

The Role of the Indonesian Ulema Council as the Giver of Fatwa

Farid Wajdi

Email: faridwajdi@umsu.ac.id

Universitas Muhammadiyah Sumatera Utara

ABSTRACT

The provisions of Article 48 number 10 paragraph (2) of the Copyright Law affirm, "The determination of the page of the Product as referred to in paragraph (1) is issued by MUI in the form of a Halal Product Determination Decree." The issue of the Copyright Law does not change the authority of MUI in the determination of product page. Article 33 Undang-Undang Halal Product Guarantee stipulates that the determination of product idolatry is carried out by MUI through the implementation of the MUI Halal Fatwa Session. Undang-U's legal mandate for Halal Product Guarantee and Work Copyright Law to MUI as the authority holder of halal determination of products is based on philosophical, historical and sociological factors. The research method used in this research is normative juridical. The results showed that the position of the MUI Fatwa has moral power for groups that have aspirations to implement it, but cannot be used as a tool of force for other groups who disagree over it. Because the MUI Fatwa is not a positive law of the state that has coercive power. Halal fatwa standards have an important role to play in order to provide protection and comfort for Muslim consumers.

Keywords : *Fatwa, Halal, Majelis, Ulama.*

INTRODUCTION

Indonesia has an institution that handles Islamic religious issues, including halal issues, namely the MUI. The MUI was formed in 1975 at the initiative of President Suharto. The initial idea of forming the MUI was as a forum to establish good communication between Muslims and the government. The MUI institution consists of scholars from Islamic organizations throughout Indonesia, such as Nahdlatul Ulama (NU), Muhammadiyah, Syarikat Islam, and others. This institution aims to increase activities related to Islamic da'wah and how to coordinate them. In addition, MUI is also willing to act as a consultant and intermediary between existing organizations (Azyumardi Azra, 1999). MUI memiliki 5 (lima) peran utama, yaitu:

1. As Heir to the Duties of the Prophets (waratsat al-anbiyaa), namely spreading the teachings of Islam and fighting for the realization of a wise and wise daily life based on Islam.
2. As a fatwa giver (mufti), MUI acts as a fatwa for Muslims, whether requested or not. As a fatwa-giving institution, MUI accommodates and channels the aspirations of

Indonesian Muslims who are very diverse in their schools of understanding and thought as well as religious organizations.

3. As a Guide and Servant of the Ummah (Ra'iy wa khadim al ummah), namely serving the people and nation in fulfilling their hopes, aspirations and demands. In this regard, the Indonesian Ulema Council always strives to fulfill the people's requests, either directly or indirectly, for religious guidance and fatwas.
4. As the enforcer of Amar Ma'ruf and Nahyi Munkar, namely by affirming truth as truth and falsehood as falsehood with full wisdom and istikamah.
5. As the Pioneer of the Ishlah wa al tajdid (al-Tajdid) Movement, namely the renewal of Islamic thought through the purification (tashfiyah) and dynamics (tathwir) movements.
6. As a pioneer of the movement for the improvement of the people (ishlah al-ummah), namely as a peacemaker against differences of opinion and movements that occur among the people
7. As the bearer of the leadership of the people (qiyadah al-ummah), namely MUI as an element of the Indonesian nation is responsible for the progress and retreat of the nation's life (syirkat al-mas'uliyah) especially in terms of: creating internal and inter-religious harmony, moral improvement nation, empowering Muslims in all aspects of life (Majelis Ulama Indonesia Provinsi Jawa Timur, 2013).

Dalam tugasnya sebagai mufti (pemberi fatwa), MUI memiliki Komisi Fatwa. Fatwa etymologically means young, new explanation, enlightenment. The word fatwa comes from Arabic, which is the isim masdar form of the word fata, yaftu, fatwan. In another sense, the fatwa is said to come from the word al-fata which means strong youth. Thus, the person who issues the fatwa is called a mufti, that is, the person who has the power to provide explanations and answers to the problems he faces that are owned by youth attacks. (Ma'ruf Amin, 2008).

Fatwa is literally the mufti's answer to religious problems (Ahmad Warson, 1997). In terms of the science of Usul Fiqh, fatwa means the opinion given by the mujtahid in response to a question posed by the requester for the fatwa in a particular case. (Muhammad Abu Zahrah, 2008). Fatwa is broadly interpreted as a legal opinion issued by an Islamic jurist or a collection of scholars in response to a question. Usually comes from social problems that require legal resolution. The characteristics of a fatwa are casuistic and dynamic, because it is an answer to a fatwa requester's question.

Terminologically, according to the definition presented by the MUI Fatwa Commission, a fatwa is an explanation of Islamic law or teachings regarding problems faced or stated by the community and is a guideline in carrying out their religious teachings. (Komisi Fatwa MUI, 2005).

The explanation of the definition of a fatwa in Shari'a is mentioned as an explanation of Shari'a law in answering a case submitted by someone who asks, whether the explanation is

clear or in doubt and the explanation leads to 2 (two) interests, namely personal interests or the interests of the community at large. (Rohadi Abdul Fatah, 2006).

The important point is that a fatwa basically answers a problem that is being faced by the community. As for those who issue a fatwa or issue a fatwa, they are called mufti, namely people who have broad views and are experts in the field at issue, so that with their competence, they are able to issue fatwas. The party requesting the fatwa is called the muftafti, be it individuals, institutions or community groups. The job of giving a fatwa is called ifta'. Ifta' is almost the same as ijihad, the difference is that ijihad is more general while ifta' is specific. Ijtihad is applied to general problems, both existing and non-existent. Ifta' must relate to an existing case, so that the mufti answers the case based on his knowledge (Wahbah Az-Zuhaily, 1986).

