

FATWA ABOUT SOCIAL INTERACTION ON SOCIAL MEDIA IN THE PARADIGM OF ISLAMIC LEGAL PHILOSOPHY

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Abstract:

This study aims to find the paradigm of Islamic legal philosophy contained in the Fatwa of the Indonesian Ulema Council (MUI) regarding guidelines for social interaction through social media. This type of research is qualitative research (library research). Data sources of this study is the Fatwa of MUI, No.24 of 2017 Concerning Law and Guidelines for Bermuamalah through Social Media and various relevant literature. The theory used in this research is the *Maqasid Shari'ah* theory. This study concludes that the Fatwa of MUI legal provisions that limit freedom of social interaction through social media are legal provisions in realizing the benefit of individuals (*al-maslahat al-khassah*) and the public (*al-maslahat al-ammah*) in the context of social life. To realize these two benefits, the five objectives of Islamic law (*maqasid shari'ah al-khomsah*), such as *hifz al-nafs*, *hifz al-aql*, *hifz al-mal*, *hifz al-nasl* can be manifested in various legal provisions of the fatwa of MUI which limits freedom of social interaction on social media.

Keywords : Fatwa, social interaction, social media

Abstrak:

Penelitian ini bertujuan untuk menemukan paradigma filsafat hukum Islam yang terkandung dalam Fatwa Majelis Ulama Indonesia (MUI) tentang pedoman interaksi sosial melalui media sosial. Jenis penelitian ini adalah penelitian kualitatif (penelitian kepustakaan). Sumber data penelitian ini adalah Fatwa MUI, No.24 tahun 2017 Tentang Hukum dan Pedoman Bermuamalah melalui Media Sosial dan berbagai literatur terkait. Teori yang digunakan dalam

penelitian ini adalah teori Maqasid Syariah. Penelitian ini menyimpulkan bahwa Fatwa ketentuan hukum MUI yang membatasi kebebasan interaksi sosial melalui media sosial adalah ketentuan hukum dalam mewujudkan manfaat individu (*al-maslahat al-khassah*) dan masyarakat (*al-maslahat al-ammah*) dalam konteks kehidupan sosial. Untuk mewujudkan dua manfaat ini, lima tujuan hukum Islam (*maqasid syari'ah al-khomsah*), seperti *hifz al-nafs*, *hifz al-aql*, *hifz al-mal*, *hifz al-nasl* dapat dimanifestasikan dalam berbagai ketentuan hukum fatwa MUI yang membatasi kebebasan interaksi sosial di media sosial.

Kata kunci: Fatwa, interaksi sosial, media sosial

A. Introduct

The presence of social media in the digital age makes it easier for people to interact socially. The existence of social media also provides a large development impact in all lines of life, both positive and negative impacts. Therefore, rules or laws are needed that can regulate or limit the freedom of the use of social media as a medium of social interaction for modern society.

The presence of the Indonesian Ulema Council (MUI) Fatwa regarding Law and Guidelines for Bermuamalah is expected to be a code of ethics for the use of social media by Indonesian Muslims. Although it does not become a legal requirement that is imperative (forceful), but the fatwa can be a legal provision that has a great influence on Muslims in the use of social media as a medium of modern social interaction. This study will examine the paradigm of Islamic legal philosophy contained in the fatwa of MUI with the *maqasid syariah* approach.

B. Discussion and Results

History and Development of Social Media

Social media is an internet-based social interaction medium (online) that provides facilities for users to be able to share, participate, and create various content in

the form of blogs, wikis, forums, social networks.¹ With various advantages, social media can be a medium of social interaction that is not limited by distance, time or even place. Not only that, social media is also able to remove social class status barriers which sometimes become obstacles in social interaction in society.² Therefore, the existence of social media in the modern era can be said to have brought about a paradigm and a new way for people to interact socially.

