

INSTITUTIONAL RECONSTRUCTION OF THE INDONESIAN ULAMA COUNCIL WITHIN THE INDONESIAN GOVERNMENT SYSTEM

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ABSTRACT

The Indonesian Ulama Council (MUI) is an institution that houses Muslim scholars and intellectuals throughout Indonesia. Whether it is requested or not, one of the functions of The Indonesian Ulama Council is to give a legal opinion (fatwa) towards Muslims and the government. MUI fatwas provide a significant role for society and the government, it is proven by the use of the MUI fatwa as a guideline for the community in responding to daily problems related to religion. Many fatwa materials are implemented in several laws and regulations including sharia issues, narcotics, banking, waqf, pornography, and others. However, MUI Fatwas do not have the binding force of law because of its MUI position as a social organization, not a state institution. Therefore, this research was conducted to explain further the existence of MUI in the constitutional system of the Republic of Indonesia and how MUI should be arranged in the constitutional system of the Republic of Indonesia. This research employed a normative research method. The approach used was the statute approach and the historical approach. The results of this study indicate that MUI has an important role in the constitutional system of the Republic of Indonesia. It is proven by the issuance MUI fatwa stated that MUI Fatwa becomes part of the legal basis for the state and becomes a referral source for the government in making decisions. Thus, a better arrangement of MUI in the constitutional system of the Republic of Indonesia must be carried out to maintain the legal force of the MUI Fatwa involvement in the constitutional system of the Republic of Indonesia.

Keywords: Role. Arrangement. Institution. MUI

1. Introduction

In history, Islam has played a very important role in Indonesian independence. The role of Islam is reflected in the resistance of Islamic kingdoms such as Demak and Banten against the colonialists. Over time, the role of Islam is getting stronger, this can be seen through the involvement of Muslim scholars in their various roles in the social life of society, especially in Muslim communities. Normatively, the role of the ulama rests on the theological spirit as *waratsat al-anbiya'*, the heirs of the prophets.² A figure

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² Fawaizul Umam. *Kala Beragama Tak Lagi Merdeka : Majelis Ulama Indonesia Dalam Praksis Kebebasan Beragama*, (Jakarta : Prenada Media Group 2015), hlm. 138.

who always remembers ALLAH SWT at every time and place while contemplating nature and thinking about the creator.³

The government formed an organization where the ulama gathered which was named the Indonesian Ulama Council (hereinafter referred to as MUI). MUI was formed on the 7th of Rajab 1395 Hijriah or on July, 26th 1975. It was established as a result of the deliberation of ulama and Muslim scholars.

MUI is an independent religious organization, not affiliated with any political party, *madzhab*, or Islamic religious sects in Indonesia. because MUI was formed to unite all Islamic sects in Indonesia into Islam Nusantara, a forum for thought, understanding, and practice of Islamic teachings that reconcile Islamic teachings and local culture or traditions that have developed in the Southeast Asian region, especially Indonesia.⁴ While the main functions and roles of MUI are: (1). As heir to the duties of the Prophets (*Warasatul Anbiya*) (2). As a fatwa-giver (*Mufti*) (3). As a guide and servant of the people (*Ri' ayat wa khadim al ummah*) (3). As a renewal and improvement of *islah wa al tajdid* movement (3). As an enforcer of *amar ma'ruf nahi munkar*.

Some of the functions of the MUI include issuing a fatwa. MUI fatwa provides a significant role in society and government. Some of these materials are implemented in a number of laws and regulations, including narcotics, banking, waqf, pornography, and others. However, the MUI fatwa does not have legal force binding on society, because MUI is not a state institution, but a social organization and does not have a legislative function like the People's Representative Council of the Republic of Indonesia (hereinafter abbreviated as DPR), the People's Consultative Assembly (hereinafter referred to as the MPR) and other state institutions.

