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COMPETING MODELS OF FATWA AUTHORITY: A COMPARATIVE ANALYSIS OF INDONESIA AND TÜRKIYE IN ADDRESSING CONTEMPORARY ISLAMIC LEGAL CHALLENGES

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ABSTRACT

This study explores the role of fatwā institutions in Indonesia and Türkiye in addressing contemporary legal challenges within Islamic jurisprudence. As Muslim-majority countries with distinct legal and political structures, both offer important comparative perspectives on how fatwās function as tools for religious interpretation and public guidance. The background of this research comes from the increasing complexity of modern issues, ranging from worship practices and social conduct to Islamic finance, halāl certification, bioethics, and governance that demand renewed ijtihad from authoritative bodies. In Indonesia, the Majelis Ulama Indonesia (MUI) serves as the primary national fatwā institution, issuing legal opinions that influence public discourse and religious life, despite lacking formal binding legal status. In contrast, Türkiye's fatwās are centralised under the state-run Presidency of Religious Affairs (Diyanet), which operates

with a unified, state-integrated model of religious authority. This research adopts a qualitative, comparative methodology through document analysis, focusing on fatwās issued by MUI and Diyanet between 2010 and 2023. The study also engages with legal and institutional texts to contextualise the frameworks in which these institutions operate. The findings suggest that while both institutions respond to similar contemporary challenges, they differ significantly in terms of their institutional independence, relationship with the state, and mechanisms of public influence. Fatwās, though not legally binding, continue to play a significant role in shaping religious norms, ethical behaviour, and Islamic legal development in both countries.

Keywords: *fatwā institutions, contemporary legal issues, Majelis Ulama Indonesia (MUI), Presidency of Religious Affairs (Diyanet), Türkiye*

INTRODUCTION

Fatwā institutions have long been integral to Islamic societies, serving as authoritative bodies that provide legal opinions (*fatwās*) to guide Muslims on matters of religious practice, social interactions, economic transactions, environmental issues, and governance.[1] These institutions bridge the gap between immutable Islamic principles and the dynamic realities of contemporary life, ensuring that Islamic law remains relevant in addressing emerging issues.[2] Their historical and contemporary significance lies in their ability to adapt Islamic jurisprudence to the changing needs of Muslim communities, making them a cornerstone of Islamic legal tradition.

In Islamic jurisprudence, *fatwās* are not legally binding but serve as influential interpretations of Shariah principles, tailored to specific contexts.[3] They are issued by qualified scholars or institutions and play a critical role in resolving questions of religious and legal uncertainty. For instance, *fatwās* have historically shaped the legal landscape of Islamic societies, influencing social norms, governance, and the development of Islamic institutions.[4] In the modern era, *fatwā* institutions have

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1 Mohd Amirul Isma Md Yusuf et al., "Fatwa As a Mechanism for Social Cohesion in A Pluralistic Society in Malaysia," *International Journal of Religion* 5, no. 10 (2024): 990–999.

2 Ihsan Yilmaz, *Sharia as Informal Law: Lived Experiences of Young Muslims in Western Societies* (New York: Taylor & Francis, 2024).

3 Khaled Al-Farsi, "Exploring Sharia Law in Islamic Jurisprudence," *Social Science Chronicle* 2, no. 1 (2022): 1–20, https://doi.org/10.56106/ssc.2022.009.

4 Hadi Sofuoğlu and Iskandar Iskandar, "Constructing Legal Reasoning: A Historical Assessment of Fatwa Literature from the 4th to 19th Century," Articles, *Jurnal Fiqh* 22, no. 2 (December 2025): 262–292, https://doi.org/10.22452/fiqh.vol22no2.3.

expanded their scope to address challenges arising from globalisation, scientific and technological advancements, and complex socio-economic issues.