Talking about the history of the development of social media can we start from the emergence of a site called Sixdegree.com. This site emerged in 1997 as a forerunner to the development of the first social networking system. Through this site, users can enjoy application services to create profiles, add friends, and send messages. Next, in 1998 Google emerged as the main search engine on the internet. With the existence of Google, the development of social networking has become more evolutive and then in 1999, a new site called Blogger appeared. Through the Blogger site, users can use the application to create their own site pages, i.e. load blog pages with various information, such as things or personal experiences, ideas, even opinions and criticism of social problems that are phenomenal.³

The next development, namely in 2002 came a site called Friendster. This site is a social networking site that was originally created as a matchmaking media for its users. Therefore, this site is very popular among young people to get to know each other. Then after Friendster, precisely in 2003 various social media continued to emerge with various advantages, uniqueness, characteristics and segmentation of each. In 2003, the LinkedIn site also emerged not only as a medium for social interaction, but also to exchange information about work or job opening.⁴

Furthermore, in 2004 Facebook appeared. With a modern look and provides many excellent features, Facebook has become one of the very publicative

¹ GA Guritno dkk, *Panduan Optimalisasi Media Sosial Untuk Kementerian Perdagangan RI* (Jakarta : Pusat Humas Kementerian Perdagangan RI, 2014), 25.

² Errika Dwi Setya Watie, "Communication And Social Media," *The Messenger*, Vol.III, No.1(2011) : 69.

³ Ruli Nasrullah, "Blogger And Digital Word of Mouth: A Digital Method of Bloggers In Marketing Communication In Social Media," *Sosioteknologi*, Vol.16, No.1 (2017) : 13.

⁴ GA Guritno dkk, *Panduan Optimalisasi Media Sosial Untuk Kementerian Perdagangan RI*, 21-23.

communication and information media. Mark Zuckerberg (Founder of Facebook) as quoted by Karman explained that the privacy of someone as a Facebook user is no longer a closed thing. In social interaction through Facebook media, users can share about their personal matters, such as personal information, interests and so forth.⁵ Various other advantages possessed by Facebook, namely the many interactive features with instant feedback speed. Not only that, the symbol feature (emoticons) on Facebook also makes it easy for users to express expressions or communicate non-verbally. With these advantages, it is not surprising that Facebook is still ranked in the top five social media networks with the most users.⁶

Then Twitter that appeared in 2006. Twitter's presence added to the growing variety of social sites. But unlike Facebook, Twitter users can only update the status called tweet.⁷ Although limited to a maximum of 140 characters in each tweet, it can be used to convey opinions, information, and emotional expressions that may not necessarily be expressed through offline media. Twitter uses a system of follow or not follow (follow or unfollow). Therefore, someone can see the latest tweets from people they follow (follow).⁸ The next development, namely with the increasingly development of information technology and internet networks, are also increasingly diverse new social networking sites that have sprung up, including Line, We Chat, Kakao Talk, WhatsApp, Instagram and so forth.⁹

From the description above it can be understood that the existence and development of social media is inseparable from the influence of advances in information technology and the internet network as well as increasingly dynamic and sophisticated gadget devices. The impact of the increasingly dynamic development of social media has shifted the communication or information media in society, from conventional media to social media.

⁵ Karman, Social Media:Between Freedom And Exploitation," *Jurnal Studi Komunikasi dan Media*, Vol.18, No.1(2014): 85.

⁶ Noval Sufriyanto Talani, "Esensi Interaksi Visual dalam Dunia Facebook yang Virtual," *Jurnal komunikasi*, Vol.9, No 1 (2014):82.

⁷ Daniel Miler dkk, *How The World Changed Social Media* (London : UCLPress, 2016), 1.

⁸ Yudha Wirawanda, "Twitter : Expressing Hate Speech Behind Tweeting," *Profetik Jurnal Komunikasi*, Vol.11, No.1(2018) :5-6.

⁹ GA Guritno dkk, *Panduan Optimalisasi Media Sosial Untuk Kementerian Perdagangan RI* , 24.

