



Dynamics of MUI's Fatwa on Zakat *al-Fitr* Paid in *Qimah*: Analysis of Guidelines for Issuing Fatwas

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Abstract: The MUI's fatwa regarding zakat fitrah through *qimah* raises some dynamics and contradictions. The fatwa issued by the North Sumatra MUI in 2008, the Aceh MPU in 2014, and the DKI Jakarta MUI in 2018 have different decisions that give rise to contradictions at first glance. Through a literature study using the descriptive analytical method, this study aimed to unravel the dynamics of the fatwa of zakat *al-fitr* through *bimah* and analyze it based on the MUI fatwa stipulation guidelines. The results showed that the fatwa issued differed from the procedures for establishing a fatwa. In the MUI fatwa guidelines, it is stated that MUI and Regional MUI fatwa decisions, which are based on predetermined guidelines, have equal status and do not cancel each other, and if there are differences between MUI and Regional MUI fatwa decisions regarding the same issue, a meeting between the two leadership councils needs to be held to find the best solution. This study recommended that the Central MUI review the fatwa of zakat fitrah through *bimah* and guidelines for establishing fatwas.

Keywords: MUI, Fatwa, Zakat *al-Fitr*, Fatwa Guideline

Abstrak: Fatwa MUI tentang zakat fitrah dengan *qimah* memunculkan dinamika dan kontradiksi. Fatwa yang dikeluarkan oleh MUI Sumatera Utara pada tahun 2008, MPU Aceh tahun 2014, dan MUI DKI Jakarta tahun 2018 memiliki perbedaan keputusan yang secara sekilas memunculkan kontradiksi. Melalui studi pustaka dengan metode deskriptif analitis, penelitian ini bertujuan untuk mengurai dinamika fatwa zakat fitrah dengan *qimah* dan menganalisisnya berdasarkan pedoman penetapan fatwa MUI. Hasil penelitian menunjukkan bahwa fatwa tersebut dikeluarkan belum sesuai dengan pedoman penetapan fatwa. Dalam pedoman fatwa MUI disebutkan bahwa, keputusan fatwa MUI maupun MUI Daerah yang berdasarkan pada pedoman yang telah ditetapkan mempunyai kedudukan sederajat dan tidak saling membatalkan, dan jika terjadi perbedaan antara keputusan fatwa MUI dan MUI

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Daerah mengenai masalah yang sama, perlu diadakan pertemuan antara kedua dewan pimpinan untuk mencari penyelesaian yang paling baik. Penelitian ini merekomendasikan kepada MUI Pusat untuk meninjau ulang fatwa zakat fitrah dengan qimah dan pedoman penetapan fatwa.

Kata Kunci: MUI, Fatwa, Zakat Fitrah, Pedoman Fatwa

Introduction

Muslim scholars are gathered in an institution, namely the Indonesian Ulema Council or MUI. This assembly is a media, intermediary, or a bridge between the government and the Muslim community. They discuss public issues through faith, worship, and muamalah (Zuhroh Lathifah, 2021). The MUI fatwas have proven to be the primary reference for Muslims in Indonesia in enacting a law that is not found in the agreed sources of Islamic law. However, the fatwa issued by the MUI also sometimes gets a negative response, especially regarding zakat fitrah through bimah (money) and its amount.

The position of the MUI fatwa in the legal hierarchy in the country is regulations that are enforced and applied to the Muslim population of Indonesia (Rofiq, 1995). Therefore, decisions issued by the MUI are part of Islamic law.

Fatwa on zakat fitrah paid in *qimah* (money) was issued by three regional MUIs with different decisions. In 2008, North Sumatra's MUI issued a fatwa equal to 2.7 kilograms of rice (MUI, n.d.). In 2014, a fatwa emerged from the Aceh Ulama Consultative Assembly (MPU) with the amount equal to 3.8 kilograms of dried dates, *sya'ir* wheat or bur wheat, and dry grapes., referencing the Hanafi school of thought (Aceh, 2014). Furthermore, in 2018, a fatwa from Jakarta's MUI was issued with a stipulation according to the Hanafi school, i.e., the amount equal to 3.3 kilograms of wheat (including that in the form of flour), *zabib*, *sya'ir*, and dates (Aceh, 2014).