The importance of studying *fatwā* institutions in Indonesia and Türkiye arises from their unique historical, social, and political contexts. Indonesia, the world's largest Muslim-majority country, is home to a diverse and pluralistic society where multiple *fatwā*-issuing bodies coexist, including the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), and Muhammadiyah. Each institution operates with distinct methodologies and frameworks, often leading to divergent *fatwās* on the same issue.[5] These *fatwās* hold significant sway over public opinion, policy formulation, and community practices. However, the multiplicity of institutions and opinions also presents challenges, such as the potential for confusion and politicisation of religious authority.[6]

In contrast, Türkiye presents a centralised model of *fatwā* issuance through the Presidency of Religious Affairs (Diyanet), a state institution established in 1924.[7] The Diyanet plays a prominent role in administering Islamic affairs, including the issuance of *fatwās* that address the religious and legal needs of millions of Turkish citizens and expatriates. With its extensive use of technology, such as online platforms and *fatwā* hotlines, the Diyanet has made religious guidance more accessible. It also collaborates with multidisciplinary experts to ensure that *fatwās* are informed by contemporary knowledge in fields such as medicine, economics, and environmental science. However, this centralisation also raises questions about the independence of the Diyanet and its susceptibility to political influence.[8]

The comparative study of *fatwā* institutions in Indonesia and Türkiye is vital for several reasons. First, it sheds light on how different institutional structures and methodologies affect the responsiveness and effectiveness of *fatwā* institutions in addressing contemporary challenges. Second, the study examines the extent to which these institutions succeed in balancing tradition and modernity, offering practical solutions while adhering to Islamic legal principles. Third, understanding the role of *fatwā* institutions in these two diverse contexts can offer valuable insights into the broader dynamics of Islamic jurisprudence in the modern world.

5 Ansori, "Position of Fatwa in Islamic Law: The Effectiveness of MUI, NU, and Muhammadiyah Fatwas," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (2022): 53–71, https://doi.org/10.18326/ijtihad.v22i1.53-71.

6 Mohamad Subli et al., "The Absorptive Capacity of Fatwa Institutions in Indonesia on Contemporary Issues," *Al-Adalah: Jurnal Hukum Dan Politik Islam* 9, no. 1 (2024): 110–126, https://doi.org/10.30863/ajmpi.v9i1.6047.

7 Emine Enise Yakar and Sumeyra Yakar, *The Transformational Process of the Presidency of Religious Affairs in Turkey*, vol. 24 (King Faisal Center for Research and Islamic Studies, 2017).

8 Ahmet Erdi Öztürk, "Turkey's Diyanet under AKP Rule: From Protector to Imposer of State Ideology?," in *Exit from Democracy*, 1st Editio (Routledge, 2018), 151–168.

In this regard, Indonesia and Türkiye offer two contrasting models of *fatwā* authority that reflect broader patterns of legal pluralism and state–religion relations. Indonesia represents a pluralistic and decentralised model, where multiple *fatwā*-producing institutions, such as the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), and Muhammadiyah coexist and operate with different methodological orientations.[9] This plurality allows for interpretive diversity and adaptability but also generates competition among authorities, potentially leading to fragmented religious guidance and contestation over legitimacy. In contrast, Türkiye embodies a centralised and state-integrated model through the Presidency of Religious Affairs (Diyanet), Türkiye, where *fatwā* authority is institutionalised within a unified bureaucratic structure.[10] This model ensures consistency and administrative efficiency, yet it raises critical concerns regarding institutional independence and the influence of political authority over religious interpretation.

Despite the growing body of literature on Islamic legal institutions and comparative legal systems, studies that specifically examine and compare the institutional roles and models of *fatwā* authority in Indonesia and Türkiye remain limited. Existing comparative works tend to adopt a broader multi-country perspective rather than focusing on these two contexts in a systematic manner. For instance, studies by Muhammad Taufiq[11] analyse the relationship between *fatwā* authorities and state responses in Indonesia, Türkiye, and Morocco, highlighting variations in governance structures and public compliance. Similarly, Khusnul Amalia[12] and Muhammad Azam et al.[13] offer comparative insights into Islamic law and legal systems across several Muslim-majority countries, emphasising diversity in legal adaptation and institutional frameworks. However, these studies do not specifically focus on *fatwā* institutions as the primary unit of analysis, nor do they offer an in-depth comparison of the competing models of *fatwā* authority between Indonesia and Türkiye.

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9 Eka Pertiwi and Nurhayati Nurhayati, "Mapping the Landscape of Fatwa Research in ESG and Sustainability: A Bibliometric Analysis (2003–2025)," *Journal of Integrative Sustainability and Ethics* 1, no. 1 (2025): 25–55.

10 İştar B. Gözaydın, "A Religious Administration to Secure Secularism: The Presidency of Religious Affairs of the Republic of Turkey," *Marburg Journal of Religion* 11, no. 1 (2006): 1–8.

