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The Use of Scholarly Authority Sources and *Qaul Ulama'* in DSN-MUI Fatwas

Muhammad Fakhril Umam¹, Roisul Umam Arrasyidi², Aji Saifulloh³, & Dhika Tabrozi⁴

^{1,3,4} UIN Sunan Kalijaga, Yogyakarta

² UIN Syarif Hidayatullah, Jakarta

E-mail: mohammed.d.feakbroy@gmail.com

Abstrak

Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI) memainkan peran sentral dalam pengembangan ekonomi syariah di Indonesia melalui fatwa-fatwa yang menjadi pedoman bagi lembaga keuangan syariah. Penelitian ini bertujuan untuk menganalisis konstruksi epistemologis fatwa DSN-MUI dengan fokus pada pendekatan *qauli* dan mazhab fikih yang digunakan dalam proses *istinbath hukum*. Metodologi penelitian yang digunakan adalah kualitatif dengan pendekatan studi pustaka (*library research*) dan analisis deskriptif-analitis. Kajian epistemologis digunakan untuk mengidentifikasi dan mengklasifikasikan *qaul ulama'* yang dirujuk dalam fatwa DSN-MUI, berdasarkan asal mazhab ulama, era dan karakteristik metodologisnya. Hasil penelitian menunjukkan bahwa DSN-MUI menggunakan pendekatan lintas mazhab dengan merujuk pada ulama dari berbagai mazhab (Hanafiyah, Malikiyah, Syafi'iyah, Hanabilah, dan Zhahiriyah) serta ulama kontemporer. Konstruksi epistemologis fatwa DSN-MUI bersifat integratif, menggabungkan warisan fikih klasik dengan ijtihad kontemporer dan pendekatan *maqasidi* untuk menjawab tantangan ekonomi syariah modern.

Kata Kunci : *Fatwa DSN-MUI, Qaul Ulama', dan Mazhab Fikih*

Abstract

The National Sharia Council of the Indonesian Ulama Council (DSN-MUI) plays a vital role in the development of Islamic economics in Indonesia by issuing fatwas that serve as guidelines for Islamic financial institutions. This study aims to analyse the epistemological framework of DSN-MUI fatwas, with a focus on the *qauli* approach and the schools of Islamic jurisprudence (Madhhabs) utilised in the legal reasoning (*istinbāt*) process. Employing a qualitative methodology that combines library research and descriptive-analytical analysis, this research applies an epistemological framework to identify and classify the opinions (*qaul*)

of scholars cited in DSN-MUI fatwas. These opinions are categorised according to the scholars' Madhhab affiliations, historical periods, and methodological characteristics. The findings indicate that the DSN-MUI employs a cross-Madhhab approach, drawing upon scholars from various schools of thought (Hanafi, Maliki, Shafi'i, Hanbali, and Zahiri), as well as contemporary scholars. The epistemological framework of DSN-MUI fatwas is integrative, combining the legacy of classical *fiqh* with contemporary *ijtihad* and a maqāsid-based perspective to address the challenges of modern Islamic economic practices.

Keywords: *DSN-MUI Fatwa, Scholars' Opinions, and Islamic Legal Madhhabs*



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email koresponden: mohammed.d.feakbroy@gmail.com

Introduction

The passage of time, particularly in information and communication technology, has led to a shift, fragmentation and contestation of religious authority. The main factor is the emergence of new media (the internet).¹ However, the DSN-MUI has managed to maintain its position as a strong authority-forming agent. According to Zaman and Kiptiyah, the emergence of new religious authorities does not replace old or traditional religious authorities. Religious authority has merely adapted to the development of this new religious authority.² This has also been achieved by maintaining scholarly lineage through quotations from classical Islamic texts (such as *al-Majmu'* or *Mughni al-Mubtāj*), whilst presenting them in a format accessible to the public via digital platforms. The DSN-MUI has currently

issued 160 fatwas.³ This demonstrates that the DSN-MUI is required by Islamic financial institutions and recognised as the official fatwa authority in Indonesia in the field of Islamic finance and economics. The DSN-MUI's role in the development of the Islamic economy is projected into three tactical roles. *First*, standardisation through fatwas; *second*, supervision; and *third*, the resolution of sharia business disputes.⁴ With these three practical roles, the DSN-MUI remains a strong source of authority. Historically, the MUI was established as an institution to address various socio-religious issues in Indonesia and is also tasked with advising the government, particularly on policies relating to the Muslim community.⁵

³ DSN-MUI Institute, "Fatwas of the DSN-MUI" (Indonesia, 2025), <https://dsnemui.or.id/kategori/fatwa/>.

⁴ Akhmad Faozan, "OPTIMISING THE ROLE OF THE SHARIAH SUPERVISORY BOARD IN SHARIAH FINANCIAL INSTITUTIONS," *El-Jizya: Journal of Islamic Economics* 2, no. 1 (2014): 23–40, <https://doi.org/https://doi.org/10.24090/ej.v2i1.2014.pp23-40>.

⁵ Muhammad Maulana Hamzah, "The Role and Influence of MUI Fatwas in the Current of Socio-Cultural Transformation in Indonesia," *Millah: Journal of Religious Studies* 17, no. 1 (2017):

¹ Bryan S. Turner, "Religious Authority and the New Media," *Sage Journals: Theory, Culture & Society* 24, no. 2 (2007), <https://doi.org/https://doi.org/10.1177/0263276407075001>.

² Muhammad Qasim Zaman, *Book Reviews* (Cambridge: Cambridge University, 2012), <https://doi.org/https://doi.org/10.1017/CBO9780511973062>.

Therefore, the reference sources utilised by the DSN-MUI must be classified according to the opinions of the ulama (qaul) used to determine the direction of standardisation for Islamic economic law in Indonesia.

The subject of this study is the sources of reference in the DSN-MUI fatwas as the epistemological basis for the thought and schools of jurisprudence in the formulation of fatwas. The study of the epistemology of DSN-MUI fatwas is important because the fatwas issued are not only based on normative arguments (*nash qath'i*), but also take into account social and economic contexts, as well as national policy.⁶ The DSN-MUI employs three approaches in the process of deriving legal rulings: the *nash qath'i* approach, the *qauli* approach, and the *manhaji* approach.⁷ Among these three approaches, the *qauli* approach is the most dominant one used in the formulation of DSN-MUI fatwas. This approach emphasises the opinions of the scholars (*qaul al-ulama'*) derived from both classical and contemporary texts. Within the structure of the fatwa's argumentation, quotations from the opinions of scholars occupy a position following the definitive textual evidence. The DSN-MUI refers to the opinions of scholars from various schools of Islamic jurisprudence, such as the Hanafi, Maliki, Shafi'i, Hanbali, and Zahiri schools, as well as modern scholarly bodies such as AAOIFI.

127–54,
<https://doi.org/https://doi.org/10.20885/millah.vol17.iss1.art7>.

⁶ Jaya Miharja, "Reactualisation of Fiqh Thought and Methodology in Islamic Economic Studies," *Mu'amalat: Journal of Sharia Economic Law Studies* 10, no. 1 (2018): 121–84, <https://doi.org/10.20414/mu.v10i1.2788>.

⁷ Muhamad Izazi Nurjaman and Dena Ayu, "The Role of MUI DSN Fatwas in the Operational Sustainability of Sharia Financial Institutions," *Al Iqtishod: Journal of Islamic Economic Thought and Research* 9, no. 2 (2021): 55–67, <https://doi.org/10.37812/aliqtishod.v9i2.245>.

The dominance of this *qauli* approach raises epistemological issues that form the focus of this study, namely how thought and schools of fiqh shape the construction of DSN-MUI fatwas, and to what extent the dominance of a particular school influences the fatwa-issuing process. The *qauli* approach does not merely quote the opinions of scholars, but demands a clear classification of the *qaul* used, whether based on the school of origin or its methodological aspects.⁸ This is in line with the view of KH. Ma'ruf Amin, who emphasises that the issuance of fatwas must be based on a clear methodology (*manhaj*) and cannot be carried out without a valid methodological framework.⁹ Issuing fatwas without an appropriate methodological framework is prohibited in Islam.¹⁰ The classification of scholars' opinions—whether as *qaul rajih*, *marjub*, or *mukhtalaf fih*—including the views of contemporary scholars outside the traditional madhhab structure,¹¹ serves as a crucial instrument for assessing the epistemological orientation of DSN-MUI fatwas, determining whether they more closely represent traditional madhhabs or adopt a more contextual approach to fiqh whilst remaining rooted in *the turats*.