There are 3 (three) main elements in the preparation and making of a fatwa by the MUI, namely:

1. Interested parties, such as individuals, communities, governments and others on fatwas;
2. Problems or issues that require legal provisions;
3. Competent scholars to issue fatwas (Ahyar A. Agyo, et. al., 2011).

The fatwas issued by the muftis are based on the sources of Islamic law which are located in the Qur'an, Hadith and Ijtihad. To be appointed as a mufti or fatwa giver, Imam An-Nawawi said there are several criteria, including: (1) Mukallaf, (2) Muslim; (3) Strong personality; (4) Trustworthy; (5) Purity from reprehensible qualities; (6) Strong spirit; (7) Brilliant brains; (8) Sharp-minded; (9) Can perform legal istinbath; and (10) Physically and mentally healthy.

The party requesting the fatwa can be an individual, an institution, or a community group. In other words, a fatwa is an explanation of sharia law on various kinds of problems that occur in society. Fatwa is similar to ijihad but more specific. Fatwas have a high position in Islam. Fatwas are seen as an alternative that can solve the deadlock in the growing problem of Islamic law. Fatwas represent issues that are relevant to the needs of society that are growing and changing from time to time (Faisar Ananda Arfa, 1996).

A good fatwa comes from a mujtahid who fulfills all the requirements of ijihad. In addition, the mujtahid must also fulfill several other requirements, namely knowing precisely the case for which the fatwa is requested, studying the psychology of the fatwa requester and the community in his environment so that the impact of the fatwa can be seen from the positive and negative sides, so as not to make the religion of Allah swt a laughing stock. and games.

Every fatwa issued by the MUI must be based on the Qur'an and the Sunnah of the Prophet, and does not conflict with the benefit of the ummah. If the problem is not contained in the Qur'an and Sunnah, then the fatwa that is decided must not conflict with Ijma, Qiyas, and other legal arguments. Before making a fatwa decision, the mujtahid must first review the opinions and related legal arguments as well as arguments from different parties. The views of

experts in the field of problems for which a fatwa decision will be taken are considered (Ahmad Hafizh, 2010).

In Indonesia, the Ulama's fatwa has binding power to solve problems faced by the community. The binding power of a fatwa is recognized by the state after the fatwa is stipulated by a legal instrument.

The MUI Fatwa Commission issues a fatwa by conducting collective *ijtihad*. Every issue that is submitted to the Fatwa Commission is carefully studied by the members of the commission or special team at least a week before being tried. A fatwa becomes invalid if it is known that there are texts from the Qur'an and Sunnah. After conducting an in-depth and comprehensive discussion and taking into account the opinions and views that developed in the session, the Commission issued a fatwa decision. Fatwa decisions are signed by the leadership board in the form of a Fatwa Decree (SKF).

SKF formulated in a language that can be easily understood by the wider community, with the basics listed along with a brief description and analysis as well as the sources of retrieval. Each SKF as far as possible is accompanied by a follow-up formula and recommendations and/or solutions needed as a consequence of the SKF.

One of the tasks of the MUI Fatwa Commission is to issue fatwas regarding food, medicine, and cosmetics. The fatwa trial participants in this category consist of members of the Fatwa Commission along with members of LPPOM. LPPOM members only report their findings about food products, while the halal determination is issued by the Fatwa Commission (Mustafa Ali Ya'qub, 2010).

Halal certifications issued by LPPOM and other halal fatwa-giving institutions in the world are legal products resulting from *ijtihad* from experts, which usually consist of scientists (or can also be called experts in the field of food, slaughter and so on) as well as muftis. In Indonesia, LPPOM can only issue halal fatwa on a food, drug and cosmetic product, if the MUI Fatwa Commission has agreed and decided on the halal status of a product. The MUI Fatwa Commission trial process is not a short process, so the halal certificates issued, both by LPPOM and other halal fatwa giving institutions in the world, are legal products that should bind consumers in general. (Slamet Suhartono, 2017).

In Indonesia, before MUI was born in 1975, many fatwas were issued by social organizations (*ormas*) such as NU and Muhammadiyah through their muftis. After the MUI was officially established, the government and the public knew more about the fatwas issued by the MUI than the fatwas issued by mass organizations. The MUI has issued many fatwas, related to religious rituals, marriage, culture, politics, science, financial transactions and the most frequently encountered fatwas regarding halal and haram food.

Halal fatwa on a food, drug and cosmetic product in Indonesia LPPOM which is under the auspices of the MUI. Before going through an audit at LPPOM, a food, drug or cosmetic

product must first obtain a certification from the National Agency of Drug and Food Control POM.

As previously explained, halal certification issued by LPPOM must first go through the MUI Fatwa Commission Session. From the process of issuing the halal certification, the role of MUI looks very important.

With regard to the legal standing of the MUI, MUI is registered as a community organization that was formed based on the MUI Charter as a result of the MUI National Conference in 1975. This means that juridically the MUI fatwa is not binding in general without going through a follow-up from the government. Therefore, the MUI fatwa can also be interpreted only as a recommendation for the government on a problem that is being faced by Muslims. The MUI fatwa is a form of aspirational legal rules, so that the binding power is charged or returned to the community. The public is free to choose whether to follow or reject the MUI fatwa, including the fatwa issued by LPPOM, or in this case related to halal certification.

MUI can be said to be a semi-governmental institution because its formation is not based on law but is under the Ministry of Religion whose financing is borne by the state. According to Denny Indarayana, the nature of MUI as a state institution is strongest in its authority to issue halal certification and receive halal certification funds, because it has switched to BPJPH in accordance with the Halal Product Guarantee Act. However, one of the characteristics of the state organ is that the public money collected is not allowed to be examined by the state audit commission, especially the Supreme Audit Agency (BPK) and BPKP (Financial and Development Supervisory Agency). When viewed institutionally, MUI in infrastructure is in an interest group/group, more precisely an institutional interest group (institutional interest group). Interest groups are groups of people who unite and form alliances because of certain interests, whether they are the public interest or the wider community, as well as the interests of certain groups. (Denny Indarayana, 2017).

