

Analysis of Dilemma DSN-MUI Fatwa and Tuan Guru's Fatwa on Sharia Economic Law in Gunungsari District, West Lombok

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Abstract

The dilemma of applying DSN-MUI fatwa with the fatwa of teachers in the community on the application of sharia economic law is caused by many factors. This is motivated by differences in interpretation of fatwas and socio-legal effects among the public. This study uses a qualitative approach with socio-legal study methods to analyze the dilemmas of DSN-MUI fatwa and Tuan Guru's fatwa in sharia economic law. The implementation of the DSN-MUI fatwa received rivalry from local religious leaders not to look for weaknesses but to find common ground between the two. At the local level, the authority of Tuan Guru has great influence in determining the legal practice of sharia economics. The difference in interpretation between the DSN-MUI fatwa and the Tuan Guru fatwa often raises dilemmas, especially in the practice of people's economic life. The dilemmatic fatwa is a challenge for the existence of DSN-MUI fatwa because the legal determination taken by the teacher is considered more authoritative and based on strict prudence.

Keywords: Fatwa, DSN-MUI, Tuan Guru, Sharia Economic Law.

Abstrak

Dilema penerapan fatwa DSN-MUI dengan fatwa jagoan di masyarakat dalam penerapan hukum ekonomi syariah disebabkan oleh banyak faktor. Hal ini dilatarbelakangi oleh perbedaan penafsiran fatwa dan dampak sosial hukum di masyarakat. Penelitian ini menggunakan pendekatan kualitatif dengan metode kajian sosio-legal untuk menganalisis dilema fatwa DSN-MUI dan fatwa Tuan Guru dalam hukum ekonomi syariah. Implementasi fatwa DSN-MUI disaingi oleh para pemuka agama setempat bukan untuk mencari kelemahan melainkan mencari titik temu di antara keduanya. Di tingkat lokal, kewenangan Tuan Guru mempunyai pengaruh yang besar dalam menentukan praktik hukum ekonomi syariah. Perbedaan penafsiran antara fatwa DSN-MUI dengan fatwa Tuan Guru seringkali menimbulkan dilema, khususnya dalam praktik kehidupan perekonomian masyarakat. Fatwa yang dilematis ini menjadi tantangan bagi keberadaan fatwa DSN-MUI karena penetapan hukum yang diambil oleh Tuan Guru dinilai lebih berwibawa dan didasarkan pada kehati-hatian yang ketat.

Kata Kunci: Fatwa, DSN-MUI, Tuan Guru, Hukum Ekonomi Syariah

INTRODUCTION

As the country with the second largest Muslim population in the world and inhabited by 84.35% of the population is Muslim by 2024 (Dwi, no date), of course, Indonesia is experiencing legal and fatwa problems and dilemmas. As a legal opinion issued by a particular scholar or institution, fatwa plays an important role in Muslim society. In Indonesia, the institution authorized to issue fatwas is the Indonesian Ulema Council (MUI). The MUI has a very important role in providing fatwas related to various religious issues faced by the Indonesian people. In the Islamic legal system, fatwas have a fairly dominant role in giving religious law consideration to the public, even though fatwas does not have binding legal force (Abdad, 2019). The presence of the sharia economic system has brought a new face to the economic system and Islamic philanthropic institutions in Indonesia. Among the parties that have a major role and contribution to the progressive development of the sharia economy in Indonesia is the National Sharia Council-Indonesian Ulema Council (DSN-MUI) (Misdawati and Islamy, 2022).

On the other hand, fatwas as a legal opinion issued by scholars have a significant role in the context of positive law in Indonesia. Although it does not have formal binding power like a law, fatwas are often used as a reference or consideration in the formation of policies and laws and regulations (Luthfi *et al.*, 2024). In addition, fatwas by the community are used as the final decision for the problems they face, both educational, political, economic and legal.