Several previous studies have discussed the role of the DSN-MUI in the

⁸ Imron Rosyadi, *Principles of Islamic Jurisprudence in Islamic Economic Law* (Surakarta: Muhammadiyah University Press, 2020).

⁹ Johari Johari et al., "The Istihsan Method and Its Relevance to Islamic Law Reform: A Content Analysis of the Fatwa of the Indonesian Ulama Council on Corneal Transplantation," *De Jure: Journal of Law and Shari'ah* 15, no. 1 (2023): 1–20, <https://doi.org/https://doi.org/10.18860/j-fsh.v15i1.18442>.

¹⁰ Rahman Helmi, "THE METHODOLOGY FOR ISSUING FATWAS ON ISLAMIC ECONOMIC LAW IN INDONESIA," *Syariah: Journal of Law and Thought* 18, no. 2 (2018): 301–14, <https://doi.org/https://doi.org/10.18592/sy.v18i2.2518>.

¹¹ Ahmad Mukri, *Thought on Sharia Economic Law* (Sleman: Deepublish, 2022).

development of the Islamic economy, such as the article by M. Zaidi Abdad entitled “The Significance of DSN-MUI Fatwas for the Development of the Islamic Economy in Indonesia”, which discusses the elaboration of the significance of DSN-MUI fatwas, covering the approach, methods, and the process of deriving legal rulings in issuing fatwas, as well as the legal legitimacy of DSN-MUI fatwas based on legislation.¹² A subsequent article by Amirullah et al. titled “Moderation in Fiqh Muamalah in Indonesia: An Analysis of the Fatwa Paradigm of the National Sharia Council”, which discusses the nature of fiqh moderation within the four foundational principles of formulating Islamic economic fatwas by the DSN-MUI, namely *al-Taysir al-Manbaji*, *at-Tafriq baina al-Halal wal Haram*, *I'adab al-Nazhar* and *Tabqiq al-Manath*.¹³ Furthermore, there is an article by Athoillah Islamy entitled “Idealism and Realism in the Paradigm of Sharia Economic Fatwas in Indonesia”, which discusses the epistemological characteristics within the DSN-MUI's formulation paradigm regarding various sharia economic fatwas in Indonesia that integrate the characteristics of idealism and realism in Islamic law. The integration of idealism and realism in Islamic law within the DSN-MUI fatwa paradigm ensures that various Sharia economic fatwas in Indonesia remain responsive, adaptive, contextual and dynamic in line

with the evolving economic challenges faced by society.¹⁴

Another study also examined the moderation of DSN-MUI fatwas through four indicators (national commitment, tolerance, anti-violence, and culture). This study shows that the use of the strategies of *al-taysir al-manbaji* and *i'adab al-nazhar* successfully bridges the authority of religious texts with the dynamics of the global market to create balanced and moderate economic laws.¹⁵ Ilyas Supena's research on the epistemological construction of pandemic fiqh. Supena demonstrates that in responding to the COVID-19 emergency, the MUI applied a flexible pattern of realist-rationalist reasoning by prioritising the universal-substantive (*'am*) messages of the Qur'an and the principle of public interest (*maslahah*) over particular texts. This finding confirms that the integration of the authority of classical scholars' *opinions* (*qaul*) with the dynamics of modern science is key to the legal validity of Islamic law in the contemporary era.¹⁶ Furthermore, there is research examining the transformation of religious authority in the digital age, highlighting how the DSN-MUI maintains the relevance of classical scholarly chains of transmission (*sanad*) amidst the fragmentation of

¹² M Zaidi Abdad, “The Significance of DSN MUI Fatwas for the Development of Islamic Economics in Indonesia,” *Journal of Economics and Islamic Economics* 18, no. 2 (2019): 233–422, <http://www.istinbath.or.id>.

¹³ Amirullah Amirullah, Athoillah Islamy, and Hamzah Hamzah, “Moderation in Fiqh Muamalah in Indonesia: An Analysis of the Fatwa Paradigm of the National Sharia Council,” *Al-Bayyinah* 6, no. 1 (2022): 95–108, <https://doi.org/10.35673/al-bayyinah.v6i1.2634>.

¹⁴ Athoillah Misdawati, Dwi Novaria; Islamy, “Idealism and Realism in the Paradigm of Sharia Economic Fatwas in Indonesia,” *Jurnal Asy-Syukriyyah* 23, no. 1 (2022): 128–42, <https://doi.org/https://doi.org/10.36769/asy.v23i2.209>.

¹⁵ Fakhruddin Fakhruddin, Hakmi Hidayat, and Dwi Hidayatul Firdaus, “MODERATION IN DSN-MUI FATWAS: Achieving Justice and Balance in the Sharia Economic System,” *Jurisdictie: Jurnal Hukum Dan Syariat* 15, no. 2 (2024): 477–98, <https://doi.org/https://doi.org/10.18860/j.v15i2.26883>.

¹⁶ Ilyas Supena, “The Epistemological Construction of Pandemic Fiqh: An Analysis of MUI Fatwas,” *Al-Manabij: Journal of Islamic Legal Studies* 15, no. 1 (2021): 121–36, <https://doi.org/https://doi.org/10.24090/mnh.v15i1.4203>.

authority in new media. This research emphasises that the DSN-MUI reproduces legitimacy by transforming the authority of scholars' opinions (*qaul*)—which was previously doctrinal in nature—into binding positive legal authority through integration into the national banking regulatory system.¹⁷ However, unlike these studies, this research will conduct a quantitative and systematic mapping of data regarding the classification of schools of thought, the eras of scholars, and the dominance of reference texts that shape the epistemological construction of the *qauli* approach in DSN-MUI fatwas.

This study aims to identify the dominance of scholars' thought and schools of fiqh employed in the DSN-MUI's *qauli* approach. It is also expected to make a significant contribution to the development of Islamic economic jurisprudence by providing a comprehensive epistemological analytical framework regarding the *qauli* approach. This study will limit the *qauli* approach to *qaul al-ulama'*, which forms the epistemological basis of DSN-MUI fatwas. This is based on the assumption that the *qauli* approach plays a crucial role in bridging the gap between classical fiqh traditions and the legal needs of modern Islamic economics. The *nash qath'i* and *manbaji* approaches, whilst relevant, will be excluded from the main focus of this research to allow for a more in-depth and focused analysis of the dynamics of traditional fiqh schools within DSN-MUI fatwas. The findings of this research will be relevant to Islamic financial institutions in understanding the legal foundations of DSN-MUI fatwas, thereby enhancing legal

certainty and consistency in operational practices.

Discussion

Classification of *Qaul Ulama'* (Scholarly Opinions) as ' ' in DSN-MUI Fatwas

In classifying the *qaul ulama'* referenced by the DSN-MUI, the author first traced the origins of the scholars' schools of thought through a range of classical and contemporary literature. One of the references used for this investigation is **Tabaqat al-Shāfi'īyyah al-Kubrā** (¹⁸), which chronologically documents the biographies and works of Shafi'i scholars across the ages. There is also **Thabaqat al-Fuqaha al-Hanabilah**¹⁹, which contains the biographies and works of Hanbali scholars. Furthermore, various encyclopaedias of madhhab fiqh and biographical dictionaries of scholars, such as **al-A'lam**²⁰ and **al-Mamsū'ah al-Fiqhiyyah Kuwait**²¹, were also utilised to confirm the madhhab affiliations of other scholars, alongside several other works.

This research is important to ensure the validity of the data and maintain objectivity in analysing the madhhab tendencies that influence the epistemology of DSN-MUI fatwas. The classification of

¹⁸ Taj al-Din Al-Subki, *Thabaqat Al-Syafi'i Al-Kubra*, 2nd ed. (Cairo: Dar Ihya' al-Kutub al-'Arabiyya, 1976), p. www.al-ilmiah.com/details?id=978-2-7451-2856-0

¹⁹ Al-Qadi Abi Ya'la, *Thabaqat Al-Fuqaha Al-Hanabilah* (Cairo: Maktabah al-Saqofah al-Diniyah, 1998), https://dn721807.ca.archive.org/0/items/tafaqat_1طبقات_الحنابلة/al_hanabila.pdf.

²⁰ Khairuddin Al-Zirikli, *Al-A'lam: A Biographical Dictionary of Prominent Men and Women from the Arabs, Arabised Peoples and Orientalists* (Lebanon: Dar al-'Ilm lil Malayin, 1978), <http://dn721800.ca.archive.org/0/items/ZIR2002ARAR/1.AL-A'lam.pdf>.