According to the organizational structure, the most prominent Islamic organization in Indonesia is MUI. MUI undoubtedly follows corporate management rules because it is the largest organization. Organizations typically possess articles of association (AD), bylaws (ART), statutes, rules, or regulations. Similarly, the MUI has strict and organized rules for determining fatwas since it is accountable to this world and the hereafter. A comprehensive book released in 1986 contains the MUI's rules for issuing fatwas. *Qawaid Fiqhiyah* provides guidelines for issuing fatwas in accordance with the idea of avoiding disagreements. The determination of the fatwa is based on the outcomes of *tarjih* (selecting an opinion that is deemed more robust) using the *muqarnas* (comparison) technique with *muqarnas Fiqh* if a new idea is thought to be more reasonable and pertinent.

Regarding the Koran, the MUI fatwa is positioned as *ta'kid/mu'akkid*, *tabyin/mubayyin*, and *taqriri/taqnin*, in line with *al-Sunnah's* stance. Issuing a fatwa by the Indonesian Ulema Council (Majelis Ulama Indonesia or MUI) involves several steps. The MUI has developed guidelines for issuing fatwas, which have evolved to adapt to social needs and conditions. The Shafi'i school of thought influences the methodology for issuing fatwas by the MUI, and the use of *qawa'id fiqhiyyah* (legal maxims) as evidence in the fatwas has been analyzed in the research. The guidelines for issuing fat were by the MUI. They included the necessity of a comprehensive study of the issue, seeking scholars' expertise, and considering

social and legal aspects. The process culminates in the issuing of the fatwa by the MUI leadership and its announcement to the public (Mundzir, 2021).

Generally, differences in regional laws can be explained by examples of fatwas that do not contain contradictions. For instance, in Islamic law, fatwas issued by religious institutions can vary between regions, depending on the interpretation of ulama and the social conditions of local communities. Fatwas that do not contain contradictions will reflect harmony between Islamic law principles and the area's social context. Thus, regional legal differences can be illustrated through differences in the application of fatwas, which follow Islamic law principles and do not conflict with each other (Ridwan, 2017).

However, when a case is the same and national, two theories can be used: the General Fatwa theory and the Special Fatwa theory. First, the General Fatwa Theory stipulates that "two cases that are the same do not have to be decided the same (Amin, n.d.)." Second, the Special Fatwa Theory stipulates that "two cases that are the same and national must be decided equally." As for the theory of fatwa in its authority and territory, it states that "it is not permissible to issue two of the same fatwa in the same national cases."

The purpose of this study was to reveal the dynamics of differences in MUI fatwas regarding the provisions of zakat fitrah paid in *qimah*. The urgency is to find out to what extent the MUI had carried out its function as an institution issuing fatwas based on guidelines for establishing fatwas, given the problem of zakat fitrah with *qimah* is the same and national. Since it is stated in the fatwa guidelines that MUI fatwas are equal and do not annul each other, the results of *ijtihad* can't be rejected between the MUI and the regional MUI and vice versa, even if there are differences; a middle ground must be taken by bringing the two leaders together to make the best decision.

This research is categorized into Islamic law studies. Namely the study of normative Islamic law (Mudzhar, 2012). Normative research includes all studies of Islamic legal literature whose contents are regulatory in the form of *ahkam* verses, *ahkam* hadiths, books of *Fiqh*, decisions of religious courts, and fatwas of muftis or scholars (individually or collectively). Normative legal studies examine law conceptualized in terms of norms and rules essentially applied in society and form the basis of human behavior. According to Soerjono Soekanto and Sri Mamudji, defining normative legal studies in legal studies is done by reviewing literature and secondary data (Mamudji, 2015).

Results and Discussion

Zakat al-Fitr Paid in Qimah

Islam is characteristically an inseparable part of the Shari'a, meaning that the law must also be up to date throughout the ages. To make Islamic law relevant, legal texts must be interpreted because the number of legal verses is relatively limited, only containing basic general and global norms (Umar, 2017). In the current contemporary context, especially in Indonesia, there are at least 4 (four) opinions or views on the law of zakat *al-fitr* paid in *qimah* (money):

First, it is not permissible (illegal) to pay zakat fitrah using money (*qimah*) (An-Nawawiy, n.d.), Adhering consistently to the Shafi'i school obliges zakat *al-fitr* with staple foods, such as rice for Indonesians, with a content of 1 sha' of rice 2.5-2.75 kilograms or 3.5 liters. This first opinion is Jumhur al-Ulama's (the majority of the scholars) and is still very much followed by the general public.

