



The Use and Strength of the ‘al-Asl fi al-Mu’amalah al-Ibahah Method In the DSN-MUI Fatwa in Indonesia

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Abstract

The number of promotions and requests to invest in Islamic financial institutions has made policymakers, especially the DSN-MUI, work harder to make regulations that are easy to comply with sharia and fatwas that attract public interest to practice them. This study aims to analyze the rules of fiqh (especially al-asl fi al-muamalat al-ibahah) used by DSN-MUI by comparing them with previous fiqh books. This study finds that the choice of this rule as one of the most dominant rules is because the rule has a very broad scope and is easy to use with its arguments. Also, the DSN-MUI fatwa is overall quite good but nevertheless still needs improvement.

Keywords: al-Asl fi al-Mu’amalah, al-Ibahah, DSN-MUI Fatwa

Introduction

There are 4 sources of Islamic law agreed upon by the majority of scholars, namely the Qur'an, Hadith, Ijma' and Qiyas. (Zuhaili 1986) The four are made as a source of law based on the hadith of the Prophet, peace be upon him when he sent Mu'az bin Jabal as Kadi to the land of Yemen. (al-Sajastani 1997)

All banking and financial systems in Indonesia, especially those based on Islam, must all be based on sharia principles. (Law of the Republic of Indonesia 2008) As for those who have the right to determine whether a bank is sharia-compliant or not in Indonesia, it is the Indonesian Ulema Council. (Law of the Republic of Indonesia 2008) Within the organization of the Indonesian Ulema Council (MUI) there are sections or sub-sections in charge of finance and economics. The division in charge of Islamic finance within the MUI organization is the DSN-MUI. So the one who gives the fatwa and recommends that a financial institution is sharia or not is the National Sharia Council of the Indonesian Ulema Council (DSN-MUI). (Bank Regulations Indonesia, 2006)

To regulate finance, both banking and non-banking in Indonesia, DSN-MUI has made and codified regulations taken from Islamic law sources called the DSN-MUI Fatwa. This fatwa on

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the economy has also been made and ratified through the Plenary Meeting of the National Sharia Council by quoting and strengthening the fatwa with the arguments of the Qur'an, al-Hadith, Ijma', the opinions of scholars, and the rules of fiqh as a reference.

This paper tries to find and analyze the fiqh rules used in making sharia financial fatwas. Furthermore, this rule is tried to find its origin and source and the extent to which it is in line with the cases that are fatwa. This topic is interesting to discuss for several reasons, including: *First*, all financial investments that want to be certified halal in Indonesia must be approved by the DSN-MUI. By definition, the only institution recognized by the state in issuing sharia financial fatwas is the DSN-MUI. *Second*, all products issued by Islamic banking must seek approval through the DSN-MUI fatwa. *Third*, this article is quite interesting to study because of the many sharia financial fatwas, there is one fiqh rule that is always included, for example, if you look at fatwas number one to only twenty, this rule is very dominantly used. Except for fatwa number nineteen on al-Qard the rule is not used.

This article is attempted to be compiled as easily and as briefly as possible because it will be limited in its discussion, namely the compilation of DSN-MUI fiqh rules. Furthermore, the chosen fiqh rule is only al-aslu fi al-mu'amalat al-ibahah. This aims to keep the discussion from being too broad and also to keep the discussion more focused.

This study is a fatwa study, namely outlining the selected rules used in the DSN-MUI fatwa. Furthermore, the source and origin of these rules are sought both in the Qur'an and hadith as well as in the books of fiqh and qawaid. Then a comparison will be made with all the original books along with analyzing them to find their strengths and weaknesses so that improvements improvements will be made in the future.