Social Media As The Media of Social Interaction

Social media has become a new medium of social interaction for the community, both as a medium of communication and information. Through social media, a person can communicate, make comments, even compete arguments in various discourses or events that occur. Through social media, a person can also have the same opportunity to obtain and disseminate information. It does not stop there, the existence of social media has also diverted the culture of communication and information of modern society which initially only took place in physical space (print media column), eventually it can take place in a virtual space (virtual sphere).¹⁰ Thus it is not surprising that the existence of social media has become an urgent media for modern society in carrying out activities and meeting their daily needs.

According to Rulli Nasrullah, the existence of social media for modern society is now an interactive and publicative communication media. This is due to the advantages of social media which is very supportive as a communication media. Rulli added that the advantages of social media are far more compared to conventional communication media. In this case, Rulli explained that there are two things that are the main advantages of social media as a communication media. First, social media uses internet networks. With this internet network, social media can become a medium of communication between users with a very broad reach, not even limited by distance, time or place. Second, social media becomes an interactive communication media. Social media has provided services for its users to be able to communicate with each other interactively. In communication. The difference in distance, time and place does not become an obstacle for social media users to communicate intensely and even see each other's faces.¹¹ From this it follows that communication through social media is no longer limited to physical relations, but also interface relations.

Various communication models as described above can be seen from two categories of communication levels. First, the level of intrapersonal communication. This level of communication is a typology of communication involving two or more

¹⁰ Fauzi Syarief, "Pemanfaatan Media Sosial dalam Proses Pembentukan Opini Publik," *Jurnal Komunikasi*, Vol.VIII, No.3 (2017) :264.

¹¹ Rulli Nasrullah, *Teori dan Riset Media Siber*, 75-78.

people. In this case, full involvement of all communicating parties is highly required. Therefore, if one party ejects from the existing conversation, the communication will end. This communication model also applies on social media which requires interactive conversation. If not, then the communication will be unidirectional. However, if there are other parties who respond to or comment on what they write, then the interpersonal communication interaction occurs again. Second, the level of mass communication. This level of communication is the largest communication typology with a large target audience. This can also be found in communication through social media. Anything that someone says through social media will be public, that is, it can be seen and enjoyed by many people. This condition eventually led to mass communication.¹² From this it can be understood that, both interpersonal communication and mass communication, they cannot be separated and merged into one in communication through social media.

Furthermore, speaking related to social media as information media, it cannot be separated from two things, namely the advancement of internet technology and the increasing number of social media usage itself. According to Fauzi Syarif, these two things are the dominant factors that make social media a medium for access to information in modern society today. Through social media, access to any information flow can be done very quickly. This is what then causes social media to start replacing conventional mass media in terms of news publication.¹³ The use of social media as information media has also led to a shift in traditional societies into information societies. According to Shiefti Dyah Alyusi, there are five characteristics of the information society. First, a society that can utilize mass media and global communication. Second, people who have awareness of the importance of information and efforts to get it. Third, the community can make information as a source of economic commodities. Fourth, communities that can be involved in social interactions and global community systems. Fifth, people who can access all forms of information

¹² Errika Dwi Setya Watie, "Communication And Social Media," : 72-73.

¹³ Fauzi Syarief, "Pemanfaatan Media Sosial dalam Proses Pembentukan Opini Publik," :264.

quickly.¹⁴ From this it can be concluded that the five characteristics of the information society are relevant to the various advantages of social media as information media for today's modern society. Therefore, it is not excessive if social media is said to be a very influential element for the formation of an information society.