Second, it is permissible for zakat fitrah to use money by adhering to opinions that allow it, such as the opinion of ats-Tsauri (Qal'ajiy, 2017), And the Hanafiyah school must be consistent with the Hanafiyah school. Included in this group are Jakarta's MUI Fatwa concerning the Law and Guidelines for the Implementation of Zakat Fitrah with Money, dated June 9, 2018, and Aceh's MPU fatwa regarding Zakat Fitrah and its Provisions, dated October 16, 2014.

Third, it is permissible to pay zakat fitrah using money following Imam ar-Ruyani's opinion. Although this opinion is considered weak, several other scholars also support it. Imam ar-Ruyani, a great scholar from the Syafi'i school of thought, believes that zakat fitrah may be issued in the form of money under certain conditions. He explained that using cash to pay zakat fitrah is possible if essential commodities are not available or difficult to find; using cash is more beneficial for those who can receive zakat, and using money can facilitate the distribution of zakat fitrah. The argument about the legitimacy of zakat fitrah with cash in the Shafi'i school is based on the book *Thabaqat al-Fuqoha asy-Syafi'iyyin* by 'Imad ad-Din Ibn Katsir, which states: "Al-Furaan narrated in Al-Ibanah said of ash-Shafi'i's authority, including the permissibility of issuing zakat fitrah to one indigent person, and taking value from it according to the opinion of the Abu Hanifah school of thought(Dimsyaqi, 2009)."

Fourth, it is permissible to pay zakat fitrah using money based on the opinion of Hanafiyah and Sheikh Ibn Qasim (Al-Qairawaniy, 1999), a Malikiyah scholar, by following the Syafi'i school of thought in using the nominal price of rice according to the quality suitable for public consumption of 2.75 kilograms or 3.5 liters of rice or 2.5 kilograms in other versions. Regarding the amount of zakat, it follows the Syafi'i school of thought, rather than the opinion of Hanafiyah, with an even more considerable nominal amount than the Syafi'iyah, especially when using a little other than rice (especially dates).

Ibn Qasim's opinion, as written by Abd ar-Rahman bin Zaid al-Qairawaniy in the book *an-Nawadir wa az-Ziyadat*, opined that: "Imam Malik said It is not enough for him to pay zakat al-fitr with a price. And Ibn Al-Qasim said it in the history of Abi Zaid. Isa said about it: If he does, I see nothing wrong with it".

MUI's Fatwa on Zakat al-Fitr Paid in Qimah

Fatwas are considered the latest and oldest legal materials relevant to society's needs. Fatwa has a different position from positive law, which has binding force for all citizens. Fatwas are binding on oneself and are not regulated by law. However, fatwas can be used as recommendations from ulama for society's response or action to a change or phenomenon. The MUI fatwa is only binding and obeyed by Muslims who feel they have ties to the MUI. The MUI fatwa does not have the legality to force it to be followed by all Muslims. Fatwa, for Muslims, is a medium for conveying Islamic law (Syariah). Muslim people tend to ask questions about various things, and the existence of fatwas is related to the appreciation and practice of the Muslim religion (Masrina, 2020). Regarding the problem of zakat fitrah and *qimah*, the researcher found three different fatwas issued by North Sumatra's MUI, Aceh's MPU, and Jakarta's MUI, with details as follows:

1. The North Sumatra's MUI in 2008
 - a. The provision of zakat *al-fitr* in the form of 'ain (objects) that must be issued is 2.7 kilograms of rice.
 - b. It is permissible to pay zakat al-fitr in money (*qimah*).