The Sasak Muslim community, in carrying out daily life (social and religious) always standardizes what is called good and what is called bad to what is taught by the Master to them, whether it is in a recitation assembly or not. In addition to this, the religious understanding of the Sasak Muslim community is also greatly influenced by Tuan Guru (Azmi, 2022). Tuan Guru, in the Sasak community, is one of the elite figures, functionaries of the Islamic religion who have a respectable position and become a role model for the community with qualifications as a group that has Islamic religious knowledge, they are recognized as spreaders and maintainers of Islamic teachings. The master teacher becomes a figure *Central* as a holder of authority in many matters, including about social, educational, political, economic, and even legal decisions experienced by the Sasak people in general.

The history of the Islamic economic movement in Indonesia formally has actually taken place since 1911, namely since the establishment of the Islamic Trading Company organization which was led by entrepreneurs and Muslim figures at that time. Even if we pull history back a long way, long before 1911, the role and role of the students (Muslims) in the world of trade was quite large (Gayo and Taufik, 2012). Initially, economic activities were still limited to the banking sector, but this activity continued to expand to the fields of insurance, capital markets, and financing. Sharia-based economic activities continue to develop in Indonesia. This Feomena is the basis for the formation of a number of fatwas issued by DSN-MUI that respond to the dynamics of the Sharia economy which has a significant influence on the economic system and especially the legal system in Indonesia (Abdad, 2019).

Sharia economic law is an important foundation in the economic management of Muslims. The term Sharia economics is not just a discipline about economics in Islamic teachings. However, it is the doctrine of Islamic teachings about comprehensive economic management to explain the affairs of economic life, as well as the laws that apply in it (Abdad, 2019). That there are more than 90 DSN-MUI Fatwas that have been issued until 2021 (*DSN-MUI Institute Profile, 2021*). Where the number of fatwas is the most compared to the DSN MUI Fatwa on sharia insurance, sharia capital market, sharia pawnshops, sharia financing, sharia guarantees, sharia accounting, sharia MLM and sharia commodities. Considering that the development of Islamic banking is also very dynamic. Research that discusses the MUI fatwa from a legal perspective has previously existed, namely the final report of the National Legal Development Agency Law research entitled "The Position of the MUI Fatwa in Efforts to Encourage the Sharia Economy (Tarina, Radian and Andriani, 2023).

The National Sharia Council-Indonesian Ulema Council (DSN-MUI) is tasked with issuing fatwas as a guideline for the implementation of Islamic law nationally. However, at the local level, such as in

Gunungsari District, West Lombok, local religious authorities such as Tuan Guru have a great influence in determining the practice of sharia economic law. The difference in interpretation between the DSN-MUI fatwa and the Tuan Guru fatwa often raises dilemmas, especially in the practice of people's economic life. The purpose of this research is to identify the source of the dilemma and find collaborative solutions.

Several cases of fatwas on Sharia Economic Law issued by DSN-MUI and Tuan Guru that occurred in Gunungsari District still occur such as fatwa on the use of zakat funds for investment, fatwa on *rahn* (specifically on the use of pawned goods), fatwa on productive zakat, fatwa on money waqf and productive waqf, fatwa on samsarah contract and other fatwas where all of the MUI fatwas when faced with the fatwa of the teachers still experience differences. This creates a dilemma for the community whether to obey the MUI fatwa or submit to the teacher's fatwa as the *center of law* for the community.

The problem that arises in the community is *the unraveling* of the fatwa issued by DSN-MUI which is caused by the lack of socialization and follow-up studies involving teachers, community leaders and other authorities. So that the application of the fatwa of sharia economic law issued by DSN-MUI has stagnated and is considered a fatwa that can change the customs that have been in force based on the teacher's decision. This dilemma is what the analysis researcher is trying to find solutions in the form of offers and recommendations so that the application of sharia economic law fatwa is in accordance with the fatwas that have been issued without rivaling fatwas from local religious leaders with the aim of finding a common point between fatwas that are "dilemmas".

This research presents a novelty in the study of sharia economic law by examining the dilemma of fatwas from two religious authorities, namely the National Sharia Council-Indonesian Ulema Council (DSN-MUI) and the fatwa of Tuan Guru in Gunungsari District, West Lombok. Some aspects of novelty in this study include comparative fatwa approaches, social dynamics and public acceptance, implications for the regulation and implementation of sharia economic law and the perspective of local wisdom in sharia economic law.