²¹ Ministry of Endowments, *The Kuwaiti Encyclopaedia of Islamic Jurisprudence* (Kuwait: Maktabah as-Sa'adah, 1992), <https://www.dutaislam.or.id/2021/12/download-pdf-mausuah-fiqhiyyah-al-kuwaitiyah.html>.

¹⁷ Imam Mustofa and Hasanudin, "TEXT AUTHORISATION IN THE DEVELOPMENT OF SHARIA ECONOMIC LAW IN INDONESIA: A Study of the Fatwa of the National Sharia Council of the Indonesian Ulama Council". 13, no. 2 (2022): 210—

scholars' opinions in DSN-MUI fatwas is as follows:

Table 1
Scholars of the Hanafi school

No	Name of Scholar	Era	Cited
1	Dr Abd al-Hamid Mahmud al-Ba'li	15th century AH	2 fatwas
2	Abu al-Husain al-Quduri al-Hanafi	5th century AH d. 428 AH	2 fatwas
3	Ali Ahmad an-Nadawi	15th century AH	1 fatwa
4	Prof. Ali Muhyiddin Ali al-Qarahdaghi	15th century AH	1 fatwa
5	Ibn 'Abidin	13th century AH d. 1252 AH	10 fatwas
6	Ibn Nujaim	10th century AH d. 970 AH	3 fatwas
7	al-Jashshash	4th century AH d. 370 AH	2 fatwas
8	Al-Kasani	6th century AH d. 587 AH	9 fatwas
9	Al-Marghinani	6th century AH d. 593 AH	6 fatwas
10	Muhammad ibn Ghanim ibn al-Baghdadi	11th century AH d. 1030 AH	2 fatwas
11	Muhammad Qadri Pasha	14th century AH d. 1306 AH	1 fatwa
12	Muhammad Rawas Qal'ahji	15th century AH d. 1436 AH	5 fatwas
13	Mushthafa Zarqa'	14th century AH d. 1320 AH	2 fatwas
14	Taqi Usmani	14th century AH 1362 AH	2 fatwas

The Hanafi scholars cited by the DSN-MUI demonstrate a diversity of historical backgrounds, ranging from classical figures such as al-Quduri, Ibn 'Abidin, Ibn Nujaim, al-Jashshash, al-Kasani and al-Marghinani, to

contemporary scholars such as Dr. Abd al-Hamid Mahmud al-Ba'li, Ali Ahmad an-Nadawi, Prof. Ali Muhyiddin Ali al-Qarahdaghi, and Taqi Usmani. Methodologically, the Hanafi school is known for the strength of *ra'yu* and *istisban*, as well as a rational approach to muamalah fiqh²². The selection of scholars' *opinions* from this school indicates a tendency for the DSN-MUI to refer to flexible views in responding to contemporary economic dynamics, particularly regarding the design of contracts and modern financial structures.

Table 2
Scholars of the Maliki school

No	Name of Scholar	Era	Cited
1	Abdul Wahhab	5th century AH d. 422 AH	2 fatwas
2	Ibn 'Abd al-Barr	5th century AH d. 463 AH	1 fatwa
3	Ibn al-'Arabi al-Maliki	13th century AH d. 1240 AH	2 fatwas
4	Ibn Arafah al-Dasuqi	13th century AH d. 1230 AH	6 fatwas
5	Ibn Rushd	6th century AH d. 595 AH	3 fatwas
6	Imam Malik	2nd century AH d. 179 AH	2 fatwas
7	Al-Qurthubi	6th century AH d. 544 AH	1 fatwa
8	Shihab al-Din al-Qaraf	7th century AH d. 684 AH	1 fatwa

The group of Maliki scholars cited by the DSN-MUI reflects the richness of the fiqh tradition, rooted in the practices of the inhabitants of Medina and the

²² Moh Mufid, *Principles of Contemporary Economic and Financial Fiqh: From Theory to Application*, 2nd ed. (Jakarta: Prenamedia Group, 2018).

concept of *maslahah mursalah*²³. Several figures, such as Ibn 'Abd al-Barr²⁴ and al-Qarafi²⁵, are renowned for their emphasis on the *maqāṣid al-sharī'ah* in the formulation of legal rulings. The Maliki school plays a significant role in providing a philosophical foundation for economic policies that require consideration of the public interest beyond explicit *textual provisions*. This study also demonstrates that, although their numbers are not dominant, *the opinions* of Maliki scholars remain an authoritative reference.

Table 3
Scholars of the Shafi'i school

No	Name of Scholar	Era	Cited
1	'Abd al-Malik al-Juwaini	5th century AH d. 460 AH	3 fatwas
2	Abu Hamid al-Ghazali	6th century AH d. 505 AH	1 fatwa
3	Alauddin Za'tari	15th century AH	1 fatwa
4	'Ali Jumu'ah	14th century AH 1341 AH	1 fatwa
5	Badr al-Hasan al-Qasimi	15th century AH	2 fatwas
6	Imam al-Bukhari	3rd century AH d. 256 AH	2 fatwas
7	Ibn Hajar al-Asqalani	9th century AH d. 852 AH	3 fatwas
8	Ibn Kathir	8th century AH d. 774 AH	1 fatwa
9	Ibn al-Wardi	8th century AH d. 749 AH	2 fatwas
10	Ibrahim al-Bajuri	13th century AH d. 1276 AH	4 fatwas

²³ Nasrun Haroen, *Principles of Islamic Jurisprudence* (Jakarta: Logos Wacana Ilmu, 1997).

²⁴ Ibn 'Abd Al-Barr, *Al-Kafi* (Beirut: Dar al-Kutub al-'Ilmiyah, 1986).

²⁵ Syihab al-Din Al-Qarafi, *Anwar Al-Baruq Fi Anwa' Al-Furuq* (Cairo: Dar Ihya' al-Kutub al-'Arabiyya, 1925).

11	Jalaluddin as-Suyuthi	10th century AH d. 911 AH	4 fatwas
12	Al-Khatib al-Sharbini	10th century AH d. 977 AH	17 fatwas
13	Al-Mawardi al-Shafi'i	5th century AH d. 450 AH	1 fatwa
14	Muhammad 'Ali ash-Shabuni	15th century AH d. 1442 AH	1 fatwa
15	Muhammad Sa'id al-Buthi	15th century AH	2 fatwas
16	Muhyiddin Syarf al-Nawawi	7th century AH d. 676 AH	20 fatwas
17	Nuruddin Abdul Karim al-Kawamilah	15th century AH	1 fatwa
18	Ar-Rafi'i	7th century AH d. 623 AH	2 fatwas
19	Imam Shafi'i	3rd century AH d. 204 AH	1 fatwa
20	Imam al-Shayrazi	5th century AH d. 476 AH	12 fatwas
21	Shihabuddin Ibn Hajar Al-Haitami	10th century AH d. 974 AH	2 fatwas
22	Wahbah Al-Zuhaili	15th century AH d. 1436 AH	48 fatwas
23	Yusuf Al-Syubaili	15th century AH	2 fatwas
24	Zakariya al-Anshari	10th century AH d. 926 AH	2 fatwas

The Shafi'i school of thought is one of the most dominant references in the fatwas of the DSN-MUI. This is evident from the large number of Shafi'i scholars cited from various eras, ranging from the early generations such as Imam al-Shafi'i, al-Juwaini, al-Ghazali, al-Bukhari, asy-Syairazi and al-Mawardi, to later and contemporary figures such as Ibrahim al-Bajuri, Wahbah al-Zuhaili and Muhammad Sa'id al-Buṭṭī. Methodologically, Shafi'i scholars are renowned for their structured deductive

approach (*istidlal*)²⁶, as well as their emphasis on the principles of *usul al-fiqh*²⁷. Many of them also demonstrate openness to the *maqāṣid* approach and cross-school comparison. This dominance is understandable given that the DSN-MUI is based in Indonesia, where the majority of the population follows the Shafi'i school.