- c. The amount that must be paid for zakat fitrah (per person) equals the price of + 2.7 kilograms of rice.
2. The Aceh's MPU in 2014
 - a. At the end of Ramadan, Muslims must issue certain assets with a certain amount in the form of zakat al-fitr.
 - b. Zakat *al-fitr* in the form of 'ain must be adapted to the staple food of the local area.
 - c. Zakat fitrah paid in staple food is 2.8 kilograms.
 - d. Following Imam Hanafi's opinion, zakat al-fitr may be paid in money (*qimah*) from dried dates, sya'ir wheat or bur wheat, and dry grapes.
 - e. The amount of zakat al-fitr paid in money (*qimah*) is equivalent to the price of dried dates, sya'ir wheat or bur, and dry grapes weighing 3.8 kilograms.
 3. The Jakarta's MUI in 2018
 - a. Zakat al-fitr paid in money (*qimah*) is valid and permissible following the views of the Hanafi school of thought.
 - b. Zakat *al-fitr* paid in money must be adjusted to the provisions of the Hanafi school, which apply at least a half or one sha', i.e., 3.3 kilograms, or rounded up following the amount in the general provisions in the form of consumable goods, such as wheat (including wheat flour), zabib, sya'ir, and dates.

The three fatwas above are between North Sumatra's MUI 2008, the Aceh's MPU 2014, and the Jakarta's MUI 2018. Only North Sumatra's MUI 2008 has stipulated a different fatwa, i.e., paying zakat al-fitr in money equal to + 2.7 kilograms is permissible. Meanwhile, Aceh's MPU 2014 and Jakarta's MUI 2018 allow payment in cash following Imam Hanafi's school with at least 3.3 kilograms according to Jakarta's MUI 2018, and 3.8 kilograms according to Aceh's MPU 2014.

Based on the year the fatwa was issued, the dynamics of the provision of zakat al-fitr and qimah stems from the fatwa of the MUI of North Sumatra in 2008. At first glance, the author believed that Aceh's MPU's fatwa issued in 2014 suggests its disagreement with North Sumatra's MUI. In 2018, however, the MUI of Jakarta clarified the understanding and refined the fatwa issued by Aceh's MPU (even though they differ in minimum amount).

MUI Fatwa Issuance Guidelines

Since 1986, the MUI Fatwa Issuance Guidelines have undergone at least three revisions. The purpose of these improvements is to complete the deficiencies in the previous guidelines, in addition to the existence of the institution. Other institutions generally do this. These improvements show the amount of attention MUI has in carrying out its duties as a servant of the community. The guidelines are as follows:

1. In 1997, it was decided in the final part of Article Eight:
 - a. Every Fatwa Decision Letter within the MUI or regional MUI with the procedures stipulated in this decree has an equal status and does not cancel each other.

- b. Suppose there is a discrepancy between the MUI fatwa decision letter and the regional MUI fatwa decision letter concerning the same problem. In that case, it is necessary to hold a meeting between the two leadership boards to find the best solution.
2. In 2003, it was decided in Chapter VII the last part:
 - a. MUI and Regional MUI fatwa decisions, based on the guidelines stipulated in this decree, have equal status and do not annul each other.
 - b. Suppose there is a discrepancy between the MUI Fatwa Decision and the Regional MUI Fatwa Decision on the same issue. In that case, it is necessary to hold a meeting between the two Governing Councils to find the best solution.
 - c. The Governing Council will further determine matters yet to be regulated in this decree.
3. In 2018, it was decided in the last section of Chapter X:
 - a. Everything that has not been regulated in this Organizational Regulation will be regulated later by the Leadership Council of the Indonesian Ulema Council.
 - b. This Organizational Regulation is a refinement of Organizational Regulation Number: Kep-705/MUI/XII/2015 Concerning: Guidelines for the Issuance of Fatwa of the Indonesian Ulema Council, which was ratified at the 2015 MUI National Working Meeting, as a refinement of the Organizational Regulation Guidelines and Procedures for Issuing Fatwa of the Ulema Council Indonesia The Results of the Plenary Session of the Ijtima of 'Ulama of Fatwa Commission of Indonesia on 22 Shawwal 1424 H/16 December 2003, as a refinement of the Organizational Regulation Guidelines and Procedures for Issuing Fatwa of the Indonesian Ulema Council Fatwa Commission which was stipulated on 23 Muharram 1422 H/April 12 2001, as a refinement of the guidelines for establishing fatwas stipulated based on the Decree of the Leadership Council of the Indonesian Ulema Council number: U-596/MUI/X/1997 on October 2, 1997 (improvement of the guidelines based on the decision of the Plenary Session of the Indonesian Ulema Council on 7 Jumadil Awwal 1406 H/18 January 1986.