There are 4 (four) forms of interest groups, each of which has special characteristics and specifications. The first is the association's interest group. The second is the institutional interest group. The three non-associated interest groups. The four anomic interest groups. Based on the understanding of each of these forms and specifications, actually MUI is included in an institutional interest group, namely a form of interest group institution which generally consists or is formed of various human groups originating from institutions or professional ties or institutions that previously existed. The goal to be achieved is to fight for the interests of the group or part of the community that is a member.

LITERATUR REVIEW

Literature review is the theoretical core of an article. In this section, we will discuss the purpose of a literature review. We will also consider how one should go about finding the

appropriate literature on which to base a literature review and how this information should be managed. MUI in the state administration system is not an agency, institution, state commission based on law, or the Government on the orders of the law as regulated in Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislative Regulations -Invitation. In contrast to the birth of BPJPH which is a mandate from the Halal Product Guarantee Act.

Therefore, MUI does not have the authority to issue legal products that can become positive laws in the country. Consequently, the MUI Fatwa cannot be a positive law in Indonesia. An MUI fatwa can only become positive law if its substance is determined by a state organ that is authorized to become a legal regulation as stipulated in the types and hierarchies in Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011.

On this basis, it can be seen that the fatwa issued by the MUI as a semi-governmental institution is only an opinion/recommendation which will become positive law if followed up by the government into law. Thus, as long as it has not been established as a positive law, the MUI Fatwa is an aspirational law in the context of national law. Because it is not a positive law, theoretically, the MUI Fatwa cannot be the object of judicial review before the Supreme Court court. Therefore, in the Indonesian constitutional law system, the position of the MUI Fatwa is as an aspirational law that has moral strength for groups that have aspirations to implement it, but cannot be used as a coercive tool for other groups who have different opinions on it, because the MUI fatwa is not a positive law. country. In the current Indonesian constitutional law system, the position of the MUI Fatwa has moral strength for groups that have aspirations to implement it, but cannot be used as a means of coercion for other groups who have different opinions on it. Because the MUI Fatwa is not a positive state law that has coercive power.

Nevertheless, the position of the MUI Fatwa in society, especially Muslims, is important for the upholding of Islamic teachings, because the majority of the Indonesian population is Muslim. The MUI fatwa becomes the law that is aspired to, the law is envisioned to apply, or is called the *ius constituendum*. Some of the problems that exist in this research are as follows:

1. What is the role of the MUI Fatwa Commission in issuing halal certificates?
2. What is the method of determining halal at the Indonesian Ulema Council?
3. The procedure for the meeting in determining the fatwa at the Indonesian Ulema Council?
4. What is the role of LPPOM in issuing halal certificates?
5. How is the standardization of Halal Fatwa applicable at the Indonesian Ulema Council?

METHODS

The method used in this research is done through a normative juridical approach by focusing the study on legal norms with secondary data collection, namely legislation and literature. (Soerjono Soekanto & Sri Mamudji, 2011). The nature of this research is prescriptive, providing an assessment of something that should be done (Peter Mahmud Marzuki, 2014). The data analysis is descriptive qualitative based on a picture or portrait related to the role of MUI in issuing halal certificates in Indonesia.

RESULT AND DISCUSSION

Result

The determination of product halalness by the Indonesian Ulema Council after the birth of the Copyright Law does not change the authority of the MUI in making decisions to determine halal products. The MUI Halal Fatwa Session is carried out to determine whether a product is idolatrous by implementing it. The Importance of Halal fatwa standards have an important role in providing protection and comfort for Muslim consumers.

Discussion

The Role of the MUI Fatwa Commission in Issuing Halal Certificates

The formulation and issuance of fatwas is carried out by the MUI fatwa commission. The commission was given the task of negotiating and issuing fatwas on issues of Islamic law facing the community. Trials of the Fatwa Commission are held as needed or when the MUI has been asked for its opinion by the public or by the government on certain issues in Islamic law.

Such hearings are usually in addition to the chairman and members of the commission, also attended by invitations from outside, consisting of independent scholars and scientists/experts, which have something to do with the issues being discussed. The fatwas themselves are in the form of statements, announced either by the fatwa Commission itself or by the MUI. The outward form of a fatwa is always the same, starting with a statement that the commission has held a hearing on a certain date regarding questions that have been asked by certain people or bodies. Then proceed with the arguments, which are used as the basis for making fatwas (M. Atho Mudzhar, 1993).

Another way to realize the fatwa is to discuss it at the annual conference of ulama organized by the MUI. Such conferences, which are attended by a larger number of scholars from the wider circle, raise issues that require the making of a fatwa. After a number of issues can be approved and the arguments completed, then register and submit the issues to the Fatwa Commission. The Fatwa Commission then announces it in its usual form. Thus, the members of the Fatwa Commission do not need to discuss it, because the issue has been discussed in a larger session. The national conference of ulama in 1980, for example, raised the issue of

gender reassignment surgery, inter-religious marriage and the Ahmadiyya movement (Majelis Ulama Indonesia, 1980).

With regard to the authority of the fatwa area, the MUI has the authority to issue fatwas regarding sharia issues in general, both in the fields of faith, sharia, social culture, society and the environment as well as morals by always upholding the principles of truth and purity of religious practice by Muslims in Indonesia. In addition, it also includes religious beliefs that arise in society, social problems, food, medicine and cosmetics (POM) problems, problems related to the development of science and technology, and sharia economic problems. These problems are measured on a scale that concerns Muslims nationally or religious issues in an area that have the potential to spread to other areas.

