



APPLICATION OF HADITH AS A SOURCE OF LAW IN DETERMINING THE FATWA OF THE INDONESIAN COUNCIL OF ULAMA (MUI)

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Abstract

Indonesian Muslims tend to seek religious solutions to face their problems, one of which is by referring to the fatwa of the Indonesian Ulama Council (MUI). Considering the position of hadith as a source of teachings in Islam, exploring the existence of hadith in legal formulations and the establishment of fatwas is also important. This research aims to reveal the use and absorption of hadith as a source of Islamic law in the determination of the Fatwa of the Indonesian Ulama Council as stated in the MUI Fatwa Association Book since 1975, totalling 173 fatwas, focusing on socio-cultural fatwas of 64 fatwas. This research used a qualitative method with a descriptive-critical approach. The research results show that of the 64 fatwas in the social and cultural fields, almost the majority use hadith as a source of law in formulating their fatwas. There are 51 fatwas related to social and cultural fields that use hadith as a source of law, while 13 other fatwas do not involve hadith in their legal sources. The total number of hadiths that are a source of law in the formulation of MUI fatwas in the socio-cultural field is 222 hadiths. Quoting hadiths in the determination of the fatwa of the Indonesian Ulama Council (MUI) in the Social

and Cultural Sector as stated in the MUI Fatwa Association since 1975 generally uses two techniques: First, citing by including the source or narrator who transmitted the hadith from the Prophet PBUH. Second, quoting without mentioning the name of the hadith transmitter. All the hadith referred to by the MUI are of authentic quality and can be verified for their authenticity.

Keywords: hadith, legal sources, fatwa, culture

Abstrak

Muslim Indonesia memiliki kecenderungan untuk mencari solusi yang bersifat religius dalam menghadapi problem mereka, salah satunya dengan merujuk pada fatwa Majelis Ulama Indonesia (MUI). Mengingat kedudukan hadis sebagai salah satu sumber ajaran dalam Islam, maka menggali eksistensi hadis dalam formulasi hukum dan penetapan fatwa juga menjadi penting. Penelitian ini bermaksud mengungkap penggunaan dan penyerapan hadis sebagai salah satu sumber hukum Islam dalam penetapan Fatwa Majelis Ulama Indonesia sebagaimana yang tertuang dalam Buku Himpunan Fatwa MUI sejak 1975 yang berjumlah 173 fatwa dengan memfokuskan pada fatwa bidang sosial budaya sebanyak 64 fatwa. Penelitian ini menempuh metode kualitatif dengan pendekatan deskriptif-kritis. Hasil penelitian menunjukkan bahwa dari 64 fatwa bidang sosial dan budaya hampir mayoritas menggunakan hadis sebagai sumber hukum dalam perumusan fatwanya. Terhitung 51 fatwa terkait bidang sosial dan budaya yang menggunakan hadis sebagai salah satu sumber hukum, sedangkan 13 fatwa lainnya tidak melibatkan hadis dalam pengambilan sumber hukumnya. Jumlah keseluruhan hadis yang menjadi sumber hukum dalam perumusan fatwa MUI dalam bidang sosial budaya adalah 222 hadis. Pengutipan hadis dalam penetapan fatwa Majelis Ulama Indonesia (MUI) Bidang Sosial dan Budaya sebagaimana yang tertuang dalam Himpunan Fatwa MUI sejak 1975 secara umum menempuh dua teknik: Pertama, pengutipan dengan menyertakan sumber atau periwayat yang mentransmisikan hadis tersebut dari Nabi Saw. Kedua, pengutipan tanpa menyebutkan nama transmittor hadis. Keseluruhan hadis yang dirujuk MUI tersebut berkualitas

shahih dan dapat dipertanggung jawabkan kejujubahannya.

Kata kunci: hadis,sumber hukum,fatwa, budaya

Introduction

Human life basically cannot avoid problems and new things that require legal certainty. The problems faced by one generation may very well be different from those of another generation, and at the same time, every human being also needs an atmosphere that makes them feel protected and able to live peacefully with other humans (Ibrahim, 2013, p. 1).

In solving every new problem, Indonesian society, which is predominantly Muslim, tends to look for solutions that are religious in nature. The Moslem Scholars (Ulama) play a vital role as people who guide and direct the community in instilling Islamic teachings and values as a guide to life. Since the colonial era occurred in Indonesia, ulama have played a very significant role in responding to leadership decisions that were considered unfair and impartial to the people (Nafis, 2011, p. 70). Indonesia has the Indonesian Ulama Council (MUI), which is a gathering place for Muslim clerics, leaders, and intellectuals and acts as a protector for all Indonesian Muslims. It is the most competent institution in answering and solving every socio-religious problem that continually arises and is faced by society. MUI has also received full trust, both from the public and the government. In line with this, in accordance with the mandate of the 2000 VI National Conference, the MUI always strives to improve its function, role, and quality of performance, especially in providing religious solutions and answers to the problems faced by the people (Ma'ruf, 2011, p. 4).

Among the duties of the Indonesian Ulama Council (MUI) is to provide fatwas and advice, both to the Government and the community.

The expected fatwa is not only related to faith and worship but also fatwa related to social life.

The fatwa issued by the MUI generally refers to Decree Number: U-596/MUI/X/1997 which explains the three parts of the process of determining a fatwa, namely the legal basis for determining a fatwa, the procedure for formulating the fatwa, the techniques and authority of the institution in determining the fatwa. The general basis for determining a fatwa is based on the strongest legal arguments that bring benefit to the people, namely the Qur'an, Hadith, ijma', qiyas, and other authoritative legal postulates. Furthermore, these arguments are classified into two parts: First, the legal arguments agreed upon by the ulama to be used as the basis for determining a fatwa (*adillah al-ahkam al-muttafaq 'alaih*). Second, disputed legal arguments are used as the basis for determining a fatwa (*adillah al-ahkam al-mukhtalafih*) (Ma'ruf, 2011, p. 4–5).

The position of the Qur'an as the main legal basis for determining fatwas can be understood because the Qur'an itself has declared itself as guidance (*huda*) for various problems of the people. This is because the Qur'an, from the time it was revealed, is definite (*qat'iy al-wurud*) and contains teachings with definite meaning and guidance (*qat'iy al-dilalah*), but this is not the case with the hadith.

Hadith is often defined as something attributed to the Prophet, whether in the form of his behavior, words, approval of the actions of his friends, or descriptions of his nature and character (Al-Azami, 1992, p. 1&3). Hadith is the second source of Islamic law after the Qur'an and has an important position that is difficult for Muslim society to ignore, both structurally and functionally. Structurally, hadith is positioned at the second level hierarchically after the Qur'an, and functionally, it is an explanation (*bayan*) of verses of the Qur'an that are global (*mujmal*), broad (*mutlaq*), or general (*'am*). Apart from that, hadith can also be

used as a reference basis for legal decisions that have not been regulated in the Qur'an (Shahrur, 2004, p. 223–227).