When examined, the guidelines for establishing fatwas that the MUI has set have undergone revisions. From 1986 to 1997, no changes were found. Afterward, from 2001 to 2014, if one looks closely, there were also no significant changes; there were only improvements; the number of chapters was not reduced or added; it's just that the language editorial was improved. Thus, these guidelines existed around the MUI from 1986 to 2014 or for approximately 28 years.

Different cases were found in the guidelines for 2015 to 2018. This year's policies have additions and revisions, from seven chapters in the previous approaches to ten chapters. Among these additions are the fatwa on halal products and the fatwa on sharia economics. The addition of these guidelines is natural, considering the emergence of new problems caused by changing times, technology, and science. And in today's modern era, it certainly requires renewal in all fields, including fatwas and guidelines.

In the guidelines for determining the latest fatwa, it was found that there was a revision, i.e., regarding the status of fatwa issued by MUI or Regional MUI and differences in fatwa on the same case. The quality of MUI and Regional MUI fatwas, which are equal and do not annul each other, is no longer found, as well as differences in fatwa between MUI and Regional MUI on the same national issues, which

require a meeting to find the best solution. According to the researcher, this revision omitted essential points in the guidelines for establishing MUI fatwas. As a result, the fatwas on the same and national issues continue to be obtained in subsequent periods, as discussed in the following.

MUI's Fatwa on Same and National Cases

In the researcher's notes, there are three different MUI fatwa cases for the same national case. Of the three fatwas, only one received a response from the MUI at the central level. This incident occurred in 1984 and was also discovered in subsequent years, as described below:

First, the fatwa on "Eating and Raising Frogs." Differences in this fatwa occurred between the MUI of West Sumatra and the MUI of West Nusa Tenggara, and the MUI provided an answer in the form of a fatwa on this case in 1984. The MUI fatwa commission for the West Sumatra region decided that eating and raising frogs was halal. Meanwhile, the fatwa commission of MUI of West Nusa Tenggara forbade it. These fatwas were later brought to the Central MUI Fatwa Commission. The central MUI issued a compromising fatwa that raising green frogs is permissible, but eating frog meat is forbidden. However, this fatwa is still being debated by other scholars (Rahman, 2021).

Second, the "Luwak Coffee" fatwa between MUI, Aceh's MPU, and West Sumatra's MUI. The MUI issued a fatwa allowing the consumption of luwak coffee in 2010; a year later, Aceh's MPU also gave the same fatwa in 2011. This incident raises a big question: Why did Aceh's MPU issue its fatwa while the central MUI decided on it? The MUI of West Sumatra still needs to be clarified on this matter because no answer has been received from the MUI of West Sumatra regarding the certainty of the prohibition of civet coffee, according to the news circulating from the regional MUI sources. However, after communicating directly via WhatsApp, the head of the fatwa commission of the MUI of West Sumatra said that no documentation was found regarding civet coffee. However, the fatwa has been famous among the people of West Sumatra, he said firmly.

Third, the fatwa on "Zakat *al-Fitr* paid in *Qimah*." The fatwas, the focus of discussion for this researcher, were issued by the North Sumatra's MUI, the Aceh's MPU, and the Jakarta's MUI from 2008 to 2018. These three fatwas have prevailed and become scientific studies. The fatwa guidelines that have been prepared in such a way, from refinement to revision, have not been fully used as a reference in establishing fatwas, and until now, there has yet to be a response from the Central MUI. This means that different fatwa results are still found in carrying out these guidelines, significantly if the provisions are revised or eliminated.

Of the three fatwas, only the fatwa "Consuming and Breeding Frogs" was answered by the MUI. The Central MUI's response to this problem turned out to be used as a basis for one of the provisions in the guidelines for establishing fatwas, i.e., regarding the different fatwa decisions between MUI, which must be resolved by bringing the two parties together". Furthermore, it was also stipulated in the guidelines that "MUI and Regional MUI fatwa decisions are equal." Furthermore, at the third National Congress of the Ulama in Jakarta from 19 to July 23, 1985, a suggestion was made that there should be uniformity in forms and references. Both for the regional Ulama Council and for the MUI when issuing fatwas.