MUI Halal Determination Method

The MUI statute on the method of making Fatwas was first regulated in 1975 and appeared later in the 1995 and 1997 MUI Fatwa collections. The current regulation begins by noting that in the 1975-1980 and 1980-1985 periods, MUI fatwas were enacted by the MUI Fatwa Commission in January 18, 1986. The change in the procedure was decided: decisions related to fatwa from the Fatwa Commission were subsequently taken over by the Central Executive of the MUI in the form of a "Certificate of Decision on Fatwa Determination" led by the General Chair and General Secretary together with the MUI Fatwa Commission..

General Guidelines for Sharia Laws and Regulations in the MUI Fatwa:

- 1) How much effort can be made so that in every (draft) law and/or draft government regulation (RPP) and others, there is always a certain dictum (article or minimum paragraph) which essentially states that the Law, Government Regulation, Presidential Regulation and others must/must heed the values and principles of religious law and decency;
- 2) Every statutory regulation must uphold the principle of benefit/benefit in its general and broad context;
- 3) Stipulation of legislation prioritizes a substantive approach rather than being purely formalistic by using standard legal language/terms that are more easily understood by the wider community; except where the appropriate legal language/terms cannot be found, or for other reasons that consider it important to use the term/language itself (Tim Materi Ijtima' Ulama Komisi Fatwa Se-Indonesia VI, 2018).

The method of determining the fatwa begins with conducting a comprehensive study to obtain a complete description of the object of the problem (thasawwur al-problem), the formulation of the problem, the socio-religious impact caused, the critical point of various laws (shari'ah norms of the series of problems to be studied. comprehensive, namely a study of the views of past mujtahid jurists, the opinions of madhhab priests and mu'tabar scholars, a study

of related fatwas, as well as the views of fiqh experts regarding the issues to be fatwa. experts who have competence in the field related to the issue to be fatwaed.

There are several forms of fatwa determination in the MUI Fatwa Determination Guidelines, including:

- 1) Determination of a fatwa that has clear laws and arguments, then uses the law as it is.
- 2) Determination of a fatwa on the difference between the problem of khilafiyah and:
 - a. Using deliberation to reach consensus (*aljam'u wa al taufiq*).
 - b. If conclusions cannot be drawn by deliberation, then with *tarjih* through the *muqaranah* method (comparison) with the rules of *ushul fiqh muqaran*.

Determination of a fatwa that is not contained in legal opinion among madzab scholars, then it is carried out by collective *ijtihad* through the method of:

- 1) *Bayani*
- 2) *Ta'ali*
 - a. *Qiyasi* the application of the laws mentioned in the Qur'an and/or Hadith to something that is not/not yet legally narrated because there is a unity of law between the two.
 - b. *Istihsan* namely the application of the law of *maslahat juz'iyah* when dealing with general rules.
 - c. *Ilhaqiy* the application of documented *ijtihad* law to new problems due to the absence of texts and obtained strong indications of similarities between the two.
 - d. *Sad al-dzaraa'i*.
- 3) *Manhaj* method. This method is carried out if: there is a difference of opinion among the members of the Commission, then a fatwa is submitted with the difference of opinion along with the arguments of each opinion. Determination of fatwas must always pay attention to the authority of legal regulation by sharia and do not forget to consider the general benefit and *maqashid sharia*.

Meeting Procedures in Determining the MUI Fatwa

The meeting procedure in the Guidelines for Determining the MUI Fatwa: The meeting must be attended by members of the Commission whose number is deemed sufficient by the chairman of the meeting. In certain cases, the meeting will present experts or experts related to the issue being fatwaed.

The meeting is chaired by the Chairperson or Deputy Chairperson of the Commission or one of the members of the Fatwa Commission present, with the approval of the Chairperson of the Commission, accompanied by the Secretary and/or Deputy Secretary of the Commission. Proposals, suggestions, and opinions of commission members are recorded by the secretary to

be used as Minutes of Meeting and Commission Fatwa After reaching consensus, the decision is reported to the Executive Board for approval.

The instructions for the procedure for determining the fatwa are as follows:

- a. The basics of the Fatwa are:
 - 1) Alquran.
 - 2) Sunnah (the Prophet's Traditions).
 - 3) *Ijma'* (consensus of scholars)
 - 4) *Qiyas* (drawing conclusions by analogy).
- b. Discussion of issues that require a fatwa must consider
 - 1) The basics of fatwa refer to above.
 - 2) Opinions of the imams of schools of law regarding Islamic law and the opinions of leading scholars are obtained through research on interpretation Alquran.
- c. Pembahasan yang merujuk ke atas adalah metode untuk menentukan penafsiran mana yang lebih kuat dan bermanfaat sebagai fatwa bagi masyarakat Islam.
- d. When a problem that requires a fatwa cannot be carried out according to the above procedure, it must be determined with interpretation and consideration (*ijtihad*).
- e. Those who have the authority to issue fatwas are as follows::
 - 1) MUI is related to:
 - a. Religious issues that are general in nature and related to Indonesian Islamic society in general.
 - b. Religious issues relevant to certain areas that are considered applicable in other areas.
 - 2) MUI at the provincial level/(Ulama Consultative Assembly/MPU) Aceh related to religious issues of a local nature and cases of simplicity, but have consulted with the central MUI and the Fatwa Commission.
- f. The Fatwa Commission meeting must be attended by members of the Fatwa Commission who have been appointed by the central leadership of the MUI and the provincial MUI/MPU Aceh with the possibility of inviting experts if deemed necessary..
- g. The Fatwa Commission meeting must be held when:
 - 1) There is a request or need that MUI considers to require a fatwa.
 - 2) The request or need can be from the government, social institutions, and the community or the MUI itself.
- h. In accordance with the rules of the Fatwa Commission Session, the form of fatwa relating to certain issues must be submitted by the Chair of the Fatwa Commission to the Chair of the national and provincial MUI/Aceh MPU..
- i. The central leadership of the national/provincial/MPU Aceh MUI will reformulate the fatwa in the form of: SKPF.