This study examines how the fatwa of DSN-MUI as a national institution as an official authority is compared to the fatwa of Tuan Guru which has local authority based on tradition and local wisdom. Some of the teachers who were made respondents included teachers who were members of the MUI at the sub-district and district levels, teachers who were members of the district and provincial Baznas and teachers who were active in Islamic Boarding Schools and community studies in Gunungsari District. This analysis will look at the differences in ijtihad methods, legal basis, and legal implications of the two fatwas in the context of sharia economics.

This research is important to be carried out as a scientific study and will at least answer the first two important questions , What is the form of the dilemma between the DSN-MUI fatwa and the Tuan Guru fatwa in the context of sharia economic law? *second*, what are the implications of the fatwa of DSN-MUI and teachers on the sustainability of the practice of sharia economic law in Gunungsari District?

LITERATURE REVIEW

A lot of research on the dilemma of the DSN-MUI fatwa has been carried out, while Tuan Guru's fatwa on Sharia Economic Law has not been too much. Among the studies in question are the following.

First, research by Dwi Novaria Misdawati (2022) with the title *"Idealism and Realism in the Paradigm of Sharia Economic Fatwa in Indonesia"* His research shows that the epistemological pattern in the DSN-MUI formulation paradigm related to various sharia economic fatwas in Indonesia integrates the idealism and realism of Islamic law (Misdawati and Islamy, 2022). The difference with the research that will be carried out is in the focus of the study, namely researcher Dwi Novaria Misdawati focuses on the paradigm of the formulation of DSN-MUI related to sharia economic fatwa and the research is on a national scale and discusses the gap between ideals and reality in the application of sharia economic fatwa in general. Meanwhile, this research focuses on the dilemma of DSN-MUI fatwa faced with the fatwa of the master teacher in the field of sharia economic law and is more local, by highlighting the conflict between the national fatwa and the fatwa of local scholars in Gunungsari and its impact on the sharia economic practices of the local community.

Second, research by Umam and Kimberly (2021) with the title *"The Role of KPJKS in the Fatwa Legislation of DSN-MUI in the Field of Sharia Financial Regulation"* underlined the importance of the role of the Sharia Financial Services Development Committee in the interpretation and harmonization of DSN-MUI fatwas. They noted that although DSN-MUI fatwas are not legally binding, they remain an important reference in Islamic financial practices in Indonesia (Umam and Kimberly, 2021).

The differentiation between these researchers is at least four things, namely the focus of the study, the research subject, the scope and perspective of the study. In terms of focus of research studies, Umam and Kimberly focus on examining the role of the Sharia Banking and Financial Services Committee (KPJKS) in integrating the DSN-MUI fatwa into Islamic financial regulations, while this study focuses on examining the differences and dilemmas between the DSN-MUI fatwa and the Tuan Guru fatwa in the context of Islamic economic law at the local level. In terms of research subjects, the research of Umam and Kimberly KPJKS and DSN-MUI, with a focus on regulatory and policy aspects in the national Islamic financial system, while this research makes the community, local scholars (Tuan Guru), and DSN-MUI, with a focus on the implementation of fatwas in the economic life of the people of Gunungsari. In terms of scope, Umam and Kimberly's research is on a national scale while this research is on a local scale. As for the perspective of the study, Umam and Kimberly's research is on sharia economic law and national sharia financial policy and focuses on the integration of fatwas into the financial regulatory system. Meanwhile, this study examines the social dynamics and local sharia economic law. Focus on public acceptance of different fatwas and their impact on economic practices.

Third, research by Umar B, Qadir Gassing and Kurniati (2024) with the title *"The Problem of Mui Fatwa as a Product of Islamic Law"* Stating that a fatwa is a response or answer of a mufti to the requester of a fatwa or a problem that occurs in the community related to legal issues. The approaches that are

commonly used by a mufti in issuing or establishing a fatwa include: the Nash qat'i approach, the qauli approach, and the manhaji approach. However, if people in Indonesia do not obey the fatwa, then no sanctions will be imposed on them because the fatwa is not the same as the law (Umar B, Gassing and Kurniati, 2024).