Literature review or source of law

Among the rules that are very often used in the DSN-MUI fatwa are that something is originally permissible, with the following text: al-aslu fi al-mu'amalat al-ibahah illa an yadulla dalil 'ala tahrimiha. From fatwa no. 1 to 50, more than 45 times the rule is repeated. Judging from the several texts of the fatwa that have been issued, the above rules are freely translated by the fatwa as follows: Basically, all forms of muamalah are permissible unless there is an argument that forbids it. As it is understood that the first source of law is the Qur'an, then there are at least three verses that strengthen this rule, namely:

Al-Qur'an

The whole law of something must be looked for in the Qur'an and the Hadith of the Prophet, if it turns out that the law is not found then the original law is preserved. Allah SWT says in Surah al-An'am which means: Say I do not find in what was revealed to me something that is forbidden to eat it for those who want to eat it. (Al-Qur'an).

The verse above shows that originally something is legally permissible (al-ibahah) as long as no one forbids it. Furthermore, this permissibility will continue as long as there is no evidence that forbids it. Because humans are creatures who will be responsible for their actions before their

Lord later, humans are given facilities by Allah SWT. The facilities provided are not limited as long as there are problems. Allah SWT says:

هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا

Meaning: It is Allah who has created everything on earth for you. (Al-Qur'an)

As for *wajh al-dilalah* (Indonesian Ulema Council Organization Regulation 2015) or instructions stating that originally everything is permitted from the verse above are: *First*, everything on this earth is a gift of God's favors and mercy to his creatures, and it is not possible to give gifts except with lawful ones. (al-Judai' 1997) *Second*, the leaning of the letter lam (lam al-tamlik) on the *khalaqalukum* is an indication that originally everything was *al-ibahah*. (al-Halabi)

According to Imam Ibn Kaisani the word 'khalaqalukum' in verse 29 of al-Baqarah is a proof for the rule of *al-aslu fi al-ashya' al-makhlukah al-ibahah*. Permissibility or *al-ibahah* in this verse is also general in nature, with the meaning of the word not being limited to animals. (al-Syaukani 2007). Muslims are allowed and lawful for them to take advantage of any good gifts in the form of sustenance from Allah SWT. This gift is a gift from Allah to the believer and his servants in the life of this world. All favors are lawful to them as long as they are not excessive and excessive. Allah SWT says:

Meaning: Say (Muhammad) who forbids the jewelry from Allah that has been provided for his servants from good sustenance....(Surah al-A'raf ayah 32)

Ibn Abi Talhah and Abu Salih narrated from Ibn 'Abbas, that the polytheists forbid plants and other things that have been made lawful by Allah SWT. On the other hand, they ridiculed and mocked Muslims for eating lawful and good food and wearing clothes when performing tawaf. So Allah sent down this verse. As for *wajh al-dilalah* or the instructions in surah al-Maidah above is the existence of lafaz *man* which is *al-istifham* which carries the meaning of *inkar tahrim hazihi al-ashya'* (denying the words of people who forbid the blessings of Allah). (al-Zamakhsyary 1998)

According to the interpretation of Fath al-Ghaib, the verse above is a proof and legal basis that all that is beneficial in its origin is lawful and permissible. On the other hand, anything that causes harm and causes the disease is forbidden. (Umar al-Razi 1981). Allah SWT has bestowed Islam as a religion that is flexible, easy, not troublesome, and frozen. Everything that is on the surface of this earth, is a gift from God to humans where there are more halal objects than haram. (Ibn 'Asyur 1984)

With the meaning of nouns that are permitted to be used and are lawful to use them more in number than objects that are forbidden. Therefore, it is easy to remember and know what can be consumed or used in this world. then the scholars have compiled the rule, namely "in the origin everything is lawful as long as there is no evidence that forbids it. This rule is taken and sourced from the word of Allah SWT including:

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Meaning: this day all good things are made lawful to you. (al-Maidah ayah 5)

The word 'al-yauma' is interpreted today because al-yaum serves to indicate 'ahd al-hudur (at that time), it is intended that from the day the verse was revealed then all good things are made lawful for Muslims. In other words, from today onwards Allah will perfect the religion of Islam for you by justifying all that is good as you ask.