Given the position of hadith as one of the sources of teachings in Islam, exploring the existence of hadith in legal formulation and determination of fatwas is important. Therefore, this study intends to reveal the use and absorption of hadiths as a source of Islamic law in determining the Fatwa of the Indonesian Ulama Council as contained in the MUI Fatwa Association Book since 1975, totaling 173 fatwas. This study focuses on 51 fatwas in the social and cultural fields with two considerations: First, problems related to the social and cultural fields are more actual and dynamic compared to other fields, such as the fields of faith and worship; Second, the legal sources used in determining the fatwa are more diverse.

The results of this study are expected to contribute to disclosing the application of hadith as a source of Islamic law and the process of establishing fatwas of the Indonesian Ulama Council as a religious institution that has the authority to set laws and issue fatwas in Indonesia. Besides being able to reinforce the function of sunnah/hadith as a source of Islamic law in addition to the Qur'an.

This research used a qualitative method with a descriptive-critical approach. The basis for using qualitative methods in this research is because qualitative methods are more sensitive-active so that the data obtained is expected to be more complete and more in-depth. (Moleong, 2001, p. 2) states that qualitative methods reveal all events in a social context and data that are feelings, norms, values, beliefs, habits, mental attitudes, and culture adopted by a person or group of people. Thus, the Application of Hadith as a Source of Law in the Determination of the Fatwa of the Indonesian Ulama Council in the Social and Cultural Affairs can be revealed clearly and in depth.

Collection of research data using documentation techniques. Namely, a study of documents, theories, and concepts related to the object under study, such as the Indonesian Ulama Council (MUI) Fatwa Association Since 1975 and other books relevant to the discussion of this research. In addition, researchers conducted interviews with scholars from the MUI Fatwa Commission regarding the application of hadith as a source of law in determining the fatwa of the Indonesian Ulama Council in the Social and Cultural Affairs.

Analysis of the research data uses the analytical-critical method (Syarofi, 2016, p. 107). It is because this study aims to provide a clear picture of the application of hadith as a source of Islamic law in determining the fatwas of the Indonesian Ulama Council for Social and Cultural Affairs.

Position of MUI Fatwa, Scope of Fatwa, and Procedure for its Determination

MUI or the Indonesian Ulama Council is an institution that houses Muslim scholars, leaders, or community leaders (*zu'ama*), and Islamic scholars in Indonesia to direct, foster, guide, and protect Muslims in Indonesia. This institution was founded on 7 Rajab 1395 Hijri, coinciding with 26 July 1975 in Jakarta. The establishment of the MUI was motivated by the collective awareness of Indonesian Muslim leaders that Indonesia needed a solid religious foundation for the development of a moral and advanced society (<http://mui.or.id>).

In running the organization, MUI formed 11 commissions consisting of: the Fatwa Commission; Islamic Brotherhood Commission; Commission for Da'wah and Islamic Community Development; Commission for Education and Development of Islamic Arts and Culture; Commission for Assessment and Research; Commission on Law and Legislation; Commission for the Empowerment of the People's Economy;

Commission for the Empowerment of Women, Youth and Families; Informatics and Mass Media Commission; Commission for Religious Harmony; Commission on Foreign Relations.

MUI has five roles as set out in the main MUI AD/ART, namely: as Heir to the Duties of the Prophets (*Warasat al-Anbiya*), Giver of Fatwa (*Mufti*), Guide and Servant of the Ummah (*Ra'iy wa khadim al-ummah*), Enforcer of *Amar Makruf* and *Nahyi Munkar*, Pioneers of the Movement for Renewal (*Tajdid*) and Social Improvement (*Islah*). In line with this, Asrorun Ni'am Sholeh explained that the MUI's function is very important amid the plurality of Indonesian Muslims. The plurality and diversity of Muslims in religious thought, social organization, and school tendencies, and political aspirations can not only be a strength but also often a weakness and a source of discord among Muslims themselves. So sometimes excessive group egoism (*Ananiyah Hizbiyah*) arises. As a result, the opportunity to develop ourselves into a group that is not only large in number but also superior in quality is lost. In this case, MUI functions as a forum that represents Muslims collectively for the realization of unity, unity and togetherness of Muslims in Indonesia (Sholeh, 2016, p. 76).

The importance of the existence of MUI fatwas was stated by Mulia (2003) and Sholeh (2016, p. 3-4), MUI fatwas have important meaning for the Indonesian Muslim community. Although the fatwas issued by the MUI are not legally binding, in practice they are often used as guidelines and references in behavior, both in society and in government circles, in various aspects of national and state life. The strong influence of MUI fatwas on Indonesian society also encourages MUI to be responsive to dynamics and trends in society so that the fatwas issued are in line with the benefit of society.

There are procedures and methodologies that must be followed

in determining a fatwa. Namely, first, Fatwas must not be followed blindly (*taqlid*). A fatwa expert must meet the mujtahid requirements and the mujtahid requirements are prohibited from following other mujtahids unanimately. Second, the fatwa must not deviate from the human rights promoted in Islam from the beginning. These rights include, among other things, the right to embrace a religion and follow the interpretation of a certain group of interpreters. Third, the truth of a fatwa is relative, so it is always possible to change it along with changes in space, time, and tradition. Fourth, the fatwa must be preceded by adequate research and description of one subject matter, including inviting relevant parties to discuss what will be the fatwa (Andriyan, n.d.)

MUI has issued 173 fatwas since 1975 until now. MUI fatwas that have been collected can be classified into four areas, namely: First, the field of Aqidah and religious sects which consists of 14 fatwas. Second, the field of worship which includes 37 fatwas. Third, the social and cultural sector consists of 64 fatwas. Fourth, the fields of food, medicine, science, and technology consist of 35 fatwas.

This research focuses on the application of hadith as a legal source in determining MUI fatwas in the Social and Cultural Sector. The considerations for focusing on the social and cultural fields are: First, problems related to the social and cultural fields are more actual and dynamic compared to other fields, such as the fields of faith and worship; Second, the legal sources used in determining the fatwa are more diverse.

Based on the author's research, the MUI Fatwa in the Social and Cultural Sector summarizes 64 Fatwas, namely: Living simply; Al-Qur'an writing with other than Arabic letters; Facing the 1978 MPR general meeting; moving corpses; Christmas celebration together; Massage parlors; Population, health and development; Chanting using verses from the holy Qur'an; Adoption (adoption of a child); utilization

of inherited land; burying corpses; Hukum plays Prophets/Apostles and saints in films; Prize Social Fund Contribution (SDSB) I; Prize Social Fund Contribution (SDSB) II; Prevention of HIV/AIDS transmission; marriage procedure; Use of *Shighat Ta'liq Talaq* during the marriage contract ceremony; sharia mutual funds; Mut'ah marriage; Transgender status; Guidelines for raising funds to improve the quality of national sports; bribery (*Risywah*), corruption (*Ghulul*) and gifts to officials; Gender bias; Abortion I; human rights (HAM); Sending female workers (TKW) abroad; Pornography and pornography; cash waqf; Copyright; The United States and its allies attacked Iraq; Bank interest; Inheritance of male siblings/father's siblings with only female child; Management of funerals in an emergency; Abortion II; Attaching photos to the Qur'an; Intellectual Property Rights protection; Interfaith Marriage; Inheritance of different religions; Benefit criteria; Revocation of private property rights for public purposes; Death penalty in certain crimes; Games on media/game machines managed by Members of the Indonesian Family Recreation Association (ARKI); Prize SMS; Marriage under the hand; Work clothes for female medical personnel; Autopsy of corpses; The application of reverse proof; Infotainment; tourist marriage; Changes and refinement of the genitals; Environmentally friendly mining; The position of children resulting from adultery and their treatment; hair dye; Regarding the issue of Breast Milk Donation (ASI); Utilization of the mosque area for social activities and those with economic value; Preservation of Endangered Animals to maintain the balance of the ecosystem; Buying and Selling Land for cemeteries and luxury burial plot businesses; Waste management to prevent environmental damage; Punishment for Producers, Dealers, Dealers and Drug Abusers; The status of the land on which the mosque is built; Tanning of animal skins and its use; Lesbian, Gay, Sodomy, and Obscenity; Having more than four wives at the same time; Law and Guidelines for interaction through Social Media.