³ Kitab Suci Al-Qur'an Surat *Ali' Imran* (3)

⁴ Mujamil Qomar. *Islam Nusantara: Sebuah Alternatif Model Pemikiran, Pemahaman, dan Pengamalan Islam*. el Harakah Vol.17 No.2 Tahun 2015, hlm 202

MUI also has a function as a guide and servant to the people (*Ri' ayat wa khadim al ummah*), thus, MUI assists the government in carrying out matters related to Muslims, such as issuing a fatwa on food halalness which is symbolized by the MUI Halal label. Besides, MUI determines the truth of an Islamic sect and matters related to the relationship between Muslims and their environment.

One concrete example of the power of MUI Fatwa which serves as a guideline in administering the state, especially in sharia matters, is reflected in Law Number 21 of 2008 concerning Sharia Banking (hereinafter referred to as the Sharia Banking Law). Especially Article 26 paragraph (1) and paragraph (2) of the Sharia Banking Law.

Article 26 paragraph (1) states that business activities as referred to in Article 19, Article 20, and Article 21, and or products and services of sharia, must comply with the sharia principles. Subsequent provisions of Article 26 paragraph (2) state that the Sharia Principles as referred to in paragraph (1) are issued by the Indonesian Ulama Council (MUI). Therefore, it is necessary to study further related to the role and existence of MUI in the state administration system of the Republic of Indonesia.

2. Reseach Method

This research is normative legal research or doctrinal legal research. Doctrinal legal research is research that focuses on positive law inventory, the discovery of the principles and philosophical foundations of positive law, and in concreto legal discovery.⁵ While the research approach employed is a statute approach and historical approach. A statute approach is an approach using legislation and regulations, it is because dogmatic legal research cannot be separated from the statute approach.⁶

⁵Bambang Sunggono, *Metodologi Penelitian Hukum*, (Jakarta : PT. Raja Grafindo Persada, 2001), hlm. 43.

⁶*Ibid.*, hlm.136 – 137.

The historical approach is used as a framework for investigating the history of legal institutions by examining the background of what was learned and the developments regarding the legal issues they encountered.⁷ The historical approach is used to examine the background for making the legal foundations for MUI regulation. This approach also provides an explanation of how the institution was established.

3. Results and Discussion

3.1. The Roles of The Indonesian Ulama Council (MUI) within The State Administration System of The Republic of Indonesia

MUI is a forum that houses Muslim Scholars and Scholars throughout Indonesia. In the National level VIII Plenary Session of MUI, it was agreed that MUI was established on Saturday 26 July 1975 M/17 Rajab 1395H. The founding declaration charter was signed by 53 (fifty-three) scholars from all over Indonesia and Buya Hamka was elected as the first chairman for the 1975-1980 period.

Article 1 point 1 in Law Number 17 of 2013 concerning Community Organizations (hereinafter referred to as Law on Community Organization) states that Community Organization is an organization founded and formed by the community voluntarily based on similar aspirations, desires, needs, interests, activities, and objectives to participate in development to achieve the objectives of the Unitary State of the Republic of Indonesia (hereinafter referred to as NKRI) based on Pancasila. From the understanding of the community organization definition above, it can be said that MUI is regarded as an Ormas (community organization). While the goals of Ormas as stated in Article 5 of the Law on Community Organization:

- 3.3.1. Increase community involvement and empowerment;
- 3.3.2. Provide community services;
- 3.3.3. Maintain religious values and belief in God Almighty;

⁷*Ibid.*, hlm. 166.

- 3.3.4. Preserve and maintain the norms, values, morals, ethics, and culture in the society;
- 3.3.5. Preserve natural resources and environment;
- 3.3.6. Strengthen social solidarity, cooperation, and tolerance in society;
- 3.3.7. Protect, maintain, and strengthen the unity and integrity of the nation;
- 3.3.8. Achieve nation's goals

Article 6 of the Law on Community Organization proclaims the function of community organizations are:

- 3.3.1. Distribution of activities based on the interests of members and/or organizational goals;
- 3.3.2. The construction and development of members to achieve organizational goals;
- 3.3.3. Channeling community aspirations;
- 3.3.4. Community empowerment;
- 3.3.5. Fulfillment of social services;
- 3.3.6. Community involvement to maintain, protect and strengthen the unity and integrity of the nation and/or;
- 3.3.7. Maintaining and preserving norms, values, and ethics in the life of society, nation, and state.