Al Hadith

In addition to the Qur'an, the source of the law of this rule is al-Hadith. Among the Hadith that explains this is the Hadith narrated by Salman al-Farisi as follows

عَنْ سَلْمَانَ الْفَارِسِيِّ، قَالَ: سُئِلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ السَّمْنِ وَالْجُبْنِ وَالْفِرَاءِ، قَالَ: الْحَلَالُ مَا أَحَلَّ اللَّهُ فِي كِتَابِهِ، وَالْحَرَامُ مَا حَرَّمَ اللَّهُ فِي كِتَابِهِ، وَمَا سَكَتَ عَنْهُ فَهُوَ مِمَّا عَفَا عَنْهُ

Meaning: *Salman al-Farisi said, "The Messenger of Allah -peace and prayer of Allah be upon him- was asked about ghee and cheese and animal hair, he replied: "Halal is what Allah has made lawful in the books of Allah. Him, and what is unlawful is what Allah has forbidden in His Book, and what He has kept silent is something He forgives. (al-Qazwini)*

The expression '*al-halal ma ahalla Allah*' in the above hadith shows the limitations of what is lawful and what is forbidden in the Qur'an and this generally contains all laws. (al-Shawkani 2004) While the word '*wa ma sakata 'anhu*' is an answer that carries the meaning of permissible (*mubah*). ('Abd al-Muhsin al-'Ibad) According to al-Hafiz al-Zain al-'Iraqi and Sheikh 'Ali bin Sultan Muhammad al-Qari (2001) This hadith is one of the legal bases for groups who argue about the *anna al-asla fi al-asyya' qabl rule. warud al-syar' al-ibahah*, or with *anna al-asl fi al-asyya' al-ibahah*.

Research method

Definition of Words

Recognizing this rule well, below will explain the meaning of the words of the rule as follows:

الأَصْلُ فِي الْمُعَامَلَاتِ الْإِبَاحَةُ إِلَّا أَنْ يَدُلَّ دَلِيلٌ عَلَيَّ تَحْرِيمِهَا

Al-Asl which comes from Arabic, according to etymology is the lowest thing, (Abu al-Baqa' Ayyub bin musa al-Husayni, 1998) which is built other than on it. (Sayyid Muhammad Murtada al-Husayni al- Zabidi, 2001). Meanwhile, according to al-Jurjani's terms, it is something that can be determined by its own law while others are built on it. ('Ali bin Muhammad al-Sayyid al-Sharif al-Jurjani)

Al-Mua'malat which is called and discussed in fiqh books as *Kitab al-buyu'* according to language is taking something and giving something else (in exchange). Meanwhile, according to al-Shari'ah, it is an expression of consent and qabul. (Qasim bin 'Abd Allah) There is also an opinion that al-Mua'malat is sharia law relating to worldly matters such as buying and selling and lending and borrowing. (Mujamma' al-Lughah al-'Arabiyyah, 2004)

Al-Ibahah, which comes from the word abaha-yubihu-ibahatan, when it is said abahtuka al-syai' means ahlaltuhu laka meaning I make it lawful for you. (Ibn Manzur Muhammad bin Mukrim bin Manzur al-Ifriqi) Means al-ibahah is permitted (permissible) for a person to do what he wants within permissible limits. (Muhammad Rawas Qala'ji, 1996).

Meanwhile, the word illa an yadulla the proposition 'ala tahrimiha as mentioned in the fatwa is that in principle all actions are permissible unless there is evidence from the Qur'an or hadith that forbids it. Among the rules that are excluded from this rule, for example, *al-aslu fi al-ibda' al-tahrim* (Syeikh Shalih bin Muhammad bin Hasan al-Asmari 2000), (the genitals are originally forbidden), *al-asl fi al-'ibadat al-man'* (originally in worship it is prevented), *al-asl fi al-zabaih al-tahrim* (originally animals are forbidden) and *la yasihhu al-tasarruf fi milk al-ghair illa bi iznih* (it is not legal to use other people's property except with their permission). (Syeikh Shalih bin Muhammad bin Hasan al-Asmari, 2000)

Result and Discussion

The use of the 'al-aslu fi al-mu'amalat al-ibahah' rule in the DSN-MUI Fatwa

The focus of this paper is to analyze and look for sources of reference for the use of the following rules:

الأصل في المعاملات الإباحة إلا أن يدل دليل على تحريمها

The only institution that has the right and is accepted as a fatwa in Islamic finance cases in Indonesia is the DSN-MUI. All banks and other financial institutions that wish to establish sharia banking or sharia investment must first be approved and given a halal certificate by the DSN-MUI. If you look at the use of this rule in the codification of the DSN-MUI fatwa, then the fatwa number one to fifty, DSN-MUI always quotes this rule as very dominant. Except for fatwas numbers 19, 24, and 28, this rule is not used. And even then, two (24 and 28) of the three rules actually do not quote the fiqh rules in the fatwa.