Table 4
Scholars of the Hanbali school

No	Name of Scholar	Era	Cited
1	Sheikh Prof. Abdullah bin Sulaiman al-Mani'	15th century AH d. 1442 AH	3 fatwas
2	Sheikh Abdurrahman Nashir as-Sa'di	14th century AH d. 1376 AH	1 fatwa
3	Ahmad bin Abdullah al-Qari	14th century AH d. 1359 AH	1 fatwa
4	Ibn Qayyim al-Jawziyyah	8th century AH d. 751 AH	8 fatwas
5	Ibn Qudamah	7th century AH d. 620 AH	59 fatwas
6	Ibn Taymiyyah	8th century AH d. 728 AH	6 fatwas
7	Dr Khalid Mushlih	15th century AH	1 fatwa
8	Manshur Idris al-Buhut	11th century AH d. 1051 AH	4 fatwas
9	Sheikh 'Umar bin 'Abdul 'Aziz al-Matruk	15th century AH	3 fatwas
10	Walid Khalid al-Syayji	15th century AH	3 fatwas
11	Yaqub bin Abdul Wahab al-Bahisin	15th century AH	1 fatwa

²⁶ Ahmad Alimuddin, "The School of Family Law of Imam Shafi'i," *Paper presented at*, 2025.

²⁷ Abdul Wahab Ibrahim Abu Sulaiman, *Al-Fikr Al-Ushuli: A Critical Analytical Study* (Jeddah: Dar al-Syuruq, 1983).

The Hanbali scholars referred to by the DSN-MUI generally come from reformist circles or are contemporary figures with a keen interest in modern economic practices, such as Ibn Taymiyyah, Taqi al-Din Ibn Qayyim, al-Buhut and Ibn Qudamah. Their approach is known to be literal yet also adaptive to the needs of the times, particularly through the application of the principles of *maslahah* and *sadd al-dzari'ah*²⁸. This provides sharia legitimacy for modern transactions whilst upholding the principles of halal and prudence.

Table 5
Scholars of the Zahiriyyah school

No	Name of Scholar	Era	Cited
1	Ibn Hazm	5th century AH d. 456 AH	2 fatwas

Although it represents only one opinion within the Zahiriyyah school, such as that of Ibn Hazm, it is nonetheless used as a reference. This school is known for being highly textual (*ẓāhir*)²⁹, but in some cases provides the definitive solutions required in contemporary legal assessments. The DSN-MUI appears to draw upon the strictness and clarity of the *textual evidence* within this school to address specific issues, particularly regarding the prohibition of usury and the boundaries of contracts.

Table 6
Scholars not affiliated with any particular school of thought

No	Name of Scholar	Era	Cited
1	Abd al-Halim 'Uwais	15th century AH	1 fatwa
2	'Abd al-Rahman al-Jaziri	14th century AH d. 1360 AH	5 fatwas

²⁸ Ibrahim ibn Musa Al-Shathibi, *Al-Itisham* (Saudi Arabia: Dar Ibn Affan, 1992).

²⁹ Ibn Hazm, *Al-Ihkam Fi Ushul Al-Ahkam* (Cairo: Maktabah Atif, 1978).

3	Abdurrazzaq Ash-Shan'ani	3rd century AH d. 212 AH	1 fatwa	24	Dr Muhammad 'Abdul Ghaffar al-Syarif	15th century AH	3 fatwas
4	Abu Ubaid al-Qasim	3rd century AH d. 224 AH	1 fatwa	25	Muhammad Abdul Mun'im Abu Zaid	15th century AH	5 fatwas
5	Ahmad Hafizh Musa	15th century AH	1 fatwa	26	Dr Muhammad Utsman Syibair	15th century AH	1 fatwa
6	Ahmad Muhammad Mahmud Nashar	15th century AH	1 fatwa	27	Muhammad Yusuf Musa	15th century AH	3 fatwas
7	Ahmad Sa'id Syaraf al-Din	12th century AH d. 1195 AH	2 fatwas	28	Munzir Qahf	15th century AH	3 fatwas
8	Dr H. Asep Supyadillah, MA	15th century AH	1 fatwa	29	Nazih Hammad	15th century AH	5 fatwas
9	'Athiyah Shaqr	15th century AH – 1427 AH	5 fatwas	30	Rafiq Yunus Al-Misri	15th century AH d. 1445 AH	1 fatwa
10	Dhiya al-Din Abu 'Amr al-Marani	7th century AH d. 602 AH	1 fatwa	31	Sa'di Abu Jaib	15th century AH	2 fatwas
11	al-Dimyathi	14th century AH d. 1302 AH	14 fatwas	32	Al-Sayyid Sabiq	15th century AH d. 1420 AH	4 fatwas
12	al-Ghamarawi	14th century AH 1337 AH	2 fatwas	33	Imam Syaukani	13th century AH d. 1250 AH	16 fatwas
13	Prof. Dr. KH. Hasanudin, M.Ag.	15th century AH	1 fatwa				
14	Dr Husain Hamid Hasan	15th century AH d. 1442 AH	2 fatwas				
15	Ibn Hisyam	9th century AH d. 833 AH	2 fatwas				
16	Ibn al-Mundhir al-Naisaburi	4th century AH d. 319	3 fatwas				
17	Ibn Abi Shaybah	3rd century AH d. 235 AH	1 fatwa				
18	Al-'Imrani	15th century AH	1 fatwa				
19	'Isham Anas al-Zaftawi	15th century AH	2 fatwas				
20	Dr 'Izzudin Muhammad Khaujah	15th century AH	3 fatwas				
21	Prof. Dr. Jaib Mubarak, M.Ag	15th century AH	1 fatwa				
22	Jamaluddin Al-Qasimi	14th century AH d. 1332 AH	1 fatwa				
23	Kamal Taufiq Muhammad Hathab	15th century AH	1 fatwa				

Scholars not bound to a specific school of thought demonstrate a broader scope of *ijtihad* in the fatwas of the DSN-MUI. They are often *mujtahid mutlaq* or contemporary Islamic economic experts who combine expertise in sharia with an understanding of modern financial systems. Their approach tends to be integrative, *maqasidi*, and responsive to the challenges of the times. This reflects the DSN-MUI's characteristic of referring to cross-school opinions, even from contemporary figures, provided they are in accordance with Sharia principles and the public interest.

The Dominance of Scholarly Authority in DSN-MUI Fatwas

The jurisprudential thought and schools of jurisprudence in DSN-MUI fatwas form part of the *qauli* approach. This approach demonstrates the significance of both classical and contemporary schools of thought in shaping the legal arguments employed by the DSN-MUI. An examination of which scholars are most frequently cited, and from which works these opinions are

drawn, is essential for mapping the intellectual currents that form the foundation of DSN-MUI fatwas.

Within the Hanafi school, there are two principal figures most frequently cited in DSN-MUI fatwas: Ibn 'Abidin and al-Kasani. Ibn 'Abidin (d. 1252 AH) was one of the leading Hanafi scholars of the 19th century who lived in Damascus. *Hasyiyah Radd al-Muhtār 'ala al-Durr al-Mukhtār*³⁰ is Ibn 'Abidin's monumental work, which has served as the standard text of Hanafi fiqh for the past few centuries. This work is cited in 10 fatwas, comprising fatwas on SBSN, MMQ, guidelines for organising tourism based on Sharia principles, MMBT, shares, and the early repayment of murabahah financing before maturity.

Al-Kasani (d. 587 AH) was a great Hanafi scholar and a student of 'Ala al-Din al-Samarqandi, as well as his son-in-law. Al-Kasani's work, entitled **Bada'i al-Sana'i* *fi Tartib al-Shara'i**³¹, is one of the most famous encyclopaedias of Hanafi fiqh and is cited in 9 fatwas comprising rulings on mudharabah Sharia bonds, Sharia-compliant short-term liquidity financing, guidelines for guaranteeing Sharia bank customers, shares, guidelines for the establishment and operation of Sharia-compliant cooperatives, dropshipping based on Sharia principles, and ijarah al-mal al-musyarak and al-mal al-musya'.

In the Maliki school, the most prominent scholar cited in DSN-MUI fatwas is Ibn Arafah al-Dasuqi. Ibn Arafah al-Dasuqi (d. 1230 AH) was a leading scholar of the Maliki school who lived in Egypt. His work, **Hasyiyah al-Dasuqi 'ala Syarh al-Kabir** (³²), is one of the most

influential books of Maliki fiqh. In the DSN-MUI fatwas, this book is cited in six fatwas, comprising fatwas on the IMFD contract, the operation of insurance brokerage and reinsurance brokerage businesses based on Sharia principles, the guarantee of return on capital for mudharabah, musyarakah, and wakalah bil istitsmar financing, actual costs resulting from the rescheduling of debts, and the offering of Sharia-compliant securities through information technology-based crowdfunding services in accordance with Sharia principles (*Islamic securities crowdfunding*).