Based on the objectives and functions of the Community Organization, it could be concluded that it is against the influence arising from the fatwa issued by MUI. MUI fatwa plays a very significant role in the administration of the state.

MUI has several functions, as stated in the Articles of Association of the Indonesian Ulema Council (hereinafter referred to as AD MUI), in Article 4:

- 3.3.1. As a forum for deliberation for Muslim scholars, *zu'uma*, and intellectuals in protecting the people and developing an Islamic life;

- 3.3.2. As a forum for housing Muslim scholars, *zu'uma*, and intellectuals to develop and practice Islamic teachings and promote Islamic *ukhuwah*;
- 3.3.3. As a forum that represents Muslims in inter-religious relations and consultations;
- 3.3.4. As a giver of fatwas to Muslims and the government, both requested and unsolicited.

Of the many functions that MUI has, the last function is to give fatwas to Muslims and the government, whether requested or unsolicited. This means that MUI has a Fatwa Commission which takes care of all matters regarding the issuance of fatwas. Therefore, MUI has several guidelines for achieving this function. Those guidelines are Guidelines and Procedures to determine the MUI Fatwas, Systems, and Procedures in Determining Halal Product Fatwas. In establishing MUI fatwas, MUI Fatwa Commission Board is responsible for the administration. Meanwhile, in carrying out its functions and organization, MUI Daily Leadership Council plays a role as a director board.

All MUI fatwas issued by the MUI Fatwa Commission are grouped into several categories. This can be seen in the MUI Fatwa Association Book since 1975, including the Aqidah and Religious Sector, the Worship Sector, the Social and Cultural Sector, the Food Sector, the Medicines Sector, and the Science and Technology Sector.

The MUI fatwas then become the community's guidelines in responding to daily problems in the religious aspect. The MUI is formally considered to be a relatively non-partisan institution and is not affiliated with any particular political force. MUI has the support of the state, as seen from several things such as MUI products which become the reference for the state in running the government system.

The MUI Fatwas also become the reference for the government to act on religious issues, including regarding the practice of freedom of religion, especially in terms of blasphemy against Islam, MUI halal

certification, and MUI Fatwa which are included in the material of the law.

The significant role of the MUI increases the existence of the MUI in the Republic of Indonesia's constitutional system. The existence of the MUI can be seen from the many fatwas issued by the MUI. Since being founded in 1975 and up to 2011,

These fatwas were contained in a book published by the MUI in 2011 with the title MUI Fatwa Association Since 1975. The fatwas listed in the book do not include fatwas issued by regional MUIs which have contributed to an increase in the existence of MUI in the public.

The MUI National Syari'ah Council (hereinafter referred to as the DSN MUI) also issues fatwas related to shari'ah. There have been 53 (fifty-three) fatwas issued. These fatwas are contained in the DSN MUI fatwa collection book.

The fatwa is divided into several categories including fatwa on Sharia Insurance, fatwa on Sharia Bonds, fatwa on Murabahah, fatwa on Exports or Imports, fatwa on Mudharabah, fatwa on Sharia Capital Markets, fatwa on Indonesia Bank Certificates, fatwa on Pawn, fatwa on Government Securities, fatwa on Savings Products, fatwa on Multi Level Marketing, fatwa on Cards, fatwa on Musyarakah, fatwa on Money Market, fatwa on Buying and Selling, fatwa on Ijarah, fatwa on Hawalah and others.

The DSN MUI fatwa is included in the material or articles in several laws, especially in the field of Sharia, including in Law Number 21 of 2008 concerning Sharia Banking (hereinafter referred to as the Sharia Banking Law), especially Article 26 paragraph (1) and paragraph (2).