The difference between this study is that the research on the problematic MUI fatwa is more conceptual and focuses on the MUI fatwa as part of Islamic law in Indonesia, by highlighting the challenges of its application in positive law. Meanwhile, the research on the dilemma of DSN-MUI fatwa and Tuan Guru's fatwa is more empirical and contextual, by highlighting how people face differences in fatwas in sharia economic practices at the local level.

METHOD

This study uses a descriptive qualitative approach with socio-legal study methods to analyze the dilemma of DSN-MUI fatwa and Tuan Guru's fatwa in sharia economic law in Gunungsari District, West Lombok. This socio-legal study approach aims to examine how these different fatwas impact the economic practices of the community, as well as how local and national authorities interact in shaping the norms of sharia economic law. The subjects of this study include teachers who are active in Islamic boarding schools and community studies, teachers who are also members of MUI in Gunungsari sub-district, teachers who are commissioners of Baznas Regency and Province in Gunungsari, representatives of DSN-MUI, sharia economic practitioners, and the people of Gunungsari as the main sources of information. The object of the research includes the DSN-MUI fatwa and the Tuan Guru fatwa in sharia economic law, their differences and implications, and their impact on the people of Gunungsari.

Regarding data, there are two data used, namely primary and secondary data. The primary data used is an interview with Tuan Guru and with representatives of DSN-MUI or Islamic finance practitioners to understand the basis and application of fatwas. Meanwhile, the secondary data used are DSN-MUI fatwa documents and Tuan Guru's fatwa related to sharia economic law and literature on sharia economic law, sharia financial regulation, as well as studies on the role of local scholars in the formation of Islamic law. The data collection techniques used are *first*, in-depth interviews conducted with scholars, sharia economics practitioners, and the community. *Second*, participatory observation by observing how sharia economic practices take place in the field and how the community responds to different fatwas. *Third*, a documentation study by analyzing written fatwas from DSN-MUI and Tuan Guru as well as regulations related to sharia economic law.

RESULT

1. Socio-Legal Theory Concepts

Law can be studied either from the perspective of law or social science, or a combination of both. Socio-legal studies are the study of law using both legal and social science approaches (Sulistyowati

Irianto, 2012). Socio-legal studies are usually used as an umbrella concept. This study refers to all parts of the social sciences that pay attention to law, legal processes or legal systems. One of the important characteristics of most socio-legal studies is the multidisciplinary nature of their studies. This means that theoretical perspectives and methodologies in socio-legal studies are compiled based on research conducted with different disciplines (Hakim, 2016).

Socio-legal is a point of view or legal aspect seen from the perspective of the community, which in this case is from the perspective of scholars and also the local community or it can be said that the law applies in the community. Socio-legal studies allow for easier access to all fields, empower all social theories (political and economic) to study them, and obtain more convincing opinions (Febrianti and Hipni, 2021). Socio-legal studies are a type of study that represents a way of looking at law more in context than text, and conventionally it can be interpreted as socio-legal as a study of law by departing from the perspective of a group of social sciences about law (Epistimologi Sosio-Legal, 2012)

This interdisciplinary socio-legal study is a 'hybrid' of the major studies of law and the sciences of law from the perspective of society that were born earlier. The need to explain legal issues in a more meaningful way theoretically nourishes this study. Meanwhile, practically, this study is also needed to explain the work of the law in the daily lives of citizens (Sulistyowati Irianto, 2012).

There are three disciplines that are often confused due to misunderstandings, namely social law, legal sociology, and sociological jurisprudence. In this chapter, the study of sociology should not be confused with the sociology of law that developed in most Western European countries or the schools of law and society in the United States, which more strongly adopted the historical link of law with the social sciences (Febrianti and Hipni, 2021). Quoting the opinions of Wheeler and Thomas (in Banakar 2005), socio-legal studies is an alternative approach that tests the doctrinal study of law. The word 'socio' in socio-legal studies represents the interconnectedness between contexts in which the law is located (*Socio-Legal Studies*, 2012). Socio-legal research, according to Banakar, deals with institutionalized order and social integration or systems, all of which are subject to the study of forms of normativity (Afandi, 2022).