Application of Hadith as a Source of Law in the Determination of MUI Fatwas in the Social and Cultural Fields

Hadith etymologically means communication, story, conversation: religious or secular, historical, or contemporary. Hadith in the Muslim tradition means verbalization or narration about or from the Prophet, whether in the form of words, decrees, actions, or characteristics (al-Azami, 1977, p. 1).

Based on research by researchers, of the 64 fatwas in the social and cultural fields, almost the majority used hadith as a source of law in formulating their fatwas. There are 51 fatwas related to social and cultural fields that use hadith as a source of law, while 13 other fatwas do not involve hadith in their legal sources.

The 51 fatwas that used hadith in the formulation of their fatwa were: Against the 1978 MPR general opinion; Celebrating Christmas together; Massage parlors; Population, health and development; Singing using the holy verses of the Qur'an; Adoption of a child; Museum of corpses; Hukum plays a prophet/apostle and a saint in the film; sharia mutual funds; mut'ah marriage; bribery (*Risywah*), corruption (*ghulul*) and gifts to officials; Gender bias; Abortion I; Sending female workers (TKW) abroad; Pornography and pornography; cash waqf; Copyright; The United States and its allies attacked Iraq; Bank interest; Inheritance by male siblings/father's siblings along with an only female child; Management of corpses in an emergency; Abortion II; Protection of Intellectual Property Rights; Interfaith Marriage; Inheritance of different religions; Benefit criteria; Revocation of private property rights for public purposes; Death penalty in certain crimes; Games on media/game machines managed by Members of the Indonesian Family Recreation Association (ARKI); Prize SMS; Marriage under the hand; Work clothes for female medical personnel; Autopsy of corpses; The

application of reverse proof; Infotainment; tourist marriage; Change and improvement of genitals; Environmentally friendly mining; The position of children resulting from adultery and their treatment; hair dye; Regarding the issue of Mother's Milk Donors (ASI); Utilization of the mosque area for social activities and those with economic value; Conservation of Endangered Animals to maintain ecosystem balance; Buying and Selling Land for cemeteries and luxury burial plot businesses; Waste management to prevent environmental damage; Punishment for Drug Producers, Dealers, Dealers and Abusers; Status of the land on which there is a mosque building; Tanning of animal skins and their use; Lesbian, Gay, Sodomy, and Obscenity; Having more than four wives at the same time; Laws and Guidelines for interaction via Social Media.

Meanwhile, the 13 fatwas that do not involve hadith in the formulation of the fatwa are: Living simply; Al-Qur'an writing with other than Arabic letters; moving corpses; utilization of inherited land; Prize Social Fund Contribution (SDSB) I; Prize Social Fund Contribution (SDSB) II; Prevention of HIV/AIDS transmission; marriage procedure; The use of suspension formula (*Shighat Ta'liq Talaq*) during the marriage contract ceremony; Transgender status; Guidelines for raising funds to improve the quality of national sports; human rights (HAM); Attaching photos to the Mushaf of the Qur'an.

Social and cultural changes in Indonesia are a fact that requires ulama and fuqaha to re-examine classical Fiqh opinions which are considered no longer relevant and need to be adjusted to developments and the context of the times. By continuing to respect the results and works of previous scholars in the field of Islamic law, *ijtihad* today is still needed to reconstruct applicable Islamic law according to current needs. Each period has its own problems that are different from other periods. In fact, today there is a greater need for *ijtihad* compared to the past, due to extraordinary changes due to progress in the fields of industry,

trade, services, contractual agreements, technology, communications, etc. (Sholeh, 2016, p. xvii).

The use of hadith in many fatwas formulated by the MUI is understandable, considering that hadith is one of the sources of Islamic law besides the Qur'an, as stated in the QS. Ali Imran: 132 & 164; al-Nisa: 59-65, al-Ahzab: 36. In some of these verses Allah SWT. emphasized to comply with everything that has been ordered and determined by the Prophet PBUH. This is also confirmed in the hadith which was narrated by Ma'diyakrib who emphasized two guidelines that must be adhered to so as not to get lost in living life in this world until the afterlife, namely: the Qur'an and the Hadith (Muslim, 2001, p. 245).

Techniques for Quoting Hadith in Determining the Fatwa of the Indonesian Ulama Council in the Social and Cultural Affairs

Most of the fatwas of the Indonesian Ulama Council (MUI) in the Social and Cultural Sector use hadith as a source of Islamic law in the formulation of their fatwas. Many fatwas that refer to hadiths are written in Arabic text, but there are also those that only mention the translation of the hadith text, such as in fatwas about massage parlors, songs using verses from the holy Qur'an, laws on playing prophets/apostles and holy people in films, multi-national army attacks on Iraq, bank interest, revocation of private property for public purposes. Apart from that, there are also fatwas that use hadith as material for consideration in the formulation of laws, but they are not mentioned specifically, such as in the formulation of fatwas regarding the problem of gender bias. Likewise, the verses of the Qur'an which are the source of fatwa laws regarding gender equality are also not presented specifically by the MUI as usual. MUI is of the view that gender equality has been regulated in the Qur'an and hadith (Ma'ruf, 2011, p. 393-394).

Quoting hadiths in the determination of the fatwa of the Indonesian

Ulama Council (MUI) in the Social and Cultural Sector as stated in the MUI Fatwa Association since 1975 generally uses two techniques: First, citing by including the source or narrator who transmitted the hadith from the Prophet PBUH. Second, quoting without mentioning the name of the hadith transmitter.