From the existing explanations it can be understood that the sources of fatwa are arranged hierarchically, such as in the national and provincial Fatwa Commissions. As in practice, the MUI fatwas rely mainly on the texts of the Qur'an and Hadith which are included in some cases, but not all of them with references to fiqh texts. These texts always come from the Shafi'i school. However, sometimes references are also found to contemporary Middle Eastern (Egyptian) works, particularly the works of Shaltut and some other lesser known works. (MB. Hooker, 2003).

The basics and procedures for determining the fatwa carried out by the MUI are formulated in the Guidelines for the Determination of the MUI Fatwa Number U596/MUI/X/1997 which were stipulated on October 2, 1997. The basics for determining the fatwa or called the legal istinbath method used by the MUI are no different far from the legal istinbath method used by the salaf scholars. The accommodative attitude used in the determination of the MUI fatwa is the need to think about the benefit of the people when setting the fatwa, in addition to the need to pay attention to the opinions of the fiqh school of law scholars, both those who support and oppose, so that it is hoped that what is decided does not tend to two extremities, but rather looking for a middle ground between the two opposing opinions. The brilliant solution given by the MUI in determining the fatwa is the need to know the opinions of experts in certain scientific fields as consideration in determining the fatwa.

In determining a fatwa, the MUI must follow the procedure for determining the fatwa that has been outlined, as stated in the third part of Article 3 to Article 5 in the Guidelines for Determining the MUI Fatwa which reads:

Pasal 3

1. Each issue submitted to the Commission should be carefully studied by the members of the commission or special team at least a week before the hearing.
2. Regarding issues that have a clear law (qath'iy) let the commission convey as it is, and the fatwa becomes invalid after the texts are known from the Qur'an and Sunnah.
3. In the case of khilafiyah among schools of thought, the fatwa is the result of tarjih after paying attention to muqaran fiqh (comparison) by using the rules of ushul fiqh muqaran related to pentarjihan.

Pasal 4

After conducting a comprehensive in-depth discussion, and taking into account the opinions and views that developed in the session, the Commission stipulates a fatwa.

Pasal 5

1. Every Fatwa Decision must be certified after being signed by the Executive Board in the form of a Fatwa Decree (SKF).
2. The SKF must be formulated in a language that can be easily understood by the wider community.

3. The SKF must include the basics along with a brief description and analysis, as well as the sources for taking them.
4. Every SKF as far as possible is accompanied by the formulation of follow-up actions and recommendations and/or solutions required as a consequence of the SKF, hierarchically there are 2 (two), namely the Central MUI domiciled in Jakarta and the Regional MUI/Aceh MPU. The Central MUI has the authority to issue fatwas regarding religious issues that are general in nature and concern the problems of Indonesian Muslims nationally and/or religious issues that occur in the regions, but the effect can extend to other regions, even these problems can be national.

Although there is a hierarchy between the Central MUI and the regional MUI/MPU Aceh, the fatwas issued by the two institutions are equal, meaning that one fatwa cannot cancel another. Each fatwa stands alone according to its locality and conditions. However, when the decisions of the Regional MUI/MPU Aceh and the Central MUI differ on the same issue, then the two parties need to meet to find the best solution, so that the decision does not confuse Muslims.

The determination of halal and halal fatwas is the authority and task of the MUI Fatwa Commission. The fatwa of several types of materials related to food, medicine and cosmetics issued by the MUI is quite clear. The fatwa can be used as a guide for business actors. So, by following the MUI fatwa for halal food product business actors, it is easier to avoid halal ingredients and their elements into their products.

Therefore, the existence of a list of types of halal ingredients must further ensure the halalness of halal food products. So, to meet halal standards, business actors must follow all the processes, procedures and mechanisms that have been set. The process that must be followed starts from halal product materials, physical supports, production equipment, and production processes. Furthermore, the system documentation model and halal production management.

To carry out its duties, the Fatwa Commission cooperates with LPPOM which was formed by the MUI. The main task of LPPOM is to conduct inspections and research on matters related to raw materials and production processes. Furthermore, the Fatwa Commission is tasked with conducting research and assessment from the sharia side.

According to Islam, in general, halal things (objects) are divided into 2 (two) namely halal li-zatih and halal li-ghairih. The first group, the contents of the object are permitted by religion. Second, the content of the object is halal (not halal), but the method of processing it or obtaining it is not permitted by Islam.

So, in determining a halal fatwa, MUI only pays attention to the position of a product, whether it contains elements of halal li-zatih or halal li-ghairih objects. The trick is to research the halalness of the product. Regarding whether or not the method of obtaining it is permitted by Islamic teachings, it is not included in the matter studied by MUI. For example, whether the money comes from corruption, cheating and others. MUI has not reviewed this.

MUI as the institution that stipulates fatwas in Fatwa Commission meetings has the responsibility to determine whether or not food products are halal. LPPOM is a religious institution appointed by the Ministry of Religion to carry out halal food inspections after being recognized by the National Accreditation Committee (KAN). Business actors who produce products from non-halal materials are not included in submitting applications for halal certificates. But the business actor must include information on products that are not halal.

The Role of LPPOM MUI in Issuing Halal Certificates

LPPOM is a technical institution that helps MUI to introduce halal certificates to business actors as a moral obligation in order to guarantee halal products based on Islamic law to Muslim consumers. LPPOM MUI was formed by MUI by Decree No. 018/MUI/1989 dated January 6, 1989.