Law Number 19 of 2008 concerns Government Sharia Securities (hereinafter referred to as the SBSN Law), especially Article 25. Law Number 33 of 2014 concerns Halal Product Guarantees (hereinafter referred to as the Halal Product Guarantee Law) and Law Number 40 of

2014 concerns Insurance (hereinafter referred to as the Insurance Law), especially Article 1 paragraph (3).

The Sharia Banking Law, particularly in Article 26 paragraph (1) states that business activities as referred to in Article 19, Article 20, and Article 21, and/or sharia products and services must comply with the sharia principles. A subsequent provision in paragraph (2) states that the Sharia Principles as referred to in paragraph (1) are issued by the MUI.

The MUI fatwa contained in the SBSN Law, especially in Article 25, states that in the context of issuing SBSN, the Minister requests a fatwa or statement of conformity of SBSN with shari'ah principles from an institution that has the authority to issue fatwas in the field of Shari'ah. The elucidation of Article 25 emphasizes that the institution that has the authority to issue fatwas in the field of shari'ah is the Indonesian Ulema Council/MUI or other institutions appointed by the government.

The MUI fatwa contained in the Halal Product Guarantee Law, specifically in Article 1, states that a halal certificate is an acknowledgment of the halalness of a product issued by the Halal Product Assurance Organizing Body based on a written halal fatwa issued by the MUI. Article 10 states that the MUA has the task to certify halal auditors, determining halal products, and accrediting Halal Product Labels.

The MUI fatwa contained in the Insurance Law, specifically in Article 1 paragraph (3) states that the Sharia Principles are the Principles of Islamic Law in insurance activities based on fatwas issued by institutions that have the authority to issue fatwas in the field of Shari'ah.

Of the four laws above, it is evident that the MUI has a very important role in the constitutional system of the Republic of Indonesia. Fatwa is not an obligation that must be followed by the community, because the MUI Fatwa is only a recommendation so it may be followed or not followed. However, in the four laws above, the MUI fatwa is

included in the material of the law, even though the MUI fatwa is not included in the hierarchy of laws and regulations and has no legal force.

The role of the MUI in the State Administration System of the Republic of Indonesia can further be seen from the products issued by the Food and Drug Assessment Institute under MUI (hereinafter referred to as LPPOM MUI). This institution underlies the issuance of MUI Halal Certificates as a written fatwa issued by MUI stating the halalness of a product based on an audit process conducted by LPPOM.

LPPOM MUI certifies the halalness of food products, medicine, cosmetics, and other products that are following Islamic Shari'a. This certificate is a requirement to obtain permission to place a halal label on product packaging from the authorized government agency. This is done by producers, to provide certainty of halal status as consumers reassurance. This is following the MUI Fatwa contained in Article 1 of the Halal Product Guarantee Law.

The role of the MUI can also be seen in the religious problems that occur in Indonesia. There are 10 (ten) fatwas from the MUI related to practical issues of religious freedom which are summarized in the Aqidah Sector and the Religious Sects Sector. Eight of the Fatwas were published in the New Order government Era and the other two were published in the Reform government Era. The ten fatwas that have been known to the public as "misguided" fatwas, are fatwas that consider "misguided and misleading towards the beliefs of several religious sects within the scope of Muslims".⁸

The first concerns were the teachings of a group that calls itself the Jama'ah Muslimin Hizbullah (hereinafter referred to as JMH), about the matter of Jama'ah, Khalifah, and Bay'at. This fatwa, dated August 2nd, 1978, was entitled "Problems of Congregation, Caliph and Bayat".⁹ Its

⁸ Fawaizul Umam, *Kala Beragama Tak Lagi Merdeka : Majelis Ulama Indonesia Dalam Praksis Kebebasan Beragama*, (Jakarta : Prenada Media Group 2015), hlm. 163.

⁹ M. Ichwan Sam, *et.al.*, *Himpunan Fatwa Keuangan Syariah Dewan Syariah Nasional MUI*, (Jakarta : Erlangga, 2014), hlm. 35.

publication began from questions by the Attorney General's Office (hereinafter referred to as the Attorney General's Office) regarding these three matters and regarding the appearance of JMH which was then responded to by the MUI by issuing a fatwa.