MUI uses hadith without mentioning the source or names of hadith transmitters in determining 6 (six) fatwas, namely: First, Fatwa regarding the attitude of Indonesian society in facing the general session of the MPR (People's Consultative Assembly) as much as 1 hadith from the book *Sirah Nabawiyah* written by Ibn Hisyam (2000, p. 240); Second, fatwa on population, health and development as many as 2 hadiths from *Sahih al-Bukhari* (Al-Bukhari, 1992, p. 496–498), *Sahih Muslim* (Muslim, 2001, p. 173–174). Both are from the history of Abdullah and Alqamah; Third, Hukum plays the Prophet/Rasul and saints in the film as many as 1 hadith from the book *Sahih Muslim* (Muslim, 2001, p. 252). This hadith states that the Prophet during the Conquest of Mecca (*Fath Makkah*) ordered to break/destroy the images/statues of the previous prophets which were displayed in the Kaaba; Fourth, SMS prizes of 1 hadith narrated in four hadith books, namely *Muwaththa* (Malik, 1994, p. 37), *Mustadrak* (Al-Hakim, 1996, p. 454), *Sunan al-Baihaqi* (al-Baihaqi, 1990, p. 404), and *Sunan ibn Majah* (Ibn Majah, 1998, p. 143); Fifth, there are 2 hadiths about marriage under the hand. The first hadith was narrated without mentioning the complete chain of hadith narration and was narrated by Malik (1994, p. 37), Al-Hakim (1996, p. 454), al-Baihaqi (1990, p. 404), and Ibn Majah (1998, p. 143). The second hadith comes from *Sahih al-Bukhari* (Al-Bukhari, 1992, p. 50), *Sunan at-Tirmidzi* (At-Tirmidzi, 1998, p. 50), *Sunan an-Nasa'i* (An-Nasa'i, 2000, p. 93), and *Musnad Ahmad ibn Hanbal* (Ahmad, 2000, p. 394) with the following editors substantially the same; Sixth, tanning of animal skins and their use is 1 hadith from *Musnad Ahmad ibn Hanbal* (Ahmad, 2000, p. 464).

Quoting hadiths in the formulation of fatwas by mentioning the names of the narrators as sources of hadith transmitters from the Prophet. mentioned in 44 fatwas as follows: (1) Fatwa regarding the prohibition of celebrating Christmas together which comes from the books of *Sahih al-Bukhari* (Al-Bukhari, 1992, p. 90) and *Sahih Muslim* (Muslim, 2001, p. 280); (2) Fatwa regarding the phenomenon of the emergence of massage parlors in Indonesia which presents 3 hadiths originating from *Musnad Ahmad* (Ahmad, 2000, p. 113), *Sahih al-Bukhari* (Al-Bukhari, 1992, p. 192), *Sahih Muslim* (Muslim, 2001, p. 54), *Sunan Abi Dawud* from the History of Abu al-Darda' (al-Albani, 2005a, p. 371). All of these hadiths emphasize the prohibition of massage activities between men and women who are not related (*mahram*) in closed spaces; (3) fatwa on population, health, and development originating from *Sahih al-Bukhari* (Al-Bukhari, 1992, p. 43), *Sahih Muslim* (Muslim, 2001, p. 395) from Sa'ad bin Abi Waqqash, *Sahih Muslim* (Muslim, 2001, p. 395) from the history of Abu Hurairah, *Sahih al-Bukhari* (Al-Bukhari, 1992, p. 220), *Sahih Muslim* (Muslim, 2001, p. 317–319), *Sunan Abu Dawud* (Abu Dawud, 1999, p. 359), *Sunan at-Tirmidzi* (At-Tirmizi, 1998, p. 150), and *Mustadrak* (Al-Hakim, 1996); (4) one hadith in the formulation of a fatwa regarding singing using the holy verses of the Qur'an, namely a hadith originating from the history of Huzaifah ibn al-Yemen in *Mu'jam al-Awsath* by At-Tabrani (2003, p. 6); (5) fatwa on adoption or adoption of children which consists of three hadiths written complete with sanad (transmitters of hadith). The first is the hadith narrated by Abi Dzar in *Sahih Al-Bukhari* (al-Bukhari, 1992, p. 329) and *Sahih Muslim* (Muslim, 2001, p. 197). Second is the hadith narrated by Sa'ad ibn Abi Waqqash in *Sahih Al-Bukhari* (Al-Bukhari, 1992, p. 221) and *Sahih Muslim* (Muslim, 2001, p. 199). Third, is the hadith narrated by Abdullah ibn Umar in *Sahih Al-Bukhari* (al-Bukhari, 1992, p. 462).

The use of the hadith as a legal basis for the formulation of a

complete fatwa with the mention of the Sanad is also found in the fatwa regarding: (6) putting a dead body in a museum. In the formulation of this fatwa, two hadiths narrated by Al-Mawardi (1994, p. 6) and Al-Bukhari (1992, p. 500) are presented; (7) Fatwa on the legal role of the Prophet/Rasul and saint in the film which is based on the hadith about the prohibition of lying in the name of the Prophet which originates from Al-Bukhari (1992, p. 184–185) and Muslim (2001, p. 12); (8) Fatwa regarding sharia mutual funds originating from at-Tirmidzi (1998, p. 199), Abu Dawud (1999, p. 491), and Ibn Majah (1998, p. 162); (9) Fatwa regarding the prohibition of temporal marriage (*mut'ah*) by referring to two hadiths narrated by Muslim (2001, p. 189–192); (10) Fatwa on giving bribes, corruption and gifts to officials by including 6 traditions, namely 1 hadith from al-Bukhari (1992, p. 317), 1 hadith from Muslim (2001, p. 359), 1 hadith from at-Tirmidzi (1998, p. 175) from the narration of Abu Hurairah, 1 hadith of at-Tirmidzi (1998, p. 175) from the narration of Abdullah ibn 'Amr, 1 hadith of *Musnad Ahmad* (Ahmad, 2000, p. 212) from the narration of Abu Hurairah, and 1 hadith from the book of *Al-Nihayah* of Ibn al -Atsir.

The widespread practice of abortion in Indonesia prompted the MUI to issue a fatwa on abortion. In fact, if one pays attention, the MUI issued a fatwa on abortion twice, namely: (11) The fatwa explained that abortion is unlawful. Abortion should not be done at will. Women who have normal pregnancies, including those who become pregnant because of adultery, cannot abort their wombs. MUI based its fatwa on the hadith narrated by al-Bukhari (1992, p. 485, 113, 258, 466, 100); (12) The MUI again issued a fatwa regarding abortion for the second time through fatwa no 4 of 2005. In this fatwa, the MUI allows abortion on condition that it must meet emergency needs such as women who become pregnant due to rape victims and the fetus has not yet entered the age of 40 days. In addition, abortion is also permissible if the pregnancy

can threaten the life of the mother, or the fetus is detected as suffering from a genetic defect that is difficult to cure if it is born. Pregnant women suffering from severe physical ailments such as advanced cancer, TB with caverns, and other serious physical ailments that must be determined by a doctor are allowed to have an abortion. The MUI fatwa is based on the hadith narrated by al-Bukhari (1992, p. 40 & 485), Ibn Majah (1998, p. 144), and Ahmad ibn Hanbal (2000, p. 251).

