from a mere classification of values to a multidimensional system of meaning that integrates social, technological, gender, and ethical complexities into the legal structure (Auda, 2008). Neither view is a new foundation that replaces classical *uṣūl* and *maqāṣid*, but rather reaffirms the vitality of that heritage in a fluid and pluralistic modern landscape. Thus, epistemic renewal in fatwa methodology is a necessity, both for the sake of scientific honesty and social justice.

In an ever-changing world, Islamic family law justice will not be achieved simply by repeating arguments, but by interpreting arguments in the light of *maqāṣid* and through a path of *istidlāl* that can be tested, explained, and revived in accordance with the times.

Reconstruction of the *Istinbāt* Fatwa Model: Integration of *Ushul Fiqh*, *Maqāṣid*, and Context

If in the previous section we examined the epistemic crisis in the formulation of MUI fatwas, this section presents a conceptual and methodological response in the form of an integrative *istinbāt* model. This model does not merely revive the *ushuliyyah* and *maqāṣidiyyah* tools, but also activates them systematically to address the complexity of contemporary family law. It stems from the awareness that fatwas are not only legal conclusions, but also expressions of moral responsibility in the name of religion and knowledge.

This model is built on four main pillars: *naṣṣ*, *istidlāl*, *maqṣad*, and context. These four pillars do not stand alone, but are interwoven in an epistemic network that reinforces each other. *Naṣṣ* remains the foundation, but it must be read not literally, but through explicit *istidlāl* methods, such as *qiyās*, *istiḥsān*, *istiṣlāḥ*, or *sadd al-dzarī'ah*, which reflect a responsible legal reasoning process. (Ghazali, 2006) This is where ushul fikih functions as an internal logical structure that connects text with reality, principle with practice.

However, ushul fiqh alone is not sufficient. It must be directed towards a horizon of values so that it does not become trapped in formalism. This is where *maqāṣid al-sharī'ah* comes in as a determinant of ethical direction. The objectives of the Sharia, such as justice (*'adl*), protection of dignity (*ḥifẓ al-'ird*), and family stability (*ḥifẓ al-nafs wa al-nasl*) (Auda, 2008) serve as a moral compass that measures every *istinbāt* process, whether it brings people closer

to benefit or distances them from the noble values of Islam. In this approach, *maqāṣid* is not a post-fatwa accessory, but a starting point for orientation.

This model also offers a solution to the epistemological concerns discussed earlier, namely the absence of transparency in reasoning in the formulation of fatwas. In a healthy Islamic scientific system, authority is not built solely on personal reputation, but on the openness of arguments that can be verified and academically accounted for. This integrative model offers a framework that can be tested scientifically and read ethically, thereby strengthening the authoritative legitimacy of fatwas.

As an illustration, this model can be applied in re-reading MUI Fatwa No. 17 of 2013 concerning the prohibition of having more than four wives. Instead of stopping at the quotation from QS. al-Nisā' [4]:3, this verse should be interpreted using *qiyās ma'nawī* against the principles of justice and *sadd al-dzarī'ah* to prevent manipulative practices that harm women. With this approach, the law is not only valid in terms of *dalīliyyah*, but also fair in terms of *waqi'iyyah*. The *maqṣad* that can be underlined include *ḥifẓ al-'ird*, *ḥifẓ al-naḥs*, and *taqyīd al-taṣarruf*, namely the restriction of male authority in the name of sharia.

This is the essence of the integrative approach referred to in this article, namely weaving arguments with methods, guiding methods with values, and testing values through context. Without integrating these three elements, fatwas will be imbalanced, both academically and morally. Fatwas that only present *naṣṣ* without *istidlāl* will become dogma, fatwas that only carry *maqāṣid* without method will become moral utopia, and fatwas based solely on context without *naṣṣ* will also risk losing their *syar'i* legitimacy.

By simultaneously operating three main theoretical frameworks, namely *ushul fikih* as a system of reasoning, *maqāṣid* as a horizon of values, and the epistemology of fatwa as a guarantee of legitimacy, this model does not merely reorganize methodology, but replants the intellectual foundations of Islam. It restores *ijtihād* as a rational, open, and responsible thought process. Ultimately, we are not merely reforming the way fatwas are issued, but rebuilding the bridge between knowledge, faith, and justice in the contemporary Islamic legal landscape.

CONCLUSION

This study found that some of the MUI's fatwas in the field of family law are still drafted without a transparent and argumentative *istinbāt* framework. Although they refer to *naṣṣ*, these fatwas often do not explicitly show the *istidlāl* process, let alone consider *maqāṣid* as an ethical orientation. As a result, fatwas often appear as normative repetitions that lack reflection, are unresponsive to social dynamics, and risk obscuring the spirit of justice that is at the core of sharia. This condition points to an epistemic crisis in religious legal authority. Without an explanation of how the law is formulated, fatwas lose their scientific accountability and pedagogical value. Amidst changing gender values, social plurality, and the complexity of power relations, this kind of methodological rigidity is not only inadequate but can negate the principle of substantive justice itself. In response to this crisis, this paper offers an integrative *istinbāt* model based on four pillars: *naṣṣ*, *istidlāl*, *maqṣad*, and context. This model not only revives *ushul fikih* as legal logic, but also makes *maqāṣid* a moral compass from the very beginning of the *ijtihād* process. In this way, fatwas are not only valid in terms of source, but also fair in meaning and socially relevant. Through this approach, we not only improve the method of issuing fatwas, but also restore the way of thinking about Islamic law: from mere

reproduction of authority to an open, critical, and dignified intellectual praxis. Because, in a just Islam, law is not just a matter of text, but a matter of humanity.

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