Furthermore, the Shafi'i school of thought demonstrates the strongest dominance in the DSN-MUI's *qauli* fatwa approach, with scholars such as Wahbah al-Zuhaili, Imam Nawawi, and al-Khatib al-Syarbini each occupying a significant position in terms of the number of citations. Wahbah al-Zuhaili (d. 1436 AH) was a contemporary scholar from Syria. *Kitab al-Fiqh al-Islamiy wa Adillatuhu* is Wahbah al-Zuhaili's major work, which serves as a widely referenced text in the contemporary Islamic world and is cited in 31 fatwas, comprising fatwas on Islamic bonds, Islamic import and export *letters of credit* (L/C), capital markets and general guidelines for the application of Sharia principles in the capital markets sector, Sharia rights of first refusal (HMETD), Sharia warrants, methods for recognising profits from at-tamwil bi al-murabahah (murabahah financing) in Sharia financial institutions, *income smoothing* methods for third-party funds, guidelines for deposit guarantee institutions in the management or resolution of Sharia banks facing solvency issues, debt settlement (*muqashshab*) based on Sharia principles, and shares.

Then **Al-Mu'amalat al-Maliyyah al-Mu'ashirah** (³³) Cited in 15 fatwas comprising fatwas on contracts in Islamic

³⁰ Muhammad Amin Ibn Umar Ibn Abidin, *Hashiyat Ibn 'Abidin: Radd Al-Muhtar 'Ala Al-Durr Al-Muhtar* (Beirut: Dar al-Fikr, 1966).

³¹ Abu Bakr ibn Mas'ud Al-Kasani, *Bada'i Al-Sana'i Fi Tartib Al-Shara'i* (Beirut: Dar al-kutub al-'arabi, 1974).

³² Shamsuddin Sheikh Muhammad Arafah Al-Dasuqi, *Hasyiyah Al-Dasuqi Ala Syarh Al-Kabir* (Beirut: Dar al-Fikr, 1998).

³³ Wahbah Zuhaili, *Contemporary Financial Transactions* (Beirut: Dar al-Fikr, 2002).

insurance, Sharia-compliant rights to purchase securities in advance (HMETD), Sharia-compliant warrants, non-cash gold trading, Sharia-compliant refinancing, wakalah bi al-ijarah and bi al-istitsmar contracts, management of Hajj and Umrah funds and special Hajj and Umrah funds based on Sharia principles, sukuk, fund raising through wakalah bi al-istitsmar contracts, and Sharia-compliant exchange-traded funds (ETFs). Third, *Nazariyah al-Dhamaan*³⁴ Cited in two fatwas comprising a fatwa on compensation (ta'widh) and actual costs as compensation for breach of contract (at-takalif al-fi'liyah an-nasyi'ah an-nukul).

Furthermore, Imam Nawawi (d. 676 AH) was one of the most influential Shafi'i scholars. His work, **al-Majmu' Sharh al-Muhadzdzab**³⁵, is a highly comprehensive encyclopaedia of Shafi'i fiqh and is cited in 14 fatwas comprising rulings on Sharia-compliant bonds, ju'alah contracts, sale and lease-back (*al-bai' ma'al istitsjar*), SBSN, sharia-compliant multi-level direct sales of umrah travel services, the use of funds that may not be recognised as income for sharia financial institutions, sharia business entities, and sharia economic institutions, the application of Sharia principles in the provision of securities custody and settlement services and the management of integrated investment infrastructure, the operation of insurance brokerage and reinsurance brokerage businesses based on Sharia principles, and the buying and selling of al-mal al-musyarak and al-mal al-musya'.

His work, **Kitab Raudhab al-Thalibin** (³⁶), is a summary of **al-Majmu'** and is cited in six fatwas,

³⁴ Wahbah Zuhaily, *The Theory of Guarantee* (Beirut: Dar al-Fikr, 1998).

³⁵ Abu Zakaria Yahya ibn Syaraf al-Din Al-Nawawi, *Al-Majmu' Syarah Al-Muhadzdzab* (Cairo: Dar el-Hadith, 1928).

³⁶ Abu Zakaria Yahya ibn Syaraf al-Din Al-Nawawi, *Raudhab Al-Thalibin* (Beirut: Dar al-Kutub al-'Ilmiyah, 1992).

comprising fatwas on information technology-based financing services in accordance with Sharia principles, the offering of Sharia-compliant securities through information technology-based crowdfunding services in accordance with Sharia principles (Islamic securities crowdfunding), Sharia-compliant marketplaces, Sharia-compliant dropshipping, online shops based on Sharia principles, and the administration of employment social security based on Sharia principles.

Finally, Al-Khatib al-Syarbini (d. 977 AH) was a Shafi'i scholar from Egypt. His work **Mughni al-Mubtaj**³⁷ is one of the principal works in Shafi'i fiqh and is frequently cited as a reference in commercial law. This book is cited in 16 fatwas, comprising fatwas on Islamic bonds, Sharia-compliant charge cards, multi-service financing, sale and lease-back (*al-bai' ma'al istitsjar*), SBSN ijarah, Sharia guarantees, Sharia refinancing, the application of Sharia principles in the provision of securities custody and settlement services as well as the management of integrated investment infrastructure, the operation of insurance brokerage and reinsurance brokerage businesses based on Sharia principles, shares, marketing of insurance products based on Sharia principles, the application of Sharia principles in infrastructure provision activities through public-private partnership (PPP) schemes based on *availability payments*, and the application of Sharia principles in capital market investor protection. And his work **Al-Iqna' fi Alfuzhi Abi Syuja** (³⁸) is cited in one fatwa, namely the fatwa on waqf sukuk.

³⁷ Syamsuddin Muhammad bin Ahmad al-Khatib Al-Syarbini, *Mughni Al-Mubtaj Ila Ma'rifah Ma'ani Alfaz Al-Minhaj* (Cairo: Dar al-Kutub al-'Ilmiyah, 1994).

³⁸ Syamsuddin Muhammad bin Ahmad al-Khatib Al-Syarbini, *Al-Iqna' Fi Halli Alfazhi Abi Syuja'* (Beirut: Daar Ibnu Hazm, 1969).

In the Hanbali school of thought, the most prominent scholar is Ibn Qudamah. The number of citations of his works is very significant and the highest in DSN-MUI fatwas. Ibn Qudamah (d. 620 AH) is a central figure of the Hanbali school, known for his systematic approach and analytical rigour in fiqh. His work, **al-Mughni**⁽³⁹⁾, is a highly renowned encyclopaedia of Hanbali fiqh. The DSN-MUI has cited this book in 54 fatwas, comprising rulings on Islamic bonds, Islamic import and export letters of credit (L/C), Bank Indonesia's Wadi'ah Certificates (SWBI), IMA certificates, the capital market and general guidelines for the application of Sharia principles in the capital market sector, Sharia charge cards, compensation (*ta'widh*), multi-service financing, contracts in Islamic insurance, settlement of receivables in exports, ju'alah contracts, Islamic rights to purchase securities in advance (HMETD), Islamic warrants, Islamic factoring, sale and lease-back (*al-bai' ma'al istitsjar*), SBSN, MMQ, and others.

His work **al-Syarh al-Kabir ala Matan al-Muqni**⁽⁴⁰⁾ is a book containing in-depth commentary on one of the key Hanbali texts and is cited in three fatwas, comprising a fatwa on ultra-micro financing (**al-tamwil li al-hajah al-muntahiyat al-shughra**) based on Sharia principles, and guidelines for the establishment and operation of Sharia cooperatives. His final work is **al-Kafi fi Fiqh Ibn Hanbal**⁽⁴¹⁾, which is cited in two fatwas: one concerning the IMFD contract and the other regarding the PPR-Inden product.

³⁹ Abi Muhammad Muwaffiquddin Abdullah bin Qudamah, *Al-Mughni* (Saudi Arabia: Dar Alam al-Kutub, 1997).

⁴⁰ Abii Muhammad Muwaffiquddin Abdullah bin Qudamah, *Al-Syarh Al-Kabir 'ala Matan Al-Muqni* (Beirut: Dar al-Fikr, 1992).

⁴¹ Abu Muhammad Muwaffiquddin Abdullah ibn Qudamah, *Al-Kafi fi Fiqh al-Imam Ahmad ibn Hanbal* (Beirut: Dar al-Kutub al-'Ilmiyah, 1994).