In addition, of the 50 fatwas above, there are 14 fatwas that only use one rule, namely the rule of al-aslu fi al-mu'amalat al-ibahah. While the rest (36 fatwas) DSN-MUI use two to five fiqh rules. Seeing the uniqueness of this rule and its frequent use in fatwas, the author is interested in studying and discussing it. In terms of fairness, actually the easiest way to answer various laws in buying and selling, investing, various financing and others is this rule. Especially new products, whether they have never been mentioned before or new products created by businessmen or economists, it is only natural that this rule should be used first.

Strength and knowing the Rule of al-aslu fi al-mu'amalat al-ibahah in Qawa 'id

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Not everyone is able to make the Qur'an and hadith as the legal basis or basis for a phenomenon. To help lay people know the legal basis of an incident in society, the scholars have made a guideline (general rule). This general rule can cover fiqh issues, and make it easier to draw conclusions on a law. This rule is called Qawa'id al-fiqhiyah. according to Imam al-Subki Qawa'id al-fiqhiyah are:

الْأَمْرُ الْكُلِّيُّ الَّذِي لَيْتَهُ اتُّ تُفْهَمُ مِنْهَا مِنْهَا

Meaning: *Something general that includes a large number of parts, which can be understood by the law of that section with the above rules.* (Taj al-Din 'Abd al-Wahhab bin 'Ali bin 'Abd al-Kafi al-Subki, 1991)

Although this rule is the result of ijtihad and the creation of scholars, it still comes from the Qur'an and Hadith which are general in nature and are limited in number. (Jalal al-Din 'Abd al-Rahman 1997) Associated with this article, the Indonesian Ulema Council, especially the DSN-MUI, when giving fatwas on Islamic economic issues, besides citing the strongest legal sources first, then after quoting verses and hadiths, it is further strengthened by the opinions of Ulama and fiqh rules.

Comparing this rule with other sources

Knowing this rule is very important both in terms of the structure of the text and the language used. This is considered necessary so that the reader knows the origin of the rule. It is also important to know whether the language version used by this fatwa is the same as the origin.

After making research and comparisons with the previous Qawa'id books, the author has not found the origin of this rule. If you look at the form of the version of the sentence structure used by the DSN-MUI fatwa, it is different from that contained in the previous Qawa'id books. In the book *al-Ashbah wa al-Nazair* by Imam al-Suyuti of the Imam Shafi'i ra (died 911 h.), he uses the version, namely *al-aslu fi al-asyya' al-ibahah hatta yadulla dalil 'ala tahrir*. In the Arabic text, it can be shown below:

الأصلُ الأشياءُ الإباحة يدل الدليل لى التحريم

The difference in the versions of the two rules above can be seen in the book *al-Ashbah wa al-Nazair* using the more general *al-ashya'* (anything), while the fatwa is more specific, namely using the word *al-mu'amalat* only. Also in the fatwa, use the letter *illa* (letter *ististna'*) which means except. Then the fatwa also added *ha' domir the maroji'* (place of return) to *al-mu'amalat*. In other books such as *al-Manthur fi al-Qawa'id* which was written by Imam al-Zarkasyi ra (died 794 h.) also differs from the rules of the DSN-MUI fatwa version. This book in addition to using the word *al-ashya'* (as in *al-Asybah wa al-Nazair*) even the law is not only *al-ibahah* (permissible) but added *aw al-tahrir aw al-waqf* (haram or stopped). (Abu 'Abd Allah Muhammad bin Bahadur al-Zarkasyi, 1985) The arrangement of the rules is as follows:

(Zain al-Din bin Ibrahim al-ma 'ruf Ibn Nujaim (1983), *الأصلُ الأشياءُ الإباحةُ التَّحْرِيمُ الْوَقْفُ*)

The rules of the book version of Ibn Nujaim look the same as his senior Imam al-Zarkasyi, only in Ibn Nujaim's version he uses the word *hal* (*istifham*). In addition to mentioning the word *haram*, Ibn Nujaim used another term, namely *al-hazr*. Qawaid books from the Hanbali school such as *al-Syarh al-Mumti' 'ala Zad al-Mustaqni'* (Muhammad bin Shalih bin Muhammad al-'Uthaimain, 1929), by Muhammad bin Salih bin Muhammad al-'Uthaimain have used rules that are somewhat similar to those of the DSN-MUI. This book mentions 'things are originally allowed' with the expression *anna al-asl fi al-mu'amalat al-ibahah*. Both the DSN-MUI version and this book both use the lafaz *al-mu'amalat*. Judging from this last book, it can be concluded that the rules of the DSN-MUI are closer to the book *of al-Syarh al-Mumti' 'ala Zad al-Mustaqni'* and perhaps the rules of the DSN-MUI are derived from the Qawaid school of Hanbali. A more detailed discussion of both will be discussed below.

Looking for sources of the DSN-MUI fatwa version of the rules in the Maliki school of Qawaid books such as al-Furuq essay, Imam al-Qarafi, a version that is somewhat close to this rule, namely *anna al-asl fi al-sil' al-ibahah hatta tumlak*. (al-Sanhaji al-Qarafi) Comparing with the rules in the DSN-MUI fatwa, even though the objectives are somewhat the same, the language structure used is not the same. Still in the Maliki school, Imam al-Zarqawi in submitting the book *al-Muwatta'*, he has mentioned one rule that is almost the same as the fatwa rule, as follows: *wa al-asl al-ibahah hatta yarid man'u bi dalil la mu'arid thirsty*. (al-Zurqani, 2015)

Jurid Allah bikum al-yusr wa la yurid bikum al-'usr

The subtitle above is a snippet of the verse of the Qur'an in surah al-Baqarah verse 185, which is the source and origin of the law of *fiqh al-masyaqqah tajlib al-taisir* or tribulation laws. bring convenience. The relationship with this article is that everything that exists on the surface of the earth is created for humans so that they are easy to carry out the Shari'a ordered by Allah SWT. As mentioned in surah al-Baqarah verse 29 above that everything that is between the heavens and the earth as a gift from Allah to Muslims may be used as long as there is a benefit. (Muhammad Sayyid Tantawi, 1987)

If you stop at the phrase 'as long as there is a benefit, then this is not quite right. Because in some instances something has benefits for people who use it but it is not necessarily permissible to take it. For example, taking or stealing other people's property, the goods are useful to the thief but it is not allowed to do so without the consent of the owner of the goods. There are many other examples, such as consuming the poison because it endangers the life. Or buying and selling liquor, there may be a benefit to the seller, namely getting money from the sale, but for the user it will damage his mind and body.

To determine whether something can be taken or not with only the size has benefits, it is rather difficult to realize it. With the number of God's creations that cannot be counted by humans, plus the number of new items that were not known before, either because they were newly discovered or the result of human engineering and innovation. So through the scholars who have used all their power and effort to study the legal sources of the Qur'an and hadith, have made limitations on this.