Sending Indonesian women workers abroad, which often creates problems, has also attracted the attention of the MUI because of the low level of protection for female workers (TKW). The MUI regulates the permissibility of sending migrant workers accompanied by the permission of the husband or family and the guarantee of state protection for their honor and safety. (13) In this case, MUI refers to the hadith narrated by al-Bukhari (1992, p. 256–258), Muslim (2001, p. 17, p. 53), Malik, (1994, p. 37), al-Hakim (1996, p. 454), al-Baihaqi (1990, p. 404) and Ibn Majah (1998, p. 144). Likewise, with the problem of pornography and pornographic action. (14) To anticipate acts of pornography and pornography, including those that occur in cyberspace, the MUI issues a fatwa to be wise in using social media. This fatwa relies on the hadith narrated by Ahmad Ibn Hanbal (2000, p. 257 & 354), Malik (1994, p. 409), Muslim (2001, p. 59), and Abu Dawud (1999, p. 145). (14) The MUI fatwa regarding the permissibility of cash waqf relies on a hadith which is presented in full with its sanad from the history of Al-Bukhari (1992, p. 263), Muslim (2001, p. 405&407), At-Tirmidzi (1998, p. 243), Al-Nasa'i (2000, p. 369&424), Abu Dawud (1999, p. 243); (15) The fatwa regarding copyright protection in this case the MUI refers to the hadiths narrated by Al-Bukhari (1992, p. 235&309), At-Tirmidzi (1998, p. 57), Ahmad (2000, p. 108), Muslim (2001, p. 456), Ibn Majah (1998, p. 144), Ahmad (2000, p. 251). (16) The fatwa related to the attack on Iraq in 2003 also prompted the MUI to issue a fatwa on this matter. The MUI is

of the view that anyone who fights to defend their country is categorized as a martyr (*Shahid*) (Al-Bukhari, 1992, p. 377). Apart from that, the MUI also reminded us that attacks should not sacrifice women and children (Al-Bukhari, 1992).

The polemic that continues to be discussed by the public regarding bank interest has also prompted the MUI to issue a fatwa regarding this matter and categorize it as prohibited usury. (17) MUI relies its fatwa on the hadith narrated by Muslim (2001, p. 287&288), An-Nasa'i (2000, p. 469) and Ibn Majah (1998, p. 278&287). One of the hadiths referred to by the MUI comes from the history of Abu Hurairah Ra., he said, the Messenger of Allah said, "Indeed a time will come to mankind when there will be no one among them except (accustomed to) consuming usury. Whoever does not eat (take) it. He will be exposed to the dust."; (18) Fatwa regarding Inheritance law between male siblings/father's brothers and only female children. MUI refers to the hadith in determining this fatwa in full with its transmission route from Al-Bukhari (1992, p. 4) and Muslim (2001, p. 336); (19) Fatwa regarding the management of corpses in emergencies which refers to the hadith of Al-Bukhari (1992, p. 255); (20) Fatwa regarding the protection of intellectual property rights was issued by the MUI with reference to the hadith of Al-Bukhari (1992, p. 253&359), at-Tirmidzi (1998, p. 57), Ahmad (2000, p. 251&108), Muslim (2001, p. 456), and Ibn Majah (1998, p. 143).

MUI also has an interest in solving social problems related to interfaith marriages. (21) MUI stated firmly the prohibition of interfaith marriages based on the hadith narrated by al-Bukhari (1992, p. 33) and Muslim (2001, p. 388); (22) Similar cases also occur with inheritance from different religions. MUI also emphasized that parents and children of different religions do not inherit from each other. In this case, MUI refers to the hadith narrated by al-Bukhari (1992, p. 21), Muslim (2001,

p. 334), Abu Dawud (1999, p. 119), at-Tirmidzi (1998, p. 466), Ibn Majah (1998, p. 212) and Ahmad (2000, p. 415).

Discourse about the general good or benefits for society which is the aim of Islamic teachings and sharia is also the MUI's concentration in explaining the criteria for the benefits in question. This aims not to cause prolonged discussions from experts. (23) MUI then explained the criteria for this benefit in its fatwa that goodness is synonymous with making things easier for people, not making things difficult for them (al-Bukhari, 1992, p. 369). Prevent them from danger and not actually harm them (Malik, 1994, p. 37; Majah, 1998, p. 143). Apart from that, (24) MUI also explained the solution regarding revoking the status of private property rights used for public purposes as was done by the Prophet when building the Nabawi mosque. He liberated the land of native residents of Medina by buying it and then building a mosque on the land (Al-Bukhari, 1992, p. 202; At-Tirmidzi, 1998, p. 57).

The MUI issued a fatwa regarding the execution of the death penalty for certain crimes, such as for perpetrators of murder and destroying human dignity. It is hoped that the death penalty that has been issued as a fatwa will become a legal reference in Indonesia. (25) MUI sees that the crime of killing human dignity is an act that eliminates the function of reason. Therefore, the death penalty aims to protect human life in general (www.republika.co.id n.d.). This decision was contained in the MUI fatwa no. 53 of 2004 related to penalties for drug producers, dealers, dealers, and drug abusers. The hadith which is the legal basis for this fatwa is the hadith narrated by Al-Bukhari (1992, p. 211), Ahmad (2000, p. 470), and Muslim (2001, p. 25, 58, 396).

In using appropriate games for children, the Indonesian people also asked the MUI to issue a fatwa regarding games on media/game machines managed by members of the Indonesian Family Recreation

Association (ARKI). (26) This fatwa stems from public anxiety about games that present brutal acts or contain elements of gambling that do not educate children. At that time, the DPP ARKI as the game manager requested a fatwa from the MUI. Then on October 3, 2007, the MUI conveyed an explanation regarding the law that said the game could have two laws: permissible (mubah) and unlawful. Mubah occurs in game and entertainment media/machines that purely sell services or rent without giving gifts/souvenirs such as Kiddy Ride games, soft play, Photo Machines, Simulator Machines, Attraction Machines, and Major Rides. Allowed games also apply to entertainment and games that provide rewards based on player skills and do not contain gambling elements, as happened in games in the Vending Machine category media and some Redemption Machines. On the other hand, the MUI sees that playing can be illegal when giving gifts/souvenirs based on luck and gambling, as happened in the Medal game, Pusher machine, and some Redemption Machines. The hadiths that are referred to in this fatwa come from Al-Bukhari (1992, p. 73), Abu Dawud (1999, p. 140), At-Tabrani (2003, p. 85), Abu Dawud (1999, p. 98), Ibn Majah (1998 p. 98&195), and Ahmad (2000, p. 17).

The phenomenon of underhand marriage which is often detrimental to the bride has also attracted the attention of the MUI to issue a fatwa on this matter. (27) The formulation of the fatwa was also taken from the hadith narrated by Al-Bukhari in full of its sanad (Al-Bukhari, 1992, p. 198), Muslim (2001, p. 388), Ahmad (2000, p 355), Al-Hakim (1996, p. 454). Besides that, two other hadiths are referred to without a complete sanad from the narrations of Malik (1994, p. 37), Al-Hakim (1996, p. 454&362), Al-Baihaqi (1990, p. 404), Ibn Majah (1998, p. 143), Al-Bukhari (1992, p.50), At-Tirmidzi, (1998, p. 298), An-Nasa'i (2000, p. 93), Ahmad (2000, p. 394) with substantially the same editorial.