As we all know, law in society does not only come from the state (positive law), but also from customary law and religious law. In addition, the Tuan Guru fatwa is a local law that is closer to the people of Gunungsari than the DSN-MUI fatwa which is national. A law or fatwa will only be effective if it is accepted and implemented by the community so that conflicts arising from differences in fatwas reflect the differences in Islamic legal authority at the national and local levels.

2. The Concept of Fatwa in Islam

The results of *ijtihad* of scholars can be divided into four types of *ijtihad*, namely *fiqh*, *fatwa*, *Qānun* (law) and *qadhā'* (judge's decision). Each result of *ijtihad* can only be distinguished from the point of view of the position of the *mujtahid* and its influence. In practice, the four types of *ijtihad* results

cannot be differentiated and separated (Nafis, 2011). Fatwa is a term for an opinion or interpretation on a matter related to Islamic law. Fatwa in Arabic means advice, advice, answers or opinions. What is meant is an official decision or advice taken by an institution or individual whose authority is recognized, delivered by a mufti or scholar, in response or answer to a question asked by the fatwa requester (*Mustafti*) that has no attachment (Fariana, 2017). Fatwa in the classical definition is optional or *ikhtiyariah*, that is, a choice that is not legally binding, although morally binding for *Mustafti* (the party requesting the fatwa), while in addition to *Mustafti* Is *i'lamiah* or informative that is more than just a discourse. Fatwa is linked to fiqh, the two have a complementary relationship. Fiqh contains a systematic description of the substance of Islamic law, which is not entirely needed by a person. Fiqh is seen as a book of law (*Law books*), as a normative reference in carrying out daily acts (Umar B, Gassing and Kurniati, 2024).

The definition of fatwa according to ushul fiqh experts is not much different from the definition of fatwa according to linguists. Al-Qarâfi defines fatwa by providing information about the law of Allah SWT, whether it is mulzim (obligatory to be followed) or not. Meanwhile, Ibn Hamdan mentioned that fatwa is to convey an explanation of sharia law (Islam) based on shari'i evidence. Qardhâwi clarifies the definition of fatwa by adding elements of *Mustafti* (fatwa requester). Fatwa is to provide an explanation of sharia (Islamic) law on a problem as a form of answer for the fatwa requester, whether the fatwa requester is identified or not, whether it is an individual or a group (Muhammad, 2019). Fatwa is an effort to explain from a mufti due to questions about Sharia law, both individual and collective questions in the context of the interests of the community and the explanation can be in the form of writing or oral which is not binding (Abdad, 2019).

The term fatwa is often associated with Islamic law, because indeed this term comes from the Arabic language, in relation to the source of law, fatwa is not the main source of law in Islamic law. The main sources of law are the Qur'an and the Sunnah. Fatwa as a result of human thought is not the main source of law, but can be categorized into ijtihad, because the process of determining fatwa is carried out through methods determined by the science of ushul fiqh (Pelu, 2020).

In Indonesia, a fatwa is defined as the opinion of an authorized institution affiliated with a certain community group or the government. Therefore, there are fatwas issued by the Indonesian Ulema Council that are identified as belonging to the government and fatwas made by community groups such as the fatwa of Nahdhatul Ulama (NU) and Muhammadiyah (Fatwa Dynamics, 2020).

Although according to its nature and position in juridical analysis, fatwas do not bind everyone, this is not the case in sharia economic matters. The current DSN MUI sharia economic fatwa is not only binding on practitioners of sharia economic institutions, but also on the Indonesian Islamic community. The binding nature of the DSN MUI fatwa itself does not necessarily bind the stakeholders directly, but is binding on the formulation of the legal opinion in the DSN-MUI Fatwa as outlined in the Bank Indonesia Regulation (PBI) (*Book of Fatwa Dynamics*, 2020). When viewed in terms of sociological substance,

fatwas are not the same as doctrine. Fatwa as an elaboration of the sources of Islamic law, namely the Qur'an and Hadith, has legal authority that must be followed and binding on Muslims. This is reinforced by the theory of acceptance of Islamic legal authority, where everyone who has uttered two sentences of shahada, and admits that he has embraced Islam, is absolutely bound by the provisions of Islamic law (Pelu, 2020).