MUI also shows its existence regarding religion. This can be seen from the MUI Fatwa in the form of opinions and religious attitudes towards Basuki Tjahja Purnama's or Ahok's statements about the Qur'an, especially Surah Al-Maidah verse 51. Ahok stated that the prohibition against making Jews and Christianity a leader is a lie.

From this statement, Ahok was declared to have desecrated the Holy Qur'an. The MUI fatwa was announced to the public on Tuesday, October 11th, 2016 which stated that the statement by the Governor of DKI Jakarta was categorized as insulting the Qur'an and insulting the Ulama which had legal consequences. In this case, the MUI recommends that the government, especially law enforcement officers, take quick, proportional, and professional action against anyone who commits blasphemy against the Holy Qur'an and Islamic teachings.

3.2. The Existence of MUI in The State Constitutional System of the Republic of Indonesia

Indonesian Ulama are aware that their role and function as leaders of the Islamic Ummah must be further enhanced to be able to direct the Islamic Ummah to remain in the corridors of Islamiyah, such as in carrying out worship and developing *akhlakul karimah*. This is to create a society that is quality, safe, peaceful, and at the pleasure of ALLAH SWT within the Unitary State of the Republic of Indonesia based on Pancasila. That is a glimpse of the background behind the formation of the MUI.

MUI has Statutes and Bylaws. The statutes are the basic rules of a community organization and Bylaws are regulations that are formed based on the elaboration of statutes of the community organization. The

community organization can carry out all its activities following its Statutes and Bylaws. All cases regarding the position, function, composition and organizational relationships, and other issues regarding the MUI are contained in the Statutes and Bylaws of MUI.

Besides the benefits that can be obtained from MUI, there is some confusion about the products produced by MUI such as the MUI fatwas, both the fatwa from the MUI Fatwa Commission and the fatwa from the MUI DSN. MUI fatwas are basically suggestions or opinions, and some of them are included in the material of several laws, especially the Sharia Law, even though MUI Fatwas do not have permanent legal force, because MUI is not a state institution.

State institutions are organs that run the government system. Hans Kelsen states that "Whoever fully fulfills a function determined by the legal order is an organ".¹⁰ This means that every position whose function is to create norms (norm creating) and/or carry out norms (norm applying) are both state organs.

In this case, Jimly Asshiddiqie concluded that state organs are synonymous with individuals who carry out certain functions or positions in the context of state activities. State organs in a narrower sense, are boards or organizations that carry out the functions of a law creating and/or law applying within the framework of the structure and system of the state or government.¹¹ In other words, state institutions include the notion of state institutions formed based on the Constitution, Laws, Presidential Regulations, or by decisions of a lower level.

The state structure is the supra-structure (The Government Political Sphere), it's a government political life that is visible from the outside. While infrastructure (The Socio-Political Sphere) is a political life that is not visible from the outside. Infrastructure is more available in

¹⁰ Josef M. Monteiro, 2014, *Lembaga-Lembaga Negara Setelah Amandemen UUD 1945*, Pustaka Yustisia, Yogyakarta.

¹¹ Jimly Asshiddiqie, *Perkembangan dan Konsolidasi Lembaga Negara Pasca Reformasi*, (Jakarta Timur : Sinar Grafika, 2012), hlm. 40 – 41.

community empowerment spaces so that its activities can only be seen by exploring the community itself. It can be concluded that the infrastructure of an institution is born, grow and develop in society. A country's infrastructure consists of 5(five) components, namely: Political Parties, Pressure Groups, Interest Groups, Political Communication Tools, and Political Figures.¹²

Based on the 2 (two) types of state structures, MUI is included in the infrastructure (The Sosio Political Sphere), specially included in the interest groups. An Interest Group is a group of people who build alliances with others and have the same interests.