(28) The MUI also regulates work clothes for female medical staff

in its fatwa by referring to the hadiths of Muslim (2001, p. 238), Abu Dawud (1999, p. 273-275), Ibn Majah (1998, p. 238), Ahmad (2000, p. 169), Hakim (1996, p. 426), Muslim (2001, p. 214, 244, 262), Ibn Majah (1998, p. 144). (29) The MUI fatwa regarding the autopsy of the corpse also presents a hadith as a legal source originating from the narrations of Al-Mawardi (1994, p. 6), Al-Bukhari (1992, p. 500), Muslim (2001, p. 195-199), Abu Dawud (1999, p. 176), and Ibn Majah (1998, p. 106-107). (30) Fatwa regarding the application of inverted evidence by referring to the hadith narrated by Muslim (2001, p. 97), At-Tirmidzi (1998, p. 183), Al-Bukhari (1992, p. 198), *Tabaqat* (al-Damini, 1984, p. 250). In Islamic criminal law, the principle of presumption of innocence is known, but according to the MUI, the principle of reverse proof in corruption cases does not conflict with this principle. This fatwa shows the MUI's attitude of wanting to participate in eradicating corruption (www.hukumonline.com).

The increasingly advanced world of infotainment in Indonesia has also made the MUI issue a fatwa regarding this infotainment. (31) MUI issued a fatwa that infotainment is haram because it damages the family, society, and the state. MUI declares that those who produce, report on, and benefit from news of disgrace, ugliness, and gossip commit unlawful acts. This means that the haram fatwa applies to television broadcasters and viewers. Fatwa refers to hadith in Muslim (2001, p. 476), Abu Dawud (1999, p. 25), and Al-Bukhari (1992, p. 309). This fatwa aims to suppress the circulation of programs that are deemed to be contrary to religious norms (<http://www.bbc.com>), interview of KH. Abdul Halim, chairman of the Cianjur District MUI). (32) MUI also issued a haram fatwa regarding tourist marriages. A tourist marriage which is like a *mut'ah* marriage is a marriage that is carried out by fulfilling the pillars and conditions of marriage, but the marriage is intended and/or temporarily agreed solely to fulfill needs during the tour/travel. The

hadiths that form the legal basis for the formulation of this fatwa are Al-Bukhari (1992, p. 72&116), Muslim, (2001, p. 189, 192, 200), and Ibn Majah (1998, p. 99). This prohibitive fatwa is in accordance with the aim of enforcing Islamic law (*Maqashid al-Shariah*), namely the protection of offspring. Namely so as not to eliminate a child's lineage (*nasab*).

The phenomenon that occurs in society related to changes and improvements to the genitals encourages people to ask for clarification of Islamic law from the MUI. (33) In this case, the MUI also explained the prohibition on changing sex based on the hadith narrated by Al-Bukhari (1992, p. 239, 301&315); (34) The fatwa regarding environmentally friendly mining refers to the hadith of Muslim (2001, p. 176-178), At-Tirmidzi (1998, p. 187), Ahmad (2000, p. 302&391), Al-Bukhari (1992, p. 329-330), An-Nasai (2000, p. 455), Al-Hakim (1996, p. 454), Al-Baihaqi (1990, p. 404), and Ibn Majah (1998, p. 144). (35) The fatwa regarding the status of children resulting from adultery and their treatment, MUI refers to the hadiths narrated by Al-Bukhari (1992, p. 456), Muslim (2001, p. 367), Abu Dawud (1999, p. 185), At-Tirmidzi (1998, p. 476), Abu Dawud (1999, p. 62), Ahmad (2000, p. 353&360), Al-Bukhari (1992, p. 144&182), Muslim, (2001: 13: 127, 129, 130, 131). (36) Fatwa regarding the law of dyeing hair in Al-Bukhari (1992, p. 143, 144, 182), Muslim (2001, p. 127, 129, 130, 131), Abu Dawud (1999, p. 267-270), An-Nasa'i (2000, p. 303, 305-310), Ibn Majah (1998, p. 496-497, 500), and At-Tirmidzi (1998, p. 253).

The presence of the MUI is also important in resolving the polemic about whether or not to donate breast milk (ASI). (37) Even though the term breast milk donor did not exist at the time of the Prophet, the Prophet Muhammad himself had a wet nurse, namely Halimatus Sakdiah. Therefore, the scholars make an analogy of donating breast milk as a tradition of breastfeeding other people. MUI is wise to allow breastfeeding donors with the condition that the mother giving ASI must

be physically and mentally healthy, the identity of the mother who is the ASI donor must be clear to avoid mixing bloodlines due to breastfeeding (*Radha'ah*), and the mother is not pregnant. The hadiths referred to by MUI are the hadiths narrated by Abu Dawud (1999, p. 445), Al-Bukhari (1992, p. 124-126), Muslim (2001, p. 362), Al-Baihaqi (1990, p. 642), Muslim (2001, p. 352), and Al-Baihaqi (1990, p. 464). MUI's caution regarding breastfeeding donors can also be seen in MUI fatwa No. 28 of 2013 which also explains that *mahram* (unlawful marriage) due to breastfeeding occurs if: the age of the child receiving breast milk is a maximum of two years, the amount of breast milk consumed is a minimum of five breastfeedings, the method of suckling is done either directly to the mother's nipples (*imtishash*) or through expressing, and the milk consumed by the child is filling.

(38) MUI also issued a fatwa regarding having more than four wives at the same time by referring to the hadith narrated by Abu Dawud (1999, p. 164) and Ibn Hibban (1993, p. 307). (39) The MUI also pays attention to the use of mosque areas for social activities and those with economic value through its fatwa. In this case, MUI refers to the hadith narrated by Al-Bukhari (1992, p. 218&263) Muslim (2001, p. 425), At-Tirmidzi (1998, p. 268). (40) Fatwa regarding the conservation of endangered species to maintain ecosystem balance. The hadith which is the source of legal formulation is the hadith narrated by Abu Dawud (1999, p. 103), At-Tirmidzi (1998, p. 161), Al-Hakim (1996, p. 122), Al-Bukhari (Al-Bukhari, 1992, p. 297&301), Muslim (2001, p. 177), Abu Dawud (1999, p. 17), Ibn Majah (1998, p. 418-419), Ahmad (2000, p. 440), An-Nasai (2000, p. 455), Malik (1994, p. 37), Al-Baihaqi (1996, p. 454), Al-Baihaqi (1990, p. 404), Ibn Majah (1998, p. 144). (41) Fatwa regarding buying and selling land for cemeteries and the luxury burial plot business with reference to the hadith narrated by Al-Bukhari (1992, p. 185), Al-Baihaqi (1990, p. 17), Ibn Majah (Majah, 1998, p. 419), Ibn

Hibban (1993, p. 463), Ahmad (2000, p. 137), At-Tabrani (2003, p. 184&224), Al-Baihaqi (1990, p. 263), Al-Hakim (1996, p. 263), Muslim (2001, p. 59, 88, 90), At-Tirmidzi (1998, p. 206), An-Nasa'i (2000, p. 461).