MUI established LPPOM, realizing its responsibility to protect Muslim consumers. This institution was formed to assist MUI in determining policies, formulating provisions, recommendations, and guidance regarding food, medicine and cosmetics in accordance with Islamic law. This institution was also established with the aim of providing inner peace for Muslims, especially in consuming food, medicine, and cosmetics. In other words, LPPOM tries to carry out its function in maintaining halal products circulating in the community.

Based on the Decree of the MUI Leadership Council Number Kep.311/MUI/IX/2000, the duties of LPPOM are:

1. Auditing food, medicine and cosmetics submitted by producers to obtain Halal Certificate from MUI;
2. Auditing food, medicine and cosmetics that include Halal Labels on their product packaging;
3. Submit the detailed audit results and the results of the assessment to the Fatwa Commission for legal considerations, then the MUI certificate will be issued;
4. Conducting activities in cooperation with domestic and foreign government and private institutions, as well as carrying out other tasks assigned by the MUI Leadership Council.

The authority of LPPOM based on the Decree is as follows:

1. Together with the MUI Leadership Council to establish a regional MUI food, medicine and cosmetics review agency;
2. Hold a national working meeting at least once every two years;
3. Conducting activities in the context of socializing halal food to Muslims;
4. Invite experts to discuss a problem related to food, medicine, and cosmetics;
5. Provide warnings, warnings, both verbally and in writing to producers who misuse the Halal Certificate that has been given by MUI, including producers who deliberately replace their product materials from those proposed in the certification process.

LPPOM as a Halal Certification agency conducts a comprehensive audit or administrative and field audit. The inspection covers raw materials and other materials, processing, to packaging and transportation. The results of this field audit are then reported to the MUI Fatwa Commission to determine its halal status in the form of an MUI Fatwa. The determination of the Halal Fatwa itself is based on 3 (three) principles, namely sharia provisions, scientific principles, and community culture. Sharia provisions are basic principles that are sourced from the Qur'an and Hadith. Scientific rules are the application of science and technology developments in the food processing process. Community culture is the custom of the local community, for example a halal slaughterhouse (RPH) must be separated from the pig slaughterhouse.

Before attaching the halal label to a food product, it must first be checked or audited by the LPH. Then the results are submitted to the MUI which will issue a Halal fatwa. The issuance of the Halal Certificate itself was issued by BPJPH after the halal fatwa from the MUI. However, once again prior to the formation of BPJPH, in accordance with Article 59 of the Law on Halal Product Assurance, the submission of application and renewal of the Halal Certificate is carried out in accordance with the procedures for obtaining the Halal Certificate that were in effect before the promulgation of this Law. Thus, MUI continues to carry out its duties in the field of Halal Certification until BPJPH is formed.

On the other hand, based on the historical journey of implementing Halal Certificates in Indonesia, LPPOM is the institution that pioneered the issuance of the first Halal Certificate and is still considered the only one in Indonesia. Because of this, LPPOM is often accused of being the institution that monopolizes the issuance of halal certificates in Indonesia. In reality this is not entirely true because the halal certificate is given on a voluntary basis, not an obligation (before the issuance of the Halal Product Guarantee Act). In addition, LPPOM provides halal certificates not only for the Central LPPOM, but also for LPPOM in the regions/provinces. Moreover, each region has its own authority which is not dependent on the Central LPPOM. The Regional LPPOM is formed by the Regional MUI, so that the Regional LPPOM is responsible to the Regional MUI.

In brief, it can be explained that the scope of work of Central LPPOM and Regional/Provincial LPPOM cannot be separated from the proportional principle of division of authority over the halal certification process of Central and Regional LPPOM. Utilization of this principle is very necessary in order to realize a clear division of tasks according to the portion and position so that there is no overlap with each other (Sopa, 2013). The division of work areas between the Central and Regional MUIs is carried out based on their respective authorities in determining fatwas.

In the Guidelines and Procedures for the MUI Fatwa Chapter VI concerning Authority and Fatwa Areas, it is explained that the Central MUI has the authority to issue fatwas regarding religious problems faced by Muslims that are national in nature and religious issues

that are initially local but can then spread to other areas. Furthermore, the Regional/Provincial/MPU Aceh MUI has the authority to issue fatwas regarding religious issues of a local or regional nature.

This applies to all types of fatwas including halal fatwas for food products, medicines and cosmetics. The resulting fatwas have an equal position so they cannot cancel each other out. Likewise in the halal fatwa which is then processed into a Halal Certificate by the Regional/Provincial/MPU Aceh MUI. Based on this authority, the Central MUI is authorized to process applications for Halal Certification from national and multinational companies.

There are 3 (three) criteria made by MUI in determining a multinational company, which are as follows:

1. A company whose head office is located in one area and has branches in other areas or is a branch of a company located abroad.
2. Companies whose products are widely marketed to other areas or for export purposes.
3. Restaurants or restaurants that adhere to a franchise system. Likewise, foreign companies engaged in the export-import sector.

There are 3 (three) criteria made by MUI in determining whether a company is a local company, namely as follows:

1. Slaughterhouses (RPH) in the area.
2. Companies whose domicile and offices are only in regions, do not have branches in other regions or are not branches of a company located in other regions,
3. Restaurants or restaurants that are only located in an area and do not use a franchise system.