The MUI fatwa regarding the law on breeding frogs and consuming their meat can be seen in the book *Himpunan Fatwa MUI Sejak 1975* (MUI Fatwa Compilation Since 1975, page 615). The formulation of this fatwa was held at the Istiqlal Mosque in Jakarta on 18 Safar 1405 H (November 12, 1984 AD)

based on papers from the West Sumatra's MUI, the West Nusa Tenggara's MUI, IAIN Sunan Kalijaga, Yogyakarta, and IAIN Walisongo, Semarang (MUI, 2011). Furthermore, at the third National Congress of the Ulama in Jakarta from 19 to July 23, 1985, a suggestion was made that there should be uniformity in forms and references for the regional Ulama Council and the MUI when issuing fatwas (Council, 1985).

Fatwa on Zakat *al-Fitr* Paid in *Qimah* Based on MUI Fatwa Guidelines

Based on MUI guidelines, the results of the previous Jakarta MUI fatwa were set aside because the fatwa was decided at the same time as the latest 2018 fatwa guidelines. This was done not because of any shortcomings or inconsistencies in the fatwa to make substantive comparisons with the new regulations and to adjust the year. Besides, essential points in this year's guidelines are listed differently than in previous years, so researchers focus on the MUI fatwa guidelines.

Fatwa Guidelines in this discussion are in the concluding section, which states that "every MUI fatwa has the same position and degree and does not cancel one another." This point shows that the MUI prevented contradictory fatwa on the same issue from spreading to other areas because, in the next moment, it is stated that "if there are differences in fatwa between MUI and Regional MUI, the best decision must be made by holding deliberations."

Based on this, every legal decision issued by the MUI is an MUI fatwa, and regional MUI fatwas are also MUI fatwas, and vice versa. In other words, the fatwa is one because it is decided through one door, the MUI *ijtihad* door, the big tent of the Muslim community. Another cannot cancel one *ijtihad* (As-Salmiy, 2006), And it is impossible to carry out two obligations simultaneously. Even if the *ijtihad* is forced, enforcing both *ijtihad* simultaneously and in the same institution is impossible. Surprisingly, an agency decides on different fatwas on the same and national case. Therefore, the next point in the closing of the fatwa guideline explains that if there are differences in fatwas, a new decision must be made or chosen by way of deliberation.

Based on the researchers' investigation, the fatwa on zakat *fitriah* and *qimah* were issued for the first time by the MUI of North Sumatra in 2008. Looking closely at the fatwa guidelines, fatwas should be issued only after this fatwa was issued. The Aceh's MPU is not allowed to publish another fatwa, nor is the Jakarta MUI. The fatwa guidelines stipulated in such a way still give rise to differences in fatwa between MUIs.

Thus, the fatwa on zakat *fitriah* and *qimah* issued by Aceh's MPU and Jakarta's MUI do not follow the guidelines for establishing MUI fatwas. On the other hand, North Sumatra's MUI fatwa is in line with the fatwa guidelines, but it is necessary to coordinate the fatwa with the Central MUI to avoid causing debate in the future.

Conclusion

The fatwa that the MUI has decided is the result of *ijtihad*, which can be used as a legal basis for charity. However, institutional or collective fatwa must be based on the institution's guidelines, as a mufti, in deciding a fatwa must meet certain conditions and rules so that the public can accept them. The scholars who are members of the MUI fatwa commission are competent in the Sharia field, are experts and religious practitioners, and are masters in the literature on sources of Islamic law whose wisdom is unquestionable.

The fatwa on zakat al-fitr paid in *qimah* issued by North Sumatra's MUI, Aceh's MPU, and Jakarta's MUI differs from the procedures in force in the MUI fatwa determination guidelines. The fatwa also differs from the theory of specific and regional authority. Bearing in mind that the fatwa has been believed and implemented by the majority of society as a guideline for issuing zakat fitrah in the form of *qimah*. For this reason, the author recommends that the Central MUI review the fatwa on zakat fitrah with *qimah* and issue a fatwa. Furthermore, the Central MUI must also reconstruct the guidelines for establishing fatwas in 2018 for the sake of the perfection and integrity of the MUI as an institution recognized by the government in determining laws for Indonesian Muslims.

This paper needs to be revised and refined by further researchers because the discussion in this study is still limited to three MUI fatwas. The number of fatwas issued by the MUI, both central and regional, does not rule out the possibility of another fatwa on the same contradictory case that has escaped the author's review. For future researchers, the shortcomings of this research can be perfected for the benefit of the *ummah*.

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