Gabriel A. Almond divided interest groups into 3 (three) groups, namely: Interest Group Association, Interest Group Institutional, and Interest Group Non-Association. MUI is included in the Group of Associational Interests because this group was established to fight for certain interests of a society or group, especially Muslim society. Association Interest Group is a community organization.

Based on the aforementioned, it can be seen that the MUI is not a state institution that is included in the supra-structured state structure (The Government Political Sphere), such as the People's Consultative Assembly, House of Representative, Regional Representative council, or others where their decisions have legal force. MUI is included in the state infrastructure (The Sosio Political Sphere), which is included in the Interest Group. Any product produced by the MUI does not have a legal force so all Indonesian people can follow it or not. Although in fact, the existence of the MUI in the Constitutional System of the Republic of Indonesia is very influential.

The existence of the MUI in the Constitutional System of the Republic of Indonesia needs to be evaluated and reorganized. Since all the products issued by the MUI are the needs of the state, especially

¹² Kaelan, *Problem Epistemologis Empat Pilar Berbangsa dan Bernegara*, (Yogyakarta : Paradigma, 2012), hlm. 125.

Halal Certification and Sharia Fatwa which have been made as material in several laws and have legal force.

Evaluation is commonly identified as an assessment, which is associated with the results of plans implemented based on objectives and benefits. The evaluation must be carried out in earnest to observe, correct, and weigh the pros and cons based on predetermined criteria. According to Rianto Nugroho, evaluation is needed to see the gap between expectations and reality.¹³

Policy evaluation is an important aspect of the entire policy process. Therefore policy evaluation should not be carried out only at the final stage, but also during the entire policy process including the evaluation of the consequences of the policy in question. Policy evaluation is an objective, systematic, and empirical examination of the effects of policies and the targets of the objectives to be achieved.

Several ways of structuring state and non-state institutions are as follows:¹⁴

3.2.1. Maintaining several state institutions that are not regulated in the 1945 Constitution of the Republic of Indonesia by providing correct and appropriate forms and using the correct and certain types of statutory regulations for the legal basis for the existence of these state institutions;

3.2.2. Merging several state institutions that are not stipulated in the 1945 Constitution of the Republic of Indonesia and then providing the correct and proper form and using the correct and definite types of statutory regulations for the legal basis for the existence of these state institutions:

¹³ Rianto Nugroho dalam Syahrin Naihassy, *Kebijakan Publik (Public Policy) Menggapai Masyarakat Madani*, (Yogyakarta : Mida Pustaka, 2006), hlm. 144.

¹⁴ Yudi Widagdo Harimurti, "Politik Hukum Keberadaan Lembaga Negara Yang Tidak Diatur Dalam UUD NRI Tahun 1945 (Suatu Analisis Evaluatif)", *Disertasi*, Malang : Program Studi Doktor Ilmu Hukum Fakultas Hukum Universitas Brawijaya, 2013., hlm. 359 – 360.

3.2.3. Being part of a state institution regulated in the 1945 Constitution of the Republic of Indonesia or state ministries for several institutions that are not regulated in the 1945 Constitution of the Republic of Indonesia;

3.2.4. Dissolving several state institutions that are not regulated in the 1945 Constitution of the Republic of Indonesia.”

Based on the aforementioned methods, the most appropriate method is that the MUI should become part of a state institution regulated by laws and regulations that have the same functions, duties, and authorities as the MUI. If the MUI becomes part of the state institution, there will be synchronization between the two. In this case, the MUI, which is an Islamic organization, has a special function in the field of Islamic Religion. MUI should be part of the state ministry that deals with the Islamic Religion. The ministry in question is the Ministry of Religion, as it is one of the state ministries that assists the President in managing government affairs regarding religion including Islam. Becoming part of the Ministry of Religion, in terms of carrying out the functions, duties, and authorities of the MUI is more efficient, as well as in terms of the budget.

The recommendation results of mapping the MUI to be a part of state institutions were based on the consideration that:

3.2.1. The Ministry of Religion is under and responsible to the President. The task of the Ministry of Religion is to administer government affairs in the field of religion, including Islam to assist the President in administering state government.