The division of authority aims to provide inner peace for Muslims throughout Indonesia. In addition, it is also intended to provide convenience for the home industry in terms of time and cost to obtain a halal certificate at an affordable cost. The authority to carry out halal certification is given to the Regional MUI which already has experts as supporters of the Regional LPPOM. The formation of the Regional LPPOM is carried out by the Level I Regional MUI. The formation of the Regional LPPOM can only be carried out if 3 (three) requirements are met, namely:

1. Availability of Experts (S-1, S-2 and S-3) in the fields of food, chemistry, or biochemistry, industrial engineering, agriculture, Shari'ah and administration who act as auditors.
2. These experts have broad Islamic insight and always put the interests of the people ahead of personal interests
3. Availability of own testing laboratory or in collaboration with other parties.

Currently, LPH's readiness to involve more universities has even formed a halal consortium. For example, in 2019, the Halal Center Consortium Congress was held which was attended by Brawijaya University, Maulana Malik Ibrahim State Islamic University Malang,

Tulungagung State Islamic University, Sepuluh Nopember Institute of Technology, Airlangga University, State University of Surabaya, University of Muhammadiyah Malang, Islamic University of Malang, University of Muhammadiyah Sidoarjo and PP Bahrul Maghfiroh Malang. The halal consortium congress is to build more intensive communication between campuses that have serious attention to the Halal Center.

Various steps have been taken by LPPOM, among others, by designing and compiling the Halal Certification System (SSH) and SJH which have been adopted by foreign halal certification institutions. LPPOM is a pioneer in Halal and HAS Certification internationally. The adoption of the Indonesian Halal Standard by foreign institutions is certainly very beneficial for Indonesia, both for consumers and business actors. Because consumers are protected from products that are not guaranteed halal. In addition, with standards that have been mutually recognized, business actors also obtain certainty about the halal requirements that they must meet before marketing their products and also become an added value for business actors to produce and sell halal products (in accordance with the objectives of the implementation of the Halal Product Guarantee).

To raise public awareness in consuming halal products. LPPOM holds outreach programs and public information, including through seminars, workshops, visits to halal business actors, magazine publications, online information media management and the holding of the Indonesia Halal Expo (INDHEX) halal product exhibition which is held regularly every year. In fact, to improve customer service, LPPOM has built a Management Information System (MIS) that makes it easier for the public, especially business actors who want to apply for Halal Certification, can do it online through the website. www.halalmui.org.

MUI Halal Fatwa Standardization

The issue of halal products is a difficult thing and cannot be seen as easy. This requires more in-depth laboratory research. Research is needed to ensure raw materials, manufacturing processes, media and even to the packaging. Therefore, it is necessary to standardize halal fatwas. Halal fatwa is an authority owned by MUI. Fatwas play an important role in providing explanations and explanations for Muslims. Standardization of halal fatwas has a function to provide certainty, protection, and convenience for consumers, especially Muslims, rather than the possibility of consuming halal products. This problem is one of the consumer rights that exist in Article 4 letter (a) of the Consumer Protection Act,

To set standards for halal products, LPPOM divides them into 5 (five) standardizations based on the elements/materials of the business actors. The standardization includes standardization regarding liquor, ethanol, slaughter, product names, ingredients, and microbes/microbiology..

The standard for haram alcohol is set by the MUI as follows::

1. *Khamar* is anything intoxicating, whether drink or otherwise. It's illegal.

2. Drinks that are included in the category of khamr are drinks that contain ethanol (C₂H₅OH), at least 1%.
3. Drinks that are included in the category of khamr are unclean.
4. Beverages containing ethanol below 1% as a result of engineered fermentation are haram on a preventive basis, so they are not unclean.
5. Drinks made from tap water with a minimum ethanol content of 1%, including the category of khamr.
6. Tape does not include khamr.

In determining the halal status of a product, MUI also makes standards, so that the MUI Fatwa Commission in issuing a halal fatwa conducts testing on products by regulating product names and ingredients. According to LPPOM, the halal standards are:

1. It is forbidden to eat and use names and/or food/drink symbols that lead to kufr and falsehood.
2. Not eating and using names and/or symbols of food/drinks that refer to the names of goods/animals that are forbidden, especially pork and alcohol, except those that have become customary ('urf) and are ensured not to contain prohibited elements such as the names of meatballs, noodles, bakwan, bakpia and bakpao.
3. It is forbidden to eat and use mixed ingredients for food/beverage components that give rise to the taste/aroma of objects or animals that are forbidden, such as pork flavored instant noodles, bacon flavor, and others.
4. Not allowed to eat food/drinks that use the names of forbidden foods/drinks such as whiskey, brandy, beer and others.

From the provisions made by MUI, there are several standards for the halal status of a product. The standard provisions are based on standardization based on the elements or ingredients of their production, namely concerning standards for khamr, ethanol, slaughter, product and material names and microbes. From this standardization, MUI through LPPOM has a special standard in issuing halal fatwas. The authority of LPPOM to determine standardization is needed to respond to technological advances that require the government to seriously regulate food products. Halal fatwa standards have an important role in providing protection and comfort for Muslim consumers.

Conclusion

The determination of product halalness by the Indonesian Ulema Council after the birth of the Copyright Law does not change the authority of the MUI in making decisions to determine halal products. The MUI Halal Fatwa Session is carried out to determine whether a product is idolatrous by implementing it. The Importance of Halal fatwa standards have an important role in providing protection and comfort for Muslim consumers.