As for the efforts and *ijtihad* of Ulama, especially the *fiqh* proposal to overcome this, it is by adding certain conditions. Especially in this rule, the scholars require that everything is basically allowed under the same conditions but in a different language as follows:

Hanafi School

Al-Ashbah wa al-Nazair by Ibn Nujaim, Zain al-Din bin Ibrahim. One of the representative books of the Hanafi school is al-Ashbah wa al-Nazair. Ibn Nujaim who wrote this book mentions the conditions that something is allowed by adding '*hatta yadulla al-dalil 'ala 'adam al-ibahah*'. (so there are arguments that show it is not permissible according to the Shafi'i madhhab or originally everything is forbidden so that there is evidence that it is permissible). In Arabic, he says:

حَتَّى يَدُلَّ الدَّلِيلُ عَلَى عَدَمِ الْإِبَاحَةِ؟ وَهُوَ مَذْهَبُ الشَّافِعِيِّ رَحِمَهُ اللَّهُ أَوْ التَّحْرِيمِ حَتَّى يَدُلَّ الدَّلِيلُ عَلَى الْإِبَاحَةِ؟

From the statement above, it can be seen that the condition for something to be allowed is that there are arguments that do not allow it,[24] or that something is forbidden unless there are arguments that allow it. For example, originally everything is allowed to be eaten unless there is evidence that prohibits it or does not make it lawful. As for examples of objects that are not lawful because there are evidence that forbid them are carrion, blood and pigs and so on. The arguments forbidding it are surah al-Baqarah verse 173 and surah al-Maidah verse 3.

Maliki school

Al-Istidhkar by Abi Yusuf bin 'Abd Allah bin Muhammad bin 'Abd al-Barr. As for the books that mention this rule, such as the book of al-Adhkar written by Ibn 'Abd al-Barr, died 463 h. He mentioned the rules which mean the same as the rules of '*al-aslu fi al-mu'amalat al-ibahah*' in a slightly different language. Then he added the condition, namely 'until the prohibition is established with what does not conflict with it' (Muhammad bin 'Abd al-Barr, 1993), by stating:

حَتَّى يَثْبُتَ الْحُظْرُ بِمَا لَا مُعَارِضَ لَهُ

From the above expression it is clear that something is permissible so that there is a proof for prohibiting it. Comparing the two schools of thought above, it can be seen that both the Hanafi and the Maliki schools both require that there are arguments forbidding them.

Shafi'i school

Al-Manthur fi al-Qawa'id and al-Ashbah wa al-Nazair. Somewhat different from the previous school, Imam al-Zarkasyi who was born 794 h. does not mention the conditions in detail in the rules as in the previous schools. However he interprets the rule, he adds a phrase which means the same as the above conditions by saying:

فَإِنْ لَمْ يَجِدْ مَا يَدُلُّ عَلَى تَحْرِيمٍ فَهُوَ حَلَالٌ (al-Zarkasyi, 1985)

Al-Rahman, died 911 who composed the book al-Ashbah wa al-Nazair, in detail he mentioned the rule by adding the conditions. (al-Suyuti, 1997)

Hanbali School

Al-Syarh al-Mumti' 'ala Zad al-Mustaqni' by Muhammad bin Salih bin Muhammad al-Uthaimain The books that mention this rule include *al-Syarh al-Mumti' 'ala Zad al-Mustaqni'*. As the previous books require that something is originally allowed to be used, this book is also the same but with a different expression. The author requires the rule with 'as long as there is no evidence that forbids it and its al-fasad.

As mentioned above, the rules for the DSN-MUI version and this book are somewhat the same, although not exactly the same.

Selection of schools of jurisprudence

The existence of differences in fiqh in Islam is not a barrier and a setback. The difference is in fact an indication that Islam is very rich in law and does not seem rigid. Besides, because fiqh is the result of a scholar's in-depth study of a proposition that automatically other scholars must have a different view, the truth is also relative. Moreover, the maker of the Shari'ah, namely Allah and His Messenger, did not forbid doing ijihad, instead, they were rewarded for doing it. As a hadith which means as follows:

From Amr bin Ash that he heard the Messenger of Allah. said, "When a judge decides on a law, then performs ijihad, then he is right, he will get two rewards. If he wants to decide the law, then performs ijihad and then turns out to be wrong, he gets one reward. (al-Naysaburi, 2006)

The hadith above, if you look at the text, uses the word Hakim, this word does not mean that only a judge can practice ijihad in religion, but the word judge here includes the person or panel that gives the fatwa.

If we look at the reference sources used by the DSN-MUI fatwa in answering mu'amalat cases in Indonesia, it turns out that this fatwa is not tied to the opinion of a particular school of thought. This can be seen from the reference books or method book sources taken from all schools of thought.