3.2.2. The functions of the Ministry of Religion in administering state government include; (a) formulating, establishing, and implementing community guidance policies in Islamic, Christian, Catholic, Hindu, Buddhist, and Confucianism; (b) being the organizers of Hajj, Umrah, and other religious

education; (c) implementing religious education, training, research, and development; (d) being the executors who administer halal product guarantees. Some of these functions are interrelated with the functions of the MUI.

3.2.3. The Ministry of Religion has a Directorate General of Islamic Community Guidance whose task is to carry out the formulation and implementation of Islamic community guidance policies by statutory provisions. This is in line with the MUI Fatwa Commission which is in charge of providing fatwas on any Islamic questions or issues, requested or not, from the public. The fatwa can be categorized as the implementation of policies in terms of Islamic community guidance.

3.2.4. Other functions of the Directorate General of Islamic Community Guidance are formulating, implementing, providing technical guidance, monitoring, evaluating, and reporting all policies on Islamic religious affairs, sharia guidance, information on Islam, and empowerment of waqf. Developing shari'ah is closely related to the DSN MUI whose function is to issue fatwas on shari'ah matters.

3.2.5. The Ministry of Religion has an organizing body for Halal Product Assurance. The function of the agency is to carry out the preparation, implementation, and monitoring or evaluation of the implementation policies of halal product guarantees. This function is in line with the existing institutions in the MUI, namely: LPPOM MUI. The function of this institution is to conduct careful and comprehensive research, audit, and study of processed products. The results of the research are then submitted to the Fatwa Commission to be discussed in the Fatwa Commission session to be discussed in the commission meeting. Once issued, the legal

fatwa is called the Halal Fatwa, which is a statement that the product in question does not contain any elements of unholy objects.

3.2.6. The budget of the Ministry of Religion is borne by the State Budget, based on Article 73 of Presidential Decree Number 83 of 2015 concerning the Ministry of Religion. Meanwhile, the source of funds of the MUI is the support of the non-binding community and government and other legitimate and lawful businesses, as stated in Article 12 of the MUI Bylaws. In conclusion, the MUI receives assistance from the government even though this is not binding. Yet basically the government assists MUI from the State Budget. To make the state budget more efficient, MUI should become part of the Ministry of Religion to create effectiveness in the administration of the state and government.

Based on the six reasoning statements above, the MUI should become a part of the Ministry of Religion of the Republic of Indonesia, considering that the agencies and functions of the Ministry of Religion are in line with the institutions and functions of the MUI.

4. Conclusion

The MUI plays an active role in the constitutional system of the Republic of Indonesia, especially the fatwa issued by the MUI Fatwa Commission which serves as a guide for the community in responding to daily problems related to religious matters. MUI fatwa also guides the government in making a decision or policy and is included in some law materials.

Aligning the role of MUI in the constitutional system of the Republic of Indonesia as mentioned above, it is necessary to realign the existence of MUI. This can be done by making MUI part of a state institution regulated by laws and regulations that have the same function as MUI. If MUI becomes part of a state institution, there will be synchronization between the two. In this case,

MUI, which is an Islamic organization, has a special function in the field of Islam. MUI must be part of the Ministry of Religion of the Republic of Indonesia which takes care of Islamic Religion affairs. The Ministry of Religion is one of the state ministries that assists the President in managing government affairs in the field of religion, including Islam. Based on the aforementioned conclusion, the recommendations that can be derived as follows: (1). The government must conduct an overall evaluation of MUI, in terms of reviewing the statutes and by-laws of MUI and evaluating the role and involvement of MUI through fatwas issued in the constitutional system of the Republic of Indonesia. (2). Arrangements must be made at MUI. It is suggested that MUI should become part of the Ministry of Religion. If MUI becomes part of the Ministry of Religion, it will be more efficient in carrying out the duties and functions of the MUI, as well as in terms of budgeting.

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