The paradigm of Maqasid Sharia in the Fatwa MUI about Social Interaction on Social Media

The development of information and communication technology has given birth to a variety of innovations, ideas and ideas aimed at facilitating the process of social interaction. The development of this technology makes human communication easier and more effective. The development of technology has also penetrated into the world of the internet, as social media has become a very popular thing for people, even it has been considered a necessity of life. Social media for the community now is not only a substitute for the direct communication process, but with social media the community is more facilitated both in the process of communication and information.¹⁵

It cannot be denied, the existence of social media provides many benefits for the people of Indonesia. Not only as a medium of communication and information, but also in the context of social interactions related to the world of education, trade and the service sector.¹⁶ Therefore, it is important to have a rule that limits the freedom of use of social media. In the Indonesian context, the Indonesian Ulema Council as an institution authorized to issue legal edicts in the community also issues its legal edict on social interaction on social media. The fatwa in question is the Fatwa of the Indonesian Ulema Council (MUI) Number 24 of 2017 concerning Law and Guidelines for Bermuamalah through Social Media.¹⁷

¹⁴ Shiefti Dyah Alyusi, *Media Sosial : Identitas dan Modal Sosial* (Jakarta : Kencana, 2016), 25-26.

¹⁵ Maya Sandra Rosita Dewi, "Islam dan Etika Bermedia (Kajian Etika Komunikasi Netizen di Media Sosial Instagram Dalam Perspektif Islam)," *Research Fair Unisri*, Vol.3, No.1 (2019), 139-140.

¹⁶ Subehan Khalik, "Studi Kritis Terhadap Respon Majelis Ulama Indonesia (MU) Tentang Pemanfaatan Media Sosial dalam Bermuamalah," *al-Daulah*, Vol.7, No.1 (2017).

¹⁷ Fatwa in language is an explanation and information. In terminology, fatwa is an explanation of Islamic law related to a. fatwa has two characteristics. First, the fatwa is responsive, namely the existence of the fatwa to answer questions or requests for fatwa from the case. Second, the fatwa is not binding, that is, the fatwa is not the same as a binding court decision. Jamal Ma'mur, "Peran Fatwa MUI

The fatwa of MUI is divided into four guidelines, namely general guidelines, guidelines for verification of content (information), guidelines for content creation (information) and guidelines for dissemination of content (information).¹⁸ Further explanation is as follows. First, general guidelines. This guideline emphasizes that social media is used as a means of gathering, spreading information, propaganda, education, recreation and positive activities in all fields. Therefore, social media should not be used to violate religious provisions and legislation. Second, guidelines for verification of content (information). This guideline is an attempt to find the truth of a content (information) obtained through social media. Third, guidelines for content (information) creation. The creation of content / information that will be conveyed to the public sphere must consider various things: using sentences, graphics, images that are easily understood, the content (information) that must be delivered must be true, the content presented must be useful information, choose diction that is not provocative and inciting hatred and hostility, the content does not contain hoaxes, slander, ghibah, namimah, bullying, gossip, hate speech and other things that are prohibited both in religion and legislation. The provisions in this third guideline can be said in accordance with the principle. Fourth, guidelines for the dissemination of content (information). There are several content criteria (information) that can be disseminated to the public, including content (information) is true, useful for all parties, is general and deserves to be delivered to the public, dissemination of the content (information) on time and place, dissemination of content (information) is also contextual and has the right to disseminate

The Fatwa of MUI regarding guidelines for social interaction on social media is the result of a fatwa study based on several considerations for the development of information and communication technology. The reasons that are considered for the issuance of this fatwa are the consequences caused by the development of information

dalam Berbangsa dan Bernegara (Talfiq Manhaji Sebagai Metodologi Penetapan Fatwa MUI),” *Wahana Akademika*, Vol.5, No.2(2018), 42.