In the Zahiriyah school of thought, the scholar cited is Ibn Hazm (d. 456 AH). He was a scholar from Andalusia known for his textual approach and his strictness in fiqh. His work is **al-Muballa bi al-atsar**⁽⁴²⁾, which is cited in two fatwas: the fatwa on sharia-compliant electronic money and the sale and purchase of **al-mal al-musyarak** and **al-mal al-musyara**.

In addition to the five schools of thought cited, the DSN-MUI also refers to the views of scholars not bound by a single school. One of the most frequently cited scholars is Imam Syaukani. Imam Syaukani (d. 1250 AH) was a Yemeni scholar known as an independent ijtihad figure. He rejected blind adherence to a single school of thought and placed great emphasis on the strength of evidence in forming opinions. **Nail al-Athar**⁽⁴³⁾ is Syaukani's commentary on legal hadiths, which has served as a foundational text for legal rulings and is cited in 13 fatwas, including those concerning the **wakalah bil ujah** contract in Islamic insurance and reinsurance, the settlement of debts in exports, sharia-compliant factoring, the application of sharia principles in the trading mechanism for equity-based securities on the regular stock exchange market, *wakalah bi al-ijarah* and *bi al-istitsmar* contracts, *sukuk wakalah bi al-istitsmar*, the application of Sharia principles in clearing mechanisms, and the guarantee of settlement of stock exchange transactions involving equity securities on the stock exchange, occupational insurance products and termination of employment (PHK) due to company bankruptcy, based on Sharia principles, and the raising of funds through the *wakalah bi al-istitsmar* contract.

⁴² Ibn Hazm, *Al-Muballa Bi Al-Atsar* (Beirut: Dar al-Fikr, 1984).

⁴³ Muhammad bin Ali ibn Muhammad Al-Syaukani, *Nail Al-Athar* (Egypt: Dar el-Hadith, 1993).

Furthermore, his work **As-Sayl al-Jarrar al-Mutadaffiq 'ala Hada'iq al-Azhar**⁴⁴ contains a critique of the rigidity of the schools of thought and advocates for legal reform through a direct ijtihad approach, and is cited in two fatwas: the fatwa regarding the guarantee of the return of capital for mudharabah, musyarakah, and wakalah bil istitsmar, and guidelines for guaranteeing deposits of Islamic bank customers. Finally, his work **Fath al-Qadir**⁴⁵, which is a work of fiqh exegesis rich in argumentation, evidence and rationality, and cited in one fatwa, namely the fatwa on personal financing (*at-tamwil asy-syakhsih*).

Overall, it appears that Ibn Qudamah of the Hanbali school is the most frequently cited scholar, particularly in his work **al-Mughni**. The reason **al-Mughni** is the most frequently referenced work is due to its highly systematic and comparative content. **Al-Mughni** not only explains the Hanbali perspective but also includes comparisons between schools of thought. This may be because Ibn Qudamah's opinions are considered more flexible in matters of muamalat⁽⁴⁶⁾. This is particularly useful in the process of issuing fatwas that span different schools of thought. Furthermore, Ibn Qudamah's approach is profound yet not overly extreme, and many modern economic issues—such as pawnbroking, leasing, ijarah contracts, syirkah, and so on—are explained explicitly and practically in his works.

⁴⁴ Muhammad bin Ali ibn Muhammad Al-Syaukani, *As-Sayl Al-Jarrar Al-Mutadaffiq 'ala Hada'iq Al-Azhar* (Egypt: al-Majelis al-A'la lil-Shu'un al-Islamiyah, 1971).

⁴⁵ Muhammad bin Ali ibn Muhammad Al-Syaukani, *Fath Al-Qadir Al-Jami' Baina Fannai Al-Riwayah Wa Al-Dirayah Min 'Ilmi Al-Tafsir* (Egypt: Dar al-Wafa', 1994).

⁴⁶ Mustofa and Hasanudin, "TEXT AUTHORISATION IN THE DEVELOPMENT OF SHARIA ECONOMIC LAW IN INDONESIA: A Study of the Fatwas of the National Sharia Council of the Indonesian Ulama Council."

Meanwhile, the Shafi'i school of jurisprudence is the most frequently cited school of thought overall. The first reason is that, from a historical and sociological perspective, the Shafi'i school is the most dominant school in Indonesia. Secondly, Shafi'i texts are more widely taught in formal Islamic educational institutions in Indonesia. Finally, Wahbah al-Zuhaili, a scholar of the Shafi'i school, with his work **al-Fiqh al-Islamiy wa Adillatuhu**, employs a cross-school and contemporary approach. In this regard, he also represents a moderate stance and aligns with the fatwa mission of the DSN-MUI, much like Ibn Qudamah did in his work **al-Mughni**.

M. Atho Mudzhar refers to Oni Sahroni, who identified three schools (*madrasah*) of ijtihad in Islam. Namely: (1) *the madrasah al-mu'athtilab li al-nushush* (the school that disregards the text); (2) *the madrasah z'bahiriyyah* (literalist); and (3) *the madrasah al-wasathiyah* (moderate). According to him, Ma'ruf Amin aligns with the third, moderate school of ijtihad. M. Atho Mudzhar also quotes Setiawan Budi Utomo, who states that the DSN-MUI, as the authority on Islamic economics and banking in Indonesia, has adopted a moderate approach to Islamic commercial law (sharia muamalah), thereby enabling the development of progressive Islamic financial products. According to Budi Utomo, the DSN-MUI deliberately avoids the other two approaches. The first is the liberal school (*tasabbuliy* or *ibabiy*), which tends to readily and legally label conventional financial system products as 'Sharia' or 'Islamic'. The second is the conservative school (*tasyaddudiy*), which rigidly adheres to a 'black-and-white' perspective, upholding the simplicity of Islamic financial transactions as outlined in classical fiqh texts and rejecting the development of products resembling the conventional financial system⁴⁷.

⁴⁷ M. Atho Mudzhar, "Revitalisation of Maqasid Al-Shari'ah in the Development of Sharia

This typological framework serves as an analytical foundation for examining the DSN-MUI's legal reasoning practices at the epistemological level, particularly regarding the use of the *qauli* approach. The findings reveal that the *qauli* approach in DSN-MUI fatwas demonstrates a diversity of references across schools of thought, though with a certain dominance of scholars and schools that tend to be moderate and systematic. Ibn Qudamah, Wahbah al-Zuhaili, and Imam Nawawi are key figures in the legal construction of the fatwas, as they are the most frequently cited scholars. The implication of this dominance is the formation of a relatively balanced character in DSN-MUI fatwas—not entirely conservative, yet still grounded in classical schools of thought. Although it spans various schools of thought, the DSN-MUI appears more selective in its citations, more frequently relying on scholars with a moderate and textual methodological approach. This indicates that the *qauli* approach within the DSN-MUI is not merely a representation of the plurality of references, but also a reflection of an epistemological strategy that is context-aware and responsive to the dynamics of contemporary Islamic economic law.

Epistemology of Thought and Schools of Fiqh in DSN-MUI Fatwas

The fatwas issued by the National Sharia Council of the Indonesian Ulama Council (DSN-MUI) exhibit a close connection between the scholarly heritage of classical fiqh and contemporary *ijtihad* approaches. The epistemology constructed is not singular or textual in nature, but rather the result of a synthesis between various sources of Islamic law, whether in the form of *nash*, *qaul ulama*, or

maqāṣid al-shari'ah. This approach indicates that the DSN-MUI does not merely pass on Islamic knowledge in a static manner, but participates in epistemic transformation to address the needs of modern society. In this context, it is important to examine how the intellectual constructs and legal methodologies of the scholars who serve as references help shape the foundational framework of every fatwa issued by this institution.

The primary focus of this study is the *statements* of *scholars* cited in the DSN-MUI fatwas, which are categorised according to their madhhab affiliation, scholarly era, and methodological characteristics. From the results of this classification, it can be observed that the DSN-MUI does not restrict itself to a single specific school of fiqh, but adopts a cross-school approach (*tajawwuz al-madhāb*) whilst taking into account two main principles: namely, the strength of the evidence and relevance to the context of modern muamalah. The DSN-MUI's selection of scholars' opinions across schools of thought, such as the prominence of Ibn Qudamah, reflects a systematic effort to achieve *the maqāṣid al-shari'ah*. This indicates that the epistemological sources of DSN-MUI fatwas are grounded in a broad, flexible, and contextual framework, whilst remaining rooted in the authority of classical Islamic legal tradition.