In substance, the presence of the MUI fatwa related to the sharia economy is urgently needed. This is understandable because the MUI institution is the party that has the most competence to talk about sharia and halal haram verification. In fact, to meet the demands of the community on sharia economic issues, MUI in 1999 formed an institution that specifically handles it, namely the National Sharia Council (Book of Fatwa Dynamics, 2020). In summary, the system and procedure for determining fatwas within DSN-MUI are as follows: (Nafis, 2011)

- a. Before the fatwa is set, the opinions of the imams of the madhhab on the issue to be fatwa are carefully reviewed, along with the postulations;
- b. Matters whose laws are clear (al-ahkam al-qath'iyyat) will be presented as they are;
- c. In the matter of differences of opinion (khilafiyah) among the sects, then: (1) the determination of fatwas is based on the results of efforts to find common ground among the opinions of the sect through al-jam'u wa al-taufiq; and (2) if the attempt to find a common point is not successful, the determination of the fatwa is based on the results of tarjih through the method of muqaranah almazahib using the rules of ushul fiqh muqaran;
- d. In matters where there is no legal opinion found among the madhhabs, the determination of fatwas is based on the results of ijtihad jama'i (collective) through the methods of bayani, ta'lili (qiyasi, istihsani, ilhaqi), istishlahi, and sadd al-zari'ah;
- e. The determination of fatwas always pays attention to the public interest (*mashalih 'ammah*) and maqashid al-shariah.

3. DSN-MUI and Tuan Guru

The Indonesian Ulema Council (hereinafter abbreviated as MUI) which is a forum for deliberation of Muslim scholars, zu'ama, and scholars and is a protector for all Indonesian Muslims is the most competent institution in answering and solving every socio-religious problem that always arises and is faced by the community. MUI has also received trust from the public and the government. In the economic sector, MUI established a work apparatus institution, namely the National Sharia Council (hereinafter abbreviated as DSN) which specifically handles issues related to the activities of Sharia Financial Institutions (LKS) and Islamic economics (Afrelian and Furqon, 2019). One form of support provided by the Indonesian Ulema Council was the establishment of the National Sharia Council-Indonesian Ulema Council (DSN-MUI) on February 10, 1999. DSN-MUI was formed to carry out the MUI's duties in establishing fatwas and supervising its implementation in order to develop businesses in the

fields of finance, business, and sharia economics in Indonesia. In order to implement the fatwa, DSN-MUI has an organizational organ known as the Sharia Supervisory Board which has the task of supervising the implementation of DSN-MUI's fatwas and decisions in financial, business, and sharia economic institutions (Profile of DSN-MUI Institute – DSN-MUI Institute, no date).

Tuan Guru etymologically means someone who is smart and capable of providing strict information about religious science. The term Tuan Guru is a term that is mostly used by groups or individuals in relation to the title given to a person whose dedication has received recognition from the population. Tuan Guru for the Sasak people is a figure who has a high position and is assumed to be the main figure in the maintenance and teaching of Islamic teachings on the island of Lombok, especially in upholding *amar ma'ruf nahi munkar* (invitation to good and preventing evil) (Azmi, 2022).

Tuan guru (ulama) is a combined word consisting of two syllables, namely "master" and "teacher". "Tuan" in the etymology of Sasak (a tribe on the island of Lombok), means a person who has performed the hajj to Baitullah (*Makkah al-Mukarramah*), and "teacher" means a person who teaches. In Sasak terminology, Tuan Guru is an expert in the field of religious science (Islam) who teaches and guides the congregation, or his students in a formal institution (assembly) in madrasas or pesantren and or non-formal institutions such as mosques, and suraus (Jihad and Muhtar, 2020). Tuan Guru is also Kyai but not all Kyai are Tuan Guru, because being a Kyai (in the Sasak Lombok community) does not have to be a "Tuan" (Haji), many Kyai whose role is to lead roah (dhikir) such as tahlilan or serakalan. The genealogy of the term Tuan Guru for the Sasak people is when the native students of Lombok who went to the holy land of Makkah to perform the hajj as the 5th pillar of Islam, then gained knowledge there. After mastering some knowledge, they returned to Lombok and educated the community about religious issues through various means. Because they have carried out the hajj and educated the community, they are called Tuan Guru. The word Tuan Guru is usually abbreviated as TG, because every Tuan Guru must have carried out the Hajj, so Tuan Guru is also called TGH (Tuan Guru Hajj) or TGHK (Tuan Guru Kyai Haji) (Fitriani, 2016)