(42) The fatwa on waste management to prevent environmental damage refers in full to its sanad and mata from the hadith narrated by Al-Bukhari (1992, p. 398), Muslim (2001, p. 126), At-Tabrani (2003, p. 274), Abu Dawud (1999, p. 39&325), At-Tirmidzi (1998, p. 215&488), Malik (1994, p. 37), Al-Hakim (1996, p. 454), Al-Baihaqi (1990, p. 404), and Ibn Majah (1998, p. 144). (43) Fatwa on punishment for Producers, Dealers, Drug Abusers and Drug Abusers with reference to the hadith narrated by Al-Bukhari (1992, p. 398&404), Muslim (2001, p. 252-253), Abu Dawud (1999, p. 106), At-Tirmidzi (1998, p. 66-67), An-Nasa'i (2000, p. 65), Ibn Hibban (1993, p. 171-173), Abu Dawud (1999, p. 398), Ahmad (2000, p. 78), Al -Baihaqi (1990, p. 296), Muslim (2001 p. 25&83), Ahmad (2000, p. 470-471). (44) Fatwa regarding the status of the land on which there is a mosque building refers to the hadith of Al-Bukhari (1992, p. 418), and Muslim (2001, p. 407).

(45) The fatwa regarding tanning animal skins and their use is regulated by the MUI in a fatwa which uses hadith as one of its sources of law, namely the hadith narrated by Al-Bukhari (1992, p. 350), Abu Dawud (1999, p. 167), Ahmad (2000, p. 464), Muslim (2001, p. 247), Malik (1994, p. 37), Al-Hakim (1996, p. 454), Al-Baihaqi (1990, p. 404), Ibn Majah (1998, p. 144), An-Nasai (2000, p. 166-168), At-Tirmidzi (1998, p. 338). (46) The fatwa on lesbians, gays, sodomy and sexual immorality refers to the hadith narrated by Al-Bukhari (1992, p. 272&273), Muslim (2001, p. 238), Ahmad (2000, p. 9), Al-Baihaqi (1990, p. 233&290), at-Tabrani (2003, p. 186), Abu Dawud (1999, p. 63), Ahmad (2000, p. 209&353), and At-Tirmidzi (1998, p. 377); (47) Fatwa regarding the law and guidelines for interaction via social media refers to the hadith narrated by Al-Bukhari (1992, p. 309&437), Muslim (2001, p. 273, 421,

459&476), Al-Baihaqi (1990, p. 104), and Abu Dawud (1999, p. 25).

The Function of Hadith as a Source of Islamic Law in Establishing MUI Fatwa in The Social and Cultural Sector

The use of hadith in many fatwas formulated by the Indonesian Ulama Council (MUI) is understandable, considering that hadith is a source of Islamic law besides the Qur'an, as stated in the QS. Ali Imran: 132 & 164; al-Nisa: 59-65, al-Ahzab: 36. In some of these verses Allah SWT. asserted to comply with all the commands and decrees of the Prophet. Apart from that, it is also mentioned in the hadith narrated by Ma'diyakrib which emphasizes two guidelines that must be adhered to so as not to get lost in living life in this world until the afterlife, namely: the Qur'an and the Hadith (Muslim, 2001, p. 245).

The function of hadith as a source of Islamic law is *bayan al-mujmal*, *bayan taqyid al-muthlaq*, *bayan al-takhsis al-am*, and *bayan tawdih al-musykil* (Al-Hadi, 2018). As the second source of law, hadith has five functions to the Qur'an which is the main and first source of law. These five functions cannot be ignored while at the same time demonstrating the importance of the role of hadith as the basis for the formulation of Islamic law.

First, *Bayan Ta'kid/Taqrir*. Hadith here serves to strengthen or reinforce the intent, command, or prohibition stated in the Qur'an. For example, the command of the Qur'an in QS. Al-Baqarah: 185 regarding the command to fast when looking at the moon. So, this command is confirmed by the hadith narrated from Abdullah ibn Umar, "If you see (*ru'yah*) the crescent moon, fast, and if you see (*ru'yah*) the crescent moon, then break your fast." (Muslim, 2001, p. 122). Likewise with the command to perform ablution every time you pray in QS. Al-Ma'idah: 6, which was strengthened by the Prophet Muhammad. In his words, "It will not be accepted for someone's prayer if he has *hadas* until he makes

ablution.” (Al-Bukhari, 1992, p. 97).

Second, *Bayan Tafsil/Tafsir*. In its capacity as a legal basis here, hadith functions to detail the verses of the Qur’an which still contain a general or global meaning. For example, the hadith explains in detail the procedures for prayer and zakat while the Qur’an only mentions the command to perform prayer and pay zakat in general. In addition, the hadith also explains things that are still complicated in the Qur’an (*tawdhih al-musykil*), as *khaith* said in QS. al-Baqarah: 187: “And eat and drink until the white thread becomes clear to you from the black thread.” Then, the hadith explains the complexity of the meaning of the thread (*khaith*) here in the hadith of the Prophet. that what is meant by “*al-khaith al-abyadh* (white thread)” is *bayadh al-nahar* or the brightness of the day and the sentence “*al-khaith al-aswad* (black thread)” is *sawad al-lail* or the darkness of the night (as-Suyuthi, 2009, p. 120; Harahap, 2018, p. 100).

Third, *Bayan Takhsis/Ta’yin*. The hadith here functions to provide limitations or specializations on general Qur’anic verses. For example, the hadith restricts that carcasses that are forbidden are carcasses other than those in the sea. Here the hadith provides limitations or exceptions to the text of the Qur’an which prohibits carcasses in general. Another example is the Qur’an emphasizes the existence of the law of cutting off hands for thieves, so the hadith also strengthens the application of this law of cutting off hands for property that is stolen, at least equivalent to a quarter of a dinar.

Fourth, *Bayan Tasyri’*. In this case, hadith can play a role in determining the law for cases or problems whose solutions have not been determined in the Qur’an. For example, the hadith prohibits marriage with the wife’s aunt.

Fifth, *Bayan Nasakh*. The hadith here functions to erase the

general legal provisions of the Qur'an due to certain factors. For example, the Qur'an has stipulated provisions for the distribution of inheritance for the heirs of the deceased. These provisions are general and can be applied generally as well. However, this provision does not apply to the killer of the deceased. Even though he was an heir, because of the murder he committed against the deceased, based on the provisions of the hadith which abolished his inheritance rights, he was prevented from becoming an heir (as-Syafi'i, 1940, p. 102-29).

Based on the table above, the quality of the hadiths which are one of the legal bases in the formulation of MUI fatwas in the socio-cultural field of the majority can be accounted for and are of authentic quality. An authentic hadith is a hadith that has a sequential chain of transmission from the transmitter to the Prophet as the source of the hadith. The narrators involved in transmitting these hadiths are trustworthy, have good Islamic qualities, and are very good at memorizing them. Besides that, the substance of the hadith also does not contain irregularities and defects (Al-Azami, 1992, p. 20).

The total number of hadiths which are sources of law in the formulation of MUI fatwas in the socio-cultural field is 222 hadiths, including hadiths which are used as sources of law repeatedly, such as the hadith "there (should) be no danger and there (should) not be anything dangerous" (*La Dharara wa Dhirara*). This hadith is used as a reference in 12 (twelve) fatwas, namely: Fatwa regarding sending female workers (TKW) abroad, copyright protection, the permissibility of abortion for victims of rape and the presence of diseases that are harmful to the mother or fetus, protection of intellectual property rights, benefit criteria, SMS with prizes, private marriage, work clothes for female medical personnel, environmentally friendly mining, conservation of endangered animals to maintain ecosystem balance, waste management to prevent environmental damage, tanning animal skins and their use.