Methodologically, a genealogical approach is employed in tracing the origins of the schools of thought of the scholars cited. This approach is not only crucial for validating intellectual authority but also provides insight into the epistemological character embodied by each figure in Islamic jurisprudence. *Tabaqāt* works such as *Tabaqāt al-Shāfi'iyyah al-Kubrā*, *Tabaqāt al-Fuqahā al-Hanābilah*, as well as fiqh encyclopaedias of the schools of thought such as *al-Mausū'ah al-Fiqhiyyah al-Kuwaitiyyah* and *al-A'lām*, and other works serve as vital references in mapping

Economics in Indonesia (A Case Study of the Fatwas of the DSN-MUI from 2000 to 2006)," *Jurnal Indo-Islamika* 4, no. 1 (2014): 1–19, <https://doi.org/https://doi.org/10.15408/idi.v4i1.1558>.

the scholarly networks and authoritative positions of these scholars. From a madhhab perspective, the selection of *scholars' opinions* by the DSN-MUI demonstrates a preference for views that represent established authority and are well-established within the discipline of fiqh. The prominence of scholars such as Imam al-Nawawi, Ibn Qudamah and Wahbah al-Zuhaili indicates that the quality of their methodology, consistency in their reasoning, and analytical capacity serve as the primary benchmarks. Their works not only reflect the tenets of their respective schools of thought but also serve as models of the fiqh epistemology that reference and draw upon socio-economic dynamics. This also affirms that citations of these figures are not merely symbolic legacies but constitute a form of epistemological selection based on scholarly credibility and legal significance.

One key epistemological indicator in DSN-MUI fatwas is how the *istinbat* approach employed by the reference scholars is also inherited in the fatwa-issuing methodology. Scholars of the Hanafi school, for example, are known for their strength in *ra'yu* and *istihṣān*; the Maliki school emphasises *maslahah mursalah* and *'amal ablu Madinah*; the Shafi'i school emphasises *istidlāl nash* and *qiyas*; and the Hanbali school is known for its literalist tendency whilst utilising the principle of *sadd al-dzari'ah*⁴⁸. Thus, when the DSN-MUI adopts opinions from these various schools of thought, it indirectly incorporates the distinctive methodological paradigms of each school into the process of legal decision-making. This is what shapes the epistemological character of the DSN-MUI's fatwas, which are pluralistic yet focused.

⁴⁸ Cahaya Permata, "The Role of Sadd Adz-Dzariah as a Method of Deriving Islamic Law," *ALWAQFU: Journal of Economic Law and Waqf* 3, no. 1 (2025), <https://jurnal.alwaqfu.or.id/index.php/alwaqfu/article/view/283>.

Furthermore, the era of the scholars cited also contributed to the epistemological character of fatwas. Classical scholars (2nd–6th centuries AH) such as Imam Shafi'i, al-Kasani, and Ibn Hazm played a role in laying the foundations of *usul al-fiqh* and the methodology of *tarjih*. Later scholars (7th–13th centuries AH) such as al-Nawawi, al-Shayrazi, and Ibn Qudamah reinforced the systematics and validity of the schools of thought and strengthened the method of *istinbāt*. Meanwhile, contemporary scholars such as Wahbah al-Zuhaili have added the dimensions of *maqāṣid* and modern economic realities not found in classical texts. Thus, the epistemological construction of DSN-MUI fatwas is not static, but is firmly rooted in the classical heritage whilst reaching out to contemporary horizons.

The epistemology of the DSN-MUI also reflects an openness to collective *ijtihad* (*ijtibād al-jama'i*) and the strengthening of the *maqāṣid* approach⁴⁹. This openness is evident in references to international scholars and institutions such as AAOIFI, the OIC Fiqh Council, and the Dallah al-Baraka fatwa, which not only represent the diversity of schools of thought but also encompass the spectrum of global Islamic economic legal experience. According to Ma'ruf Amin, a fatwa based solely on the text without considering the public interest is *tafrithi* (negligent), whilst a fatwa based solely on the public interest without grounding in the text is *ifrath* (excessive). The middle path is *wasathiyah*⁵⁰. In this context, the

⁴⁹ Zaitun Abdullah and Endra Wijaya, "The Dynamics of the Application of Ijtihad in the Field of Sharia Economic Law in Indonesia," *Journal of Law & Development* 49, no. 2 (2019): 299–310, <https://doi.org/10.21143/jhp.vol49.no2.2004>.

⁵⁰ Rauf Muhammad Amin, "PRINCIPLES AND PHENOMENA OF ISLAMIC MODERATION IN ISLAMIC LEGAL TRADITION," *Al-Qalam: Journal of*

DSN-MUI's approach demonstrates continuity and openness between normative *ijtihad* and *maslahat*-based *ijtihad* (text and reality). Thus, the fatwas produced are not mere replicas of tradition, but new articulations that continue to uphold the principles of *maqāṣid al-sharia*.

Conclusion

The fatwas issued by the DSN-MUI in the *qauli* approach demonstrate a tendency towards the dominance of the thought of certain scholars and schools of thought that are considered authoritative, systematic, and contextual. This dominance gives the DSN-MUI's fatwas a distinct character. The epistemology of the DSN-MUI is formed through a process of selecting the opinions of scholars and schools of thought that considers not only the strength of evidence and the depth of scholarly tradition, but also the contextual relevance to modern Islamic economic issues. The selection of specific scholars from various schools of thought reflects the adoption of the *istinbāt* method and the epistemological values brought by these scholars.

Bibliography

Abdad, M Zaidi. "The Significance of DSN-MUI Fatwas for the Development of Islamic Economics in Indonesia." *Journal of Economics and Islamic Economics* 18, no. 2 (2019): 233–422. <http://www.istinbath.or.id>.

Abdullah, Zaitun, and Endra Wijaya. "The Dynamics of the Application of *Ijtihad* in the Field of Islamic Economic Law in Indonesia." *Journal of Law & Development* 49, no. 2 (2019): 299–310. <https://doi.org/10.21143/jhp.vol49.no2.2004>

Religious and Socio-Cultural Research 20, no. 3 (2014): 23–32, <https://jurnalalqalam.or.id>.

Al-Barr, Ibn 'Abd. *Al-Kafi*. Beirut: Dar al-Kutub al-'Ilmiyah, 1986.

Al-Dasuqy, Syamsuddin Syaikh Muhammad Arafah. *Hasyiyah Al-Dasuqi Ala Syarh Al-Kabir*. Beirut: Dar al-Fikr, 1998.

Al-Kasani, Abu Bakr ibn Mas'ud. *Bada'i Al-Sana'i Fi Tartib Al-Shara'i*. Beirut: Dar al-kutub al-'arabi, 1974.

Al-Nawawi, Abu Zakaria Yahya ibn Syaraf al-Din. *Al-Majmu' Syarab Al-Muhadzab*. Cairo: Dar el-Hadith, 1928.

———. *Raudhab Al-Thalibin*. Beirut: Dar al-Kutub al-'Ilmiyah, 1992.

Al-Qarafi, Shihab al-Din. *Anwar al-Baruq fi Anwa' al-Furuq*. Cairo: Dar Ihya' al-Kutub al-'Arabiyya, 1925.

Al-Subki, Taj al-Din. *Thabaqat Al-Syafi'i Al-Kubra*. 2nd ed. Cairo: Dar Ihya' al-Kutub al-'Arabiyya, 1976. www.al-ilmiyah.com/details?id=978-2-7451-2856-0

Al-Sharbini, Shamsuddin Muhammad bin Ahmad al-Khatib. *Al-Iqna' Fi Halli Alfazhi Abi Shuja'*. Beirut: Daar Ibn Hazm, 1969.

———. *Mughni Al-Muhtaj Ila Ma'rifa Ma'ani Alfaz Al-Minhaj*. Cairo: Dar al-Kutub al-'Ilmiyah, 1994.

Al-Syathibi, Ibrahim ibn Musa. *Al-I'tisham*. Saudi Arabia: Dar Ibn Affan, 1992.

Al-Syaukani, Muhammad bin Ali ibn Muhammad. *As-Sayl Al-Jarrar Al-Mutadaffiq 'ala Hada'iq Al-Azhar*. Egypt: the Supreme Council for Islamic Affairs, 1971.

———. *Fath Al-Qadir Al-Jami' Baina Fannai Al-Riwayah Wa Al-Dirayah Min 'Ilmi Al-Tafsir*. Egypt: Dar al-Wafa', 1994.