The master teacher in its development, gained an important position in spiritual and customary regulations. This position is directly and indirectly obtained from the Sasak people with qualifications of religious knowledge, and of course must have performed the hajj. The teachers occupy a strong position in the Sasak community who are capable and legitimized to provide advice, guidance and advice in all aspects of community life, not to mention in the realm of culture and political commitment to the community (Jihad and Muhtar, 2020).

The authority of the Master in Max Weber's concept is divided into three parts, namely, charismatic authority, traditional authority, and rational legal authority. Charismatic authority is a belief that relates to supernatural (intrinsic) aspects in a person. Traditional authority is a belief in time and culture that can be owned by a person and a group. Meanwhile, rational legal authority is an authority owned by a person who has met the requirements and competencies for a legal system and institution

that exists in society. Rational legal authority or authority is also called legal authority, which is authority based on the legal framework that applies in society. The foundation of rational authority is legitimacy, which is the right of the person in power (Sulhan and Lessy, 2022).

Tuan Guru's rational legal authority as a form of legitimacy of the Sasak community in Lombok which is obtained based on: (Sulhan and Lessy, 2022)

- a. The ability of the teacher to bring admiration, confidence and appreciation from the community based on his level of education and efforts in guiding and guiding the community towards a more directed life or known as *idealized influence*;
- b. Tuan Guru's ability to inspire and motivate the community to continue to deepen religious knowledge as a need or known as *inspirational motivation*;
- c. The ability to integrate the social reality of the community as a reference in carrying out social change and development movements which are considered to be able to guide the social life of the people of Sasak Lombok or known as *individualized consideration*;
- d. The ability of Tuan Guru to provide insight stimulation in carrying out Islamic da'wah better and more effectively or known as *intellectual stimulation*.

4. Theory and Concept of Sharia Economic Law

The terminology of sharia economic law in the context of fiqh is equivalent to the term fiqh muamalah. Muamalah fiqh is linguistically composed of two words, fiqh and muamalah. The word fiqh is an absorbed word from the Arabic language taken from the word *فقه يفقهها* which means to understand and understand, both of visible and hidden things. According to terminology, as expressed by the majority of scholars. While the word muamalah comes from the word *فاعل – يفاعل – عامل – عامل* which *مفاعلة – مفاعلة* with scales (*معاملة wazan* means interacting in buying and selling or other things. In terms of terminology, muamalah has various definitions, both based on its scope and based on the side of naming as a discipline. According to Prof. Ali Fikri, muamalah is

عِلْمٌ يُنَظِّمُ تَبَادُلَ الْأَمْوَالِ وَالْمَنَافِعِ بَيْنَ النَّاسِ بِوَسِطَةِ التَّبَادُلِ وَالْإِلْتِزَامَاتِ

The science that regulates the exchange of property with property and benefits among humans by means of exchange and commitment (binding on something) (Hidayat, 2022).

In general, what is meant by sharia economic law is the law related to economic activities in a broad sense that comes from the teachings of Islam which have been included in the legal system to achieve happiness (falah) in this world and the hereafter (Mustapa Khamal Rokan, 2021). The theory of sharia economic law in general can be equated with the concept of *ushul al-fiqh* Where there is a process of *ijtihad* and *qiyas* in determining legal cases. The theory of sharia economic law sometimes involves the understanding of economic law contained in the Quran and Al-Hadith directly through the process of

ushul fiqh. If the law of sharia economics is not found directly in the form of fiqh, then there are several forms of "knives" that are used in understanding a problem of sharia economic law. The legal theory used is called *maslahah mursalah*, *aldzarai*, *istihsan*, *syar'un manqablana*, *'urf* and so on (Mustapa Khamal Rokan, 2021).