Most hadiths that are sources of law are of authentic (*sahih*) quality (204 hadiths). Based on the author's search, 18 hadiths are of weak quality (*dha'if*), namely hadiths that do not meet the requirements of the validity of hadiths, such as because the chain of transmission does not continue to the Prophet, the narrator cannot be held accountable because he is a liar or has a weak memory. and the substance of the hadith is ambiguous. These weak quality hadiths include: (1) hadiths in the formulation of fatwas in the face of the general assembly of the MPR in 1978 which were quoted from Sirah Nabawiyah (Ibn Hisyam, 2000, p. 240; al-Albani, 2000, p. 408); (2) the hadith in the fatwa regarding the prohibition of massage parlors which legalize massage of different sexes by citing the history of Abu al-Darda in Sunan Abi Dawud (al-Albani, 2005, p. 374); (3) the hadiths in the fatwa regarding population, health, and development are sourced from *Sunan Abi Dawud* (1999, p. 359) and *Sunan At-Tirmidzi* (1998, p. 150); (4) The hadith in the fatwa regarding population, health, and development originates from the book *Mustadrak* (Hakim, 2004) because two narrators named Muhammad ibn al-Fadl a liar (*kazzab*) and al-Hasan ibn Imarah *matruk* (al-Albani, 2005a, p. 276). (5) The hadith in the fatwa about singing using the holy verses of the Qur'an based on the hadith narrated by Huzaifah ibn al-Yaman in *Mu'jam al-Awsath* at-Tabrani (2003, p. 6). This is because the chain of transmission from the path of Huzaifah ibn al-Yaman has unreliable narrators, namely Abu Muhammad whose identity is not known (*Majhul al-Hal*) and Baqiyyah whose hadith critics state that their narrations are unreliable (Minawi, n.d., p. 66).

(6) The hadiths in the fatwa regarding bribery (*risywah*), corruption (*ghulul*), and gifts to officials are taken from the book *al-Nihayah* by Ibn Atsir and are of *dha'if* quality because they want to be friends with Abdullah ibn Mas'ud. (7) The hadith in the fatwa about pornography and pornography originating from the history of Abu

Dawud is a weak hadith because Khalid ibn Duraik (*Tabi'i*) did not meet Aisyah directly. In the view of hadith critics, hadiths like this are sometimes also called *Mursal* hadiths (Abu Dawud, 1999, p. 145). In contrast to Abu Dawud, al-Albani considered this hadith to be authentic (al-Albani, 2005b, p. 104). (8 & 9) Hadith regarding bank interest (Interest) from the narrations of an-Nasa'i (An-Nasa'i, 2000, p. 469), and Ibn Majah (1998, p. 278) are both of weak (*dha'if*) quality. (10) Hadith in the fatwa regarding Work clothes for female medical personnel. There is a hadith narrated by Umm Salamah regarding the obligation to cover women's private parts. According to Imam al-Hakim, this hadith is of Sahih quality (Al-Hakim, 1996, p. 426). However, a similar hadith from the narration of Abu Dawud according to al-Albani (2005b, p. 140) is of *dha'if* quality.

(11) The hadith in the fatwa regarding the application of reverse proof for corruptors through the hadith narrated by At-Tirmidzi. This hadith is of *dha'if* quality because Muhammad ibn Ubaidillah al-'Arzami is weak in memorizing At-Tirmidzi (1998, p. 183). (12) The hadith in a similar fatwa comes from the book *Thabaqat* (Ibn Sa'd, 1990, p. 250) which is of *dha'if* quality. (13) The hadith in the fatwa about dyeing hair comes from Ibn Majah (1998, p. 500) of *dha'if* quality (al-Albani, 2005b, p. 125). (14) (14 & 15) Hadith in the fatwa regarding the issue of Breast Milk Donors (ASI) originating from the history of Abu Dawud and Al-Baihaqi (1990, p. 464). The two hadiths from these two traditions are of *dha'if mursal* quality. (16). Hadith in the fatwa regarding punishment for Producers, Dealers, Dealers, and Drug Abusers from the Syahr ibn Hausyab route from Umm Salamah as outlined in *Sunan Abu Dawud* (1999, p. 398), *Musnad Ahmad* (2000, p. 78), and *Sunan Al-Baihaqi* (1990, p. 296). Al-Albani (2005a, p. 186). states that the hadith is of *dha'if* quality. (17) The hadith in the formulation of the fatwa regarding tanning animal skins and its utilization is derived from Abu Dawud

(1999, p. 167). This hadith is of *dha'if* quality (al-Albani, 2005a, p. 124). (18) The hadith in the fatwa on Lesbians, Gays, Sodomy, and Obscenity refers to the hadith narrated by al-Baihaqi (1990, p. 290) of *dha'if* quality (al-Albani, 2000, p. 100).

Although several hadiths of weak (*dha'if*) quality were found as described above, these hadiths do not have the status of main hadiths, but as supporting hadiths (*syahid* or *mutabi'*). Based on the author's search, the 17 hadiths above are supporting hadiths except in the hadith fatwa in the face of the 1978 MPR general session (Ma'ruf, 2011, p. 301–302).

Conclusion

The position of hadith as a source of teachings in Islam makes the existence of hadith in the formulation of laws and the determination of MUI fatwas important. MUI has issued 173 fatwas since 1975 until now. MUI fatwas that have been collected can be classified into four areas, namely: First, the field of aqidah and religious sects which consists of 14 fatwas. Second, the field of worship which includes 37 fatwas. Third, the social and cultural sector consists of 64 fatwas. Fourth, the fields of food, medicine, science, and technology consist of 35 fatwas.

Of the 64 fatwas in the field of social and cultural, almost the majority use hadith as a source of law in formulating their fatwas. There are 51 fatwas related to social and cultural fields that use hadith as a source of law, while 13 other fatwas do not involve hadith in their legal sources. The total number of hadiths that are sources of law in the formulation of MUI fatwas in the socio-cultural field is 222 hadiths.

The quality of the hadiths which are one of the legal bases in the formulation of MUI fatwas in the socio-cultural field of the majority can be accounted for and are of authentic quality. Citing hadiths in determining the fatwa of the Indonesian Ulama Council (MUI) on Social and Cultural

Affairs as stated in the MUI Fatwa Association since 1975 has generally used two techniques: First, quoting by including sources or narrators who transmitted the hadith from the Prophet. Second, quoting without mentioning the name of the hadith transmitter.

As a second source of law, hadith has five functions for the Qur'an, including in the formulation of MUI fatwas in the socio-cultural field: First, *Bayan Ta'kid/Taqrir*. Hadith here serves to strengthen or reinforce the intent, command, or prohibition stated in the Qur'an. Second, *Bayan Tafsil/Tafsir*. In its capacity as a legal basis here, hadith functions to detail the verses of the Qur'an which still contain a general or global meaning. Third, *Bayan Takhsis/Ta'yin*. The hadith here functions to provide limitations or specializations on general Qur'anic verses.

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