———. *Nail Al-Anthar*. Egypt: Dar el-Hadith, 1993.

Al-Zirikli, Khairuddin. *Al-A'lam: A Biographical Dictionary of Prominent Men and Women from the Arabs, Arabisers and Orientalists*. Lebanon: Dar al-'Ilm lil Malayin, 1978. <http://dn721800.ca.archive.org/0/it>

- ems/ZIR2002ARAR/1.الأعلام.pdf.
- Alimuddin, Ahmad. "The School of Family Law of Imam Shafi'i." *Conference Paper, LAIN Pare-Pare*, 2025.
- Amin, Rauf Muhammad. "PRINCIPLES AND PHENOMENA OF ISLAMIC MODERATION IN ISLAMIC LEGAL TRADITION." *Al-Qalam: Journal of Religious and Socio-Cultural Research* 20, no. 3 (2014): 23–32. <https://jurnalalqalam.or.id>.
- Amirullah, Amirullah, Athoillah Islamy, and Hamzah Hamzah. "Moderation in Muamalah Fiqh in Indonesia: An Analysis of the Fatwa Paradigm of the National Sharia Council." *Al-Bayyinah* 6, no. 1 (2022): 95–108. <https://doi.org/10.35673/al-bayyinah.v6i1.2634>.
- Fakhrudin, Fakhrudin, Hakmi Hidayat, and Dwi Hidayatul Firdaus. "MODERATION IN DSN-MUI FATWAS: Achieving Justice and Balance in the Sharia Economic System." *Jurisdicție: Jurnal Hukum Dan Syariah* 15, no. 2 (2024): 477–98. <https://doi.org/https://doi.org/10.18860/j.v15i2.26883>
- Faozan, Akhmad. "OPTIMISING THE ROLE OF THE SHARIAH SUPERVISORY BOARD IN SHARIAH FINANCIAL INSTITUTIONS." *El-Jizya: Journal of Islamic Economics* 2, no. 1 (2014): 23–40. <https://doi.org/https://doi.org/10.24090/ej.v2i1.2014.pp23-40>
- Hamzah, Muhammad Maulana. "The Role and Influence of MUI Fatwas in the Current of Socio-Cultural Transformation in Indonesia." *Millah: Journal of Religious Studies* 17, no. 1 (2017): 127–54. <https://doi.org/https://doi.org/10.20885/millah.vol17.iss1.art7>.
- Haroen, Nasrun. *Ushul Fiqh*. Jakarta: Logos Wacana Ilmu, 1997.
- Hazm, Ibn. *Al-Ihkam Fi Ushul Al-Ahkam*. Cairo: Maktabah Atif, 1978.
- . *Al-Muballa Bi Al-Atsar*. Beirut: Dar al-Fikr, 1984.
- Helmi, Rahman. "THE METHODOLOGY FOR ISSUING FATWAS ON ISLAMIC ECONOMIC LAW IN INDONESIA." *Syariah: Journal of Law and Thought* 18, no. 2 (2018): 301–14. <https://doi.org/https://doi.org/10.18592/sy.v18i2.2518>
- Ibn Abidin, Muhammad Amin Ibn Umar. *Hashiyat Ibn 'Abidin: Radd Al-Muhtar 'Ala Al-Durr Al-Muhtar*. Beirut: Dar al-Fikr, 1966.
- Institute, DSN-MUI. "Fatwas of the DSN-MUI." Indonesia, 2025. <https://dsnmu.or.id/kategori/fatwa/>.
- Johari, Johari, Maghfiroh Maghfiroh, Ahmad Maulidizen, and Habiburrahman Rizapoor. "The Istihsān Method and Its Relevance to Islamic Law Reform: A Content Analysis of the Fatwa of the Indonesian Ulama Council on Corneal Transplantation." *De Jure: Journal of Law and Sharia* 15, no. 1 (2023): 1–20. <https://doi.org/https://doi.org/10.18860/j-fsh.v15i1.18442>
- Miharja, Jaya. "Reactualisation of Fiqh Thought and Methodology in Islamic Economic Studies." *Mu'amalat: Journal of Sharia Economic Law Studies* 10, no. 1 (2018): 121–84. <https://doi.org/10.20414/mu.v10i1.2788>.
- Misdawati, Dwi Novaria; Islamy, Athoillah. "Idealism and Realism in the Paradigm of Sharia Economic Fatwas in Indonesia." *Jurnal Ayy-Syukriyyah* 23, no. 1 (2022): 128–42. <https://doi.org/https://doi.org/10.36769/asy.v23i2.209>.
- Mudzhar, M. Atho. "Revitalising the Maqasid al-Shari'ah in the Development of Islamic Economics in Indonesia (A Case Study of DSN-

- MUI Fatwas from 2000–2006).” *Indo-Islamika Journal* 4, no. 1 (2014): 1–19. <https://doi.org/https://doi.org/10.15408/idi.v4i1.1558>
- Mufid, Moh. *Principles of Contemporary Economic and Financial Jurisprudence: From Theory to Application*. 2nd ed. Jakarta: Prenamedia Group, 2018.
- Mukri, Ahmad. *Thoughts on Sharia Economic Law*. Sleman: Deepublish, 2022.
- Mustofa, Imam, and Hasanudin. “TEXT AUTHORISATION IN THE DEVELOPMENT OF SHARIA ECONOMIC LAW IN INDONESIA: A Study of the Fatwa of the National Sharia Council of the Indonesian Ulama Council” 13, no. 2 (2022): 210–36. <https://doi.org/https://doi.org/10.18860/j.v13i2.18935>
- Nurjaman, Muhamad Izazi, and Dena Ayu. “The Role of DSN MUI Fatwas in the Operational Sustainability of Sharia Financial Institutions.” *Al Iqtishod: Journal of Islamic Economic Thought and Research* 9, no. 2 (2021): 55–67. <https://doi.org/10.37812/aliqtishod.v9i2.245>
- Permata, Cahaya. “The Role of Sadd Adz-Dzariah as a Method of Deriving Islamic Law.” *ALWAQFU: Journal of Economic Law and Waqf* 3, no. 1 (2025). <https://jurnal.alwaqfu.or.id/index.php/alwaqfu/article/view/283>.
- Qudamah, Abii Muhammad Muwaffiquddin Abdullah bin. *Al-Kafi Fi Fiqh Al-Imam Ahmad Bin Hanbal*. Beirut: Dar al-Kutub al-’Ilmiyah, 1994.
- . *Al-Mughni*. Saudi Arabia: Dar Alam al-Kutub, 1997.
- . *Al-Syarh Al-Kabir ’ala Matan Al-Muqni*. Beirut: Dar al-Fikr, 1992.
- Rosyadi, Imron. *Principles of Islamic Jurisprudence in Islamic Economic Law*. Surakarta: Muhammadiyah University Press, 2020.
- Sulaiman, Abdul Wahab Ibrahim Abu. *Al-Fiker Al-Ushuli: A Critical Analytical Study*. Jeddah: Dar al-Syuruq, 1983.
- Supena, Ilyas. “The Epistemological Construction of Pandemic Fiqh: An Analysis of MUI Fatwas.” *Al-Manahij: Journal of Islamic Legal Studies* 15, no. 1 (2021): 121–36. <https://doi.org/https://doi.org/10.24090/mnh.v15i1.4203>
- Turner, Bryan S. “Religious Authority and the New Media.” *Sage Journals: Theory, Culture & Society* 24, no. 2 (2007). <https://doi.org/https://doi.org/10.1177/0263276407075001>.
- Wazzarotul Auqof. *The Kuwaiti Encyclopaedia of Islamic Jurisprudence*. Kuwait: Maktabah as-Sa’adah, 1992. <https://www.dutaislam.or.id/2021/12/download-pdf-mausuah-fiqhiyyah-al-kuwaitiyah.html>.
- Ya’la, Al-Qadi Abi. *Thabaqat Al-Fuqaha Al-Hanabilah*. Cairo: Maktabah al-Saqofah al-Diniyah, 1998. https://dn721807.ca.archive.org/0/itطبقات/ems/taabaqat_al_hanabila1_الحنايلة.pdf.
- Zaman, Muhammad Qasim. *Book Reviews*. Cambridge: Cambridge University, 2012. <https://doi.org/https://doi.org/10.1017/CBO9780511973062>.
- Zuhaily, Wahbah. *Contemporary Financial Transactions*. Beirut: Dar al-Fikr, 2002.
- . *The Theory of Security*. Beirut: Dar al-Fikr, 1998.