11 M. Taufiq, M. F. Faiz, and Z. Ravasdeh, "Between Sharia and State: Fatwa Authority and Pandemic Responses in Indonesia, Turkey, and Morocco," *De Jure: Jurnal Hukum Dan Syar'iah* (Institut Agama Islam Negeri Madura, Madura, Indonesia) 17, no. 1 (2025): 377–394, https://doi.org/10.18860/j-fsh.v17i1.31433.

12 Khusnul Amalia, "Child Adoption in Modern Islamic Family Law: A Comparative Study of Child Adoption in Turkey, Morocco, and Indonesia," *Al-Mazaahib Jurnal Perbandingan Hukum* 13, no. 1 (2025): 53–77.

13 Muhammad Azam et al., "Harmonizing Contemporary International Commercial Law with Sharia-Based National Legal Systems: A Comparative Study of Pakistan, Turkey, Indonesia, Malaysia, and Saudi Arabia," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1074–1096, https://doi.org/10.32332/milrev.v4i2.11334.

Therefore, there remains a clear gap in the literature regarding a focused and systematic comparative analysis of *fatwā* institutions in these two countries. This study seeks to address this gap by examining how differing institutional models, pluralistic and decentralised in Indonesia and centralised and state-integrated in Türkiye, shape the authority, function, and effectiveness of *fatwā* institutions in responding to contemporary Islamic legal challenges.

Based on this gap, this study addresses the following research questions:
(1) How do the institutional structures and epistemological approaches of *fatwā* authorities in Indonesia and Türkiye differ as competing models of authority?
(2) How do these differences influence their capacity to address contemporary Islamic legal challenges?
(3) To what extent do these models negotiate the relationship between Islamic legal principles and modern state governance?

This study aims to comparatively analyse the competing models of *fatwā* authority in Indonesia and Türkiye by examining their institutional configurations, modes of authority, and socio-legal roles in responding to contemporary issues. The novelty of this research lies in its analytical focus on *fatwā* authority as a field of institutional competition, rather than merely as a source of legal opinions. By framing *fatwā* institutions within the dynamics of competition, pluralism, and centralisation, this study contributes to a deeper understanding of how Islamic legal authority is constructed, contested, and operationalised in different socio-political contexts.

THE CONCEPT OF FATWA AND ITS FUNCTION

In Islamic jurisprudence (*fiqh*), a *fatwā* technically denotes the legal and religious opinion or response provided by a *muftī* (an authorised Islamic jurist) concerning a specific legal or religious query.[14] Classical definitions describe the *fatwā* as "the oral or written response or ruling delivered by a qualified jurist (*faqīh*) upon being questioned about a legal matter (*masʾala fiqhiyya)".* This definition emphasises that a *fatwā* is specifically formulated by a *muftī* (the jurist issuing the opinion) in response to the inquiry of a *mustaftī* (the individual seeking guidance). Consequently, Islamic legal terminology refers to the act of soliciting a religious ruling as *istiftāʾ*, the inquirer as the *mustaftī*, and the act of issuing the religious opinion as *iftāʾ*. Furthermore, the specific Shariah-based ruling provided by the *muftī*, or the preferred opinion among several available positions within Islamic jurisprudence, is termed the *muftā bihi*, while the etiquette and methodological principles governing both the issuance and solicitation of a *fatwā* are designated as *ādāb al-muftī* (the ethics of *fatwā*-giving).[15]

[14] Fahrettin Atar, "Fetva," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (İstanbul: TDV Yayınları, 1995), 12: 486–496.

[15] Khisr Ul Mulk Siddiqi and Asadullah Asadullah, "Definition of Fatwa, Its Importance and Legitimacy: الفتوى تعريفها وأهميتها ومشروعيتها," *Ihya-Ul-Ulum* 21, no. 1 (2021): 115–134.