The sources of sharia economic law include the Qur'an, hadith, Ijma', ijihad/qiyas, *istihsan*, *Istishlah* and *istitab* (Kholidah, 2023). That means that the source of sharia economic law is no different from other sharia practices. Thus, the theory of sharia economic law includes matters related to rights, property, buying and selling, *Kiyar* (option rights), order contract (*Cheers*) contract *ishtishna'*, contract *Education*, akad for the year, akad *Shirkah*, contract *Mudharabah* Debt Relief Contracts, Debt Relief *Wadi'ah*, *Mazra'ah*, *Ah*, *Masqat*, contract *Squirrelly*, contract *Stuttgart*, contract *Kafalah*, contract *Saleah*, usury, and other muamalah contracts.

5. The Dilemma of the Power of DSN-MUI Fatwa and Tuan Guru in Gunungsari District

After highlighting and observing the conditions and dynamics of the implementation of the Sharia Economic Law fatwa in Gunungsari District, the researcher found that the power of religious leaders (Tuan Guru) still dominates as a reference for the ummah in undergoing fatwas. This is as revealed by the chairman of the MUI of Gunungsari District TGH. A. Mutammam Khalid, MA, that "*our people in Gunungsari still prioritize legal decisions or fatwas from our religious leaders (Tuan Guru), not only in the economic field but also in other fields, such as education, social, and local wisdom.*"

Related to the field of Sharia economic law that is experiencing a dilemma is the fatwa of *the Dropshipper contract*, the hajj insurance fatwa, the fatwa of health insurance products based on sharia principles, *the fatwa of Rahn Tasjily* and *Rahn* gold. In the *Dropshipper* fatwa, the teachers have not decided that the law is permissible because based on fiqh rules, in buying and selling goods that are traded are the property of the seller, while in *Dropshipper*, traders only sell goods that do not belong to them through *online Shope*. So that it is considered an invalid contract. Thus, many people prefer legal decisions issued by teachers because they are based on the concept of *Ihtiyath* (prudence).

In the fatwa of *Rahn Tasjily* which states that the collateral is in the form of goods for debts but the collateral (*marhun*) remains in the possession (utilization) of Rahin and proof of ownership is handed over to *the apostate*. The fatwa decision said that loans by pawning goods as collateral for debt in the form of *Rahn Tasjily* are allowed with predetermined conditions. Some masters have not decided that it is a valid contract because the pledged goods are held by *Rahin* while in fiqh literature the pledged goods should be held by *Murtahin*. So many residents prefer the teacher's fatwa as a form of prudence.

Thus, some of the fatwas dilemmas above are challenges to the existence of the DSN-MUI fatwa because the legal determination taken by the teacher is considered more authoritative and based on strict prudence. The difference in the attitude of residents in the implementation of DSN-MUI fatwa in the field of sharia economic law is not in all fatwas, but there are many MUI fatwas that are carried out

by residents because it is in accordance with the opinions of teachers. This indicates that the charisma of the master teacher in the legal decisions issued is still very high and recognized.

CONCLUSION

Based on the above explanation, it can be concluded that the dilemma of the DSN-MUI fatwa and the teachers in the field of sharia economic law is due to the lack of socialization and follow-up studies involving teachers, community leaders and other authorities. So that the application of the fatwa of sharia economic law issued by DSN-MUI has stagnated and is considered a fatwa that can change the customs that have been in force based on the teacher's decision. Socially-legally, the existence of the distinction in the application of fatwa has not caused conflict, especially in the economic field because fatwas in the field of sharia economic law are still applied personally by the people of Gunungsari District. The implications of the fatwa of the Tuan Guru are more dominant as a reference by the people of Gunungsari in the practice of sharia economic law, because the Tuan Guru is considered more authoritative and based on strict prudence and the existence of the Tuan Guru in the community is still considered sacred in determining legal decisions.

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