¹⁸ Fatwa Majelis Ulama Indonesia (MUI) No. 24 Tahun 2017 Tentang Hukum dan Pedoman Bermuamalah Melalui Media Sosial. 15-19.

and communication technology, such as some benefits (*maslahat*) and some damage (*mafsadah*) caused by the development of information and communication technology.¹⁹

Various provisions in the four guidelines above can be said to be in accordance with the principles of the five objectives of Islamic law (*maqasid shariah al-khomsah*), namely guarding religion (*hifz al-din*), guarding souls (*hifz al-nafs*), protecting offspring (*hifz al-nasl*), guarding wealth (*hifz al-mal*), and guarding reason (*hifz al-'aql*).²⁰ The five principles of the objectives of Islamic law can also be said to be in accordance with the principle of freedom in realizing various forms of Human Rights.²¹ Therefore, freedom of social interaction on social media is also part of human rights which is limited by certain rules. I mean not freedom without limits.

However, in the context of limiting freedom of social interaction, both communication and information are actually more inclined to the values of *hifz al-aql*. Considering that freedom of communication and information actually boils down to the potential of every person. But this freedom is not freedom without limits, but freedom that is limited by the benefit of other individuals, even the public in general. Especially in maintaining the stability of national security from various opinions on social media that can threaten national unity and unity.²² Therefore, the provisions in the various MUI fatwa guidelines can be said according to the principle of the benefit of Islamic law which is not only individual benefit, but also public benefit. According to Ahmad Sarwat, the classification of *maqasid* related to the benefit orientation of human life can be divided into two. First, universal benefit (*al-maslahat al-kulliat*), which is benefit for all humans. Second, partial problems (*al-maslahat al-juz'iat*), namely the benefit for some of humanity.²³

¹⁹ Fajrina Eka Wulandari, "Hate Speech dalam Pandangan UU ITE dan Fatwa MUI," *Abkam*, Vol. 5, No. 2, (2017), 263-264.

²⁰ Abu Ishaq al-Shatibi, *al-Muwafaqot fi Usul al-Shari'ah*, (Kairo : Maktabah al-Tijariah al-kubra, tth), 8-12.

²¹ Athoillah Islamy, "Eksistensi Hukum Keluarga Islam di Indonesia dalam Kontestasi Politik Hukum dan Liberalisme Pemikiran Islam," *al-Istinbat : Jurnal Hukum Islam*, Vol. 4, No. 2 (2019), 168.

²² Moh. Faizur Rohman, "Hak Kebebasan Berpendapat Dalam Hubungannya Dengan Pencemaran Nama Baik Menurut KUHP : Perspektif Maqasid Shariah," *Tafaqqub: Jurnal Penelitian dan Kajian Keislaman*, Vol.5, No.2 (2017), 71.

²³ Ahmad Sarwat, *Maqasid Shariah*, (Jakarta : Rumah Fiqh Publishing, 2019), 55-56.

It needs to be realized and re-understood that the existence of social media can have a positive impact, namely as a medium for communication, expressing opinions and information media. But on the other hand, it can also have a negative impact in the context of social relations in society. In this case, Islam as a religious teaching has given teaching values that can be used as rules and ethics in using social media. The use of social media in Islam should not be used for media crime or violations that can cause unrest and damage in society, as well as expressions of hatred, defamation and so forth. Research this journal uses the perspective of moral teachings in analyzing ethics in the use of social media.²⁴ Thus it can be understood that the legal provisions in the MUI fatwa on guidelines for social interaction through social media are manifestations of the values of the benefit of Islamic law in the context of social, national and state life.

C. Conclusion

From the discussion of this study it can be concluded that the various legal provisions in the fatwa of MUI that limit freedom of social interaction on social media are legal provisions in realizing individual (*al-maslahat al-khassah*) and public benefit (*al-maslahat al-ammah*) in the context of social life . To realize these two benefits, the five objectives of Islamic law (*maqasid shari'ah al-khomsah*), such as *hifz al-nafs*, *hifz al-aql*, *hifz al-mal* and *hifz al-mal* can be manifested in various legal provisions of the fatwa of MUI which limits freedom of social interaction on social media.

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²⁴ Mohammed Isah Shehu, M. Fuad Bin Othman, Nazariah Binti Osman, "The Social Media And Islam, *Journal of Management Sciences*," Vol.15, No.4 (2017). 76.

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