Linguistically, the Arabic term *fatwā* originates from the root *fatā*, meaning "young man" or "brave youth", and denotes a "strong response that resolves difficulties or clarifies the ruling of a matter."[16] In modern usage, a *fatwā* is generally perceived as a religious-legal opinion or juridical consultation that is inherently non-binding.[17] Thus, although the opinion provided by the *muftī* asserts a position considered correct from a religious viewpoint, it holds no legally coercive power within the secular legal system of a state. Hence, contemporary scholarly discourse typically defines a *fatwā* as a non-legally binding opinion issued by an Islamic jurist in response to a specific question.[18] For example, the *fatwās* issued by Türkiye's Presidency of Religious Affairs (Diyanet İşleri Başkanlığı) explicitly state that their rulings possess no enforceable legal obligation in daily life but rather constitute moral or religious guidance.[19]

The term *fatwā* and its derivatives have been mentioned in several instances in al-Quran. Each signifies the act of questioning or responding to enquiries about religious rulings. For instance:

وَيَسْتَفْتُونَكَ فِى ٱلنِّسَآءِ

"*They ask you, O Prophet, regarding women."*

(Surah al-Nisāʾ, 4: 127)

يَسْتَفْتُونَكَ قُلِ ٱللَّهُ يُفْتِيكُمْ فِى ٱلْكَلَٰلَةِ

"*They ask you ʾfor a ruling, O Prophet. Say, "Allah gives you a ruling regarding those who die without children or parents."*

(Surah al-Nisāʾ, 4: 176)

The phrase "they ask you (seek your *fatwā*) (*yastaftūnaka*)" refers specifically to requesting clarification regarding religious rulings. Furthermore, the Quran encourages consulting knowledgeable individuals about religious issues through Surah al-Naḥl, verse 43.

"If you do not know, ask the people of remembrance (ahl al-dhikr)."

(Surah al-Naḥl, 16: 43)[20]

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16 Atar, s.v. "Fetva." 486.

17 Adeel Abid, Ahmer Jamil Khan, and Zeeshan Hyder, "The Role of Fatwa in Family Cases: A Judicial Analysis with Reference to Pakistan," *Pakistan JL Analysis & Wisdom* 3 (2024): 19.

18 Wael B. Hallaq, "From Fatwās to Furū: Growth and Change in Islamic Substantive Law," *Islamic Law and Society* 1, no. 1 (1994): 29–65.

19 Din İşleri Yüksek Kurulu, "Fetva Yöntemimiz," Diyanet, 2025, https://kurul.diyanet.gov.tr/FetvaYontem.

20 Badruddin Ibrahim, Mahmad Arifin, and Siti Zainab Abd Rashid, "The Role of Fatwa and Mufti in Contemporary Muslim Society," *Pertanika Journal of Social Sciences & Humanities* 23, no. Special Issue (2015): 315–325.

Early Hadith literature, on the other hand, employs the term *futyā* instead of *fatwā*, with the actions of providing and seeking religious rulings commonly designated as *iftāʾ* and *istiftāʾ*, respectively.[21] Although the concept of *fatwā* has existed since the era of the Prophet Muhammad, it was in subsequent centuries that it acquired a specialised meaning and developed into a structured institution within Islamic jurisprudence (*fiqh*). However, the legal reasoning in the *fatwā* process must refer to the two primary sources, namely the Quran and Hadith, as general evidence.[22]

AUTHORITATIVE BODIES FOR FATWA ISSUANCE (CLASSICAL AND CONTEMPORARY PERIODS)

In the classical period, the authority to issue *fatwās* was primarily grounded in scholarly competence. During the formative centuries of Islam, becoming a *muftī* did not require formal appointment; rather, it necessitated that the individual had attained the level of *ijtihād* (independent legal reasoning).[23] Accordingly, in the eras of the Prophet's Companions (*ṣaḥābah*), the Successors (*tābiʿūn*), and the Followers of the Successors (*tabaʿ al-tābiʿīn*), there was no formalised office of *iftāʾ*.[24] Anyone possessing sufficient scholarly qualifications could issue *fatwās*, regardless of whether they held an official post. However, caliphs occasionally intervened when they deemed individuals unqualified, thereby exercising a form of implicit oversight over the *iftāʾ* process.[25]

Over time, with the crystallisation and institutionalisation of *madhhab*-based legal traditions within state structures, the authority to issue *fatwās* began to be vested in specific scholars and institutions.[26] During the Abbasid period, leading jurists of each legal school (*madhhab*) in major urban centres, including Baghdad, functioned de facto as chief *muftīs*, albeit unofficially. Both Umayyad and Abbasid rulers sought the counsel of such scholars in order to legitimise their political decisions.[27]

In the Ottoman Empire, the highest *iftāʾ* authority was the *Shaykh al-Islām*. The first official *Shaykh al-Islām* of the Ottomans is generally considered to be