REFERENCE

- Ahmad Hafizh, 2010. *Tinjauan Terhadap Perkembangan Jaminan Produk Halal dalam Hukum Indonesia*, (Tesis, Fakultas Hukum Universitas Indonesia.
- Ahmad Warson, 1997. *Kamus Arab-Indonesia Al Munawir*, Surabaya: Pustaka Progressif.
- Ahyar A. Agyo, et. al, *Kedudukan Fatwa MUI dalam Upaya Mendorong Pelaksanaan Ekonomi Syariah*, Jakarta, BPHN Kementerian Hukum dan HAM, 2011.
- Aisyah Girindra, LPPOM MUI mengukir Sejarah Sertifikasi Halal, hlm. 78
- Azyumardi Azra, 1999. *Majelis Ulama Indonesia dalam Menuju Masyarakat Madani: Gagasan, Fakta, dan Tantangan*, Bandung: PT Remaja Rosdakarya.
- Denny Indrayana, Fatwa MUI Hukum Positif dan Hukum Aspiratis, melalui <http://nasional.kompas.com/read/2016/12/22/17262341/fatwa.mui.hukum.positif.dan.hukum.aspiratis>, 18 Mei 2017.
- Faisar Ananda Arfa, 1996. *Sejarah Pembentukan Hukum Islam: Studi Kritis tentang Hukum Islam di Barat*, Jakarta: Pustaka Firdaus.
- Fazlur Rahman, 1962. *Post Formative Developments in Islam*, Karachi: Islamic Studies, hlm. 12).
- <https://www.kompas.com/tren/read/2021/01/12/140200765/isi-lengkap-fatwa-mui-soal-sertifikasi-halal-vaksin-covid-19-sinovac?page=all>. diakses tanggal 18 Januari 2021).
- Indonesia (3), 2011. *Naskah Akademik Rancangan Undang-Undang Tentang Jaminan Produk Halal*, Jakarta: Sekretariat Komisi VIII DPR RI.
- Komisi Fatwa MUI, 2005. Hasil Munas Ke-VII MUI, Jakarta: Sekretariat MUI
- Konsorsium Halal Siap Kembangkan Pusat Halal di Jawa Timur, melalui <https://halal.unair.ac.id/2019/07/01/konsorsium-halal-siap-kembangkan-pusat-halal-di-jawa-timur/>, diakses tanggal 2 April 2020
- LPPOM MUI, "Perjuangan Menentramkan Umat" dalam Jurnal Halal No. 1/I/Sep-Okt 1994
- M. Atho Mudzhar, 1993. *Fatwa-Fatwa Majelis Ulama Indonesia: Sebuah Studi Tentang Pemikiran Hukum Islam di Indonesia 1975-1988*, Jakarta: INIS.
- M. Atho Muzhar, "Pengaruh Faktor Sosial Budaya terhadap Pemikiran Hukum Islam", dalam *Mimbar Hukum*, No. 4 Tahun II 1991
- Ma'ruf Amin, *Fatwa dalam Sistem Hukum Islam*, Jakarta: Paramuda Advertising, 2008, hlm. 19.
- Majelis Ulama Indonesia Provinsi Jawa Timur, *Pedoman Penyelenggaraan Organisasi Majelis Ulama Indonesia*, 2013
- Majelis Ulama Indonesia, 1980. *Keputusan-Keputusan Musyawarah Nasional ke-II Majelis Ulama Indonesia*, Jakarta.
- Muhammad Abu Zahrah, 2008. *Ushul Fiqh*, Cet. 12, Jakarta: Pustaka Firdaus, hlm. 595
- Muhammad Abu Zahrah, Al-Syafi'i, tt. *Hayatuhu wa Asyuruhu wa Fiqhuhu*, Mesir: Dar al-Fikr al-'Arabi.
- Muhammad Syukri Albani Nasution, 2014. *Filsafat Hukum Islam*. Jakarta: Rajawali Pers.
- Mustafa Ali Ya'qub, 2010. *Kriteria Halal-Haram untuk Pangan, Obat-Obatan dan Kosmetika Menurut Al-Qur'an dan Hadits*, Jakarta: Pustaka Firdaus.
- Peraturan Organisasi MUI, *Pedoman Penetapan Fatwa Majelis Ulama Indonesia*, Jakarta: MUI, 2015.

- Peter Mahmud Marzuki, 2014. *Penelitian Hukum*, Jakarta: Prenada Media Group
- Rohadi Abdul Fatah, 2006. *Analisis Fatwa Keagamaan dalam Fikih Islam*, Jakarta: Bumi Aksara.
- Shafira Qurrata Ayun, *Perubahan Kewenangan Lembaga-lembaga Yang Berwenang Dalam Pemberian Sertifikasi Halal Produk*, Malang: Ilmu Ekonomi Fakultas Ekonomi dan Bisnis Universitas Brawijaya
- Slamet Suhartono, "Eksistensi Fatwa Majelis Ulama Indonesia Dalam Perspektif Negara Hukum Pancasila," dalam *Jurnal Al-Ahkam*, Vo l. 12 No. 2 Desember 2017
- Sopa, 2013. *Sertifikasi Halal Majelis Ulama Indonesia, Studi atas Fatwa Halal MUI Terhadap Produk Makanan, Obat-obatan dan Kosmetika*, Jakarta: Gaung Persada Press.
- Soerjono Soekanto & Sri Mamudji, 2011. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo
- Tentang MUI: Komisi-komisi Majelis Ulama Indonesia, melalui <http://mui.or.id/mui/tentangmui/komisi-mui/komisi-komisi.html>, diakses 6 Mei 2015
- Tim Materi Ijtima' Ulama Komisi Fatwa Se-Indonesia VI, 2018, Rancangan Materi Ijtima' Ulama Komisi Fatwa se-Indonesia VI Tahun 2018 tentang *Masail Qanuniyah* (Masalah Peraturan Perundang-undangan), Kalimantan Selatan, 7-10 Mei 2018, hlm. 4
- Wahbah Az-Zuhaily, 1986. *Ushul al-Fiqh al-Islami*, Jilid II, Beirut/Damaskus: Daar el Fikri al-Mu'ashir.
- www.kan.or.id/? Page_id = 70 & lang = id, diakses pada tanggal 22 November 2012.