If the law of fiqh varies according to the school, so does al-Qawa'id al-Fiqhiyyah have their respective schools. (Abd al-Mu'min, 1997). In this paper, we will analyze the rules used by DSN-MUI which are more directed or use what school of thought.

Legal Analysis

1. It is undeniable for the services of the Indonesian Ulema Council in entering and updating the law in Indonesia. History has proven how the teachings of Islam can gradually be introduced and practiced in Indonesia. Even the law of mu'amalah, especially Islamic banking and finance, can be used as a positive law in Indonesia.
2. The fatwa made and codified by the MUI, especially the fatwa on sharia finance which is the responsibility of the DSN-MUI, is rather good. However, because the fatwa is an artificial and human ijihad, it is undeniable that there are still shortcomings and weaknesses that need to be improved and perfected.

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3. The editor of the sharia economic fatwa as a result of the codification of the DSN-MUI seen from the description is classified as short and very dominant in choosing the rule of al-aslu fi al-mu'amalat al-ibahah due to several possibilities: The rule of al-aslu fi al-mu'amalat al-ibahah is the most powerful and precise compared to other rules and the form of the Fatwa is made rather short in order to keep the fatwa short and concise. In the 'Guidelines for Determining Fatwa' it is stated that each form of Fatwa Decision Letter (SKF) must be accompanied by a brief description and analysis.
4. The fatwa issued is not final
5. Why DSN-MUI uses the word al-ibahah while the turath books do not use the word but the more common pronunciation, namely al-syai', is due to, among other things: because the DSN-MUI fatwa was made to give a fatwa on economic issues or al-mu'amalah. Therefore, the fatwa and rules issued are more specific only on mu'amalat matters.
6. The use of the rule of al-Asl fi al-mu'amalah al-ibahah in the economy is very dominant because the economy is a matter of investment and business that can provide wealth and quick profits. Furthermore, business problems will develop in accordance with the development of science and technology which will give birth to new problems and laws. To answer the new problem as a result of the development of this economic chain, a fatwa from Ulama is needed. So the most important and effective argument to respond to the impact of this economic development is this rule.

Conclusion

The DSN-MUI fatwa version of the rules is unknown. Looking at the arrangement of the rules of this fatwa, nothing is exactly the same as the books of qawa'id (turath). Although some have the same meaning as the fatwa rules, the structure is different. For example, the use of the word al-mu'alat used by the fatwa is not found in the book *al-Asybah wa al-Nazair* but the use of this word is only found in contemporary books such as *Majmu'ah al-Fawaid al-Bahiyyah* by Sheikh Salih bin Muhammad bin Hasan al-Asmari. However, these two sources are not exactly the same (the fatwa uses the word al-ibabah while *Majmu'ah al-Fawaid al-Bahiyyah* uses the word *al-hill*).

The use of this rule by DSN-MUI is monotonous (unchanged). When issuing fatwas for various laws, DSN-MUI when quoting this rule only uses the same wording, even in different cases. DSN-MUI when giving fatwas regarding: mudharabah, hawalah and kafalah bil ijarah bonds, mudharabah-musharakah, hajj insurance, ijarah, rahn, istishna and others only use the same rules with similar words. It is very different from other books, such as al-Syarh al-Mumti', even though it uses this rule, the pronunciation used is different even though the purpose is the same. For example, the author of this book when describing al-syirkah, the author when using this rule with different pronunciations such as:

أن الأصل في المعاملات الحل

Also when explaining about al-qard, the book has used the same rules but with different pronunciations, namely

أن الأصل في المعاملات الإباحة.

Likewise, when explaining the matter of al-rahm, the author has quoted this rule with a different pronunciation.

Suggestion

One suggestion that can be considered by DSN-MUI is that a joint decision guide is needed that becomes a reference that can decide a law when the Ulama have different opinions on the case. This is important where when DSN-MUI takes one Ulama's opinion while another group takes another Ulama's opinion in the same case, then the guidelines mentioned above are needed to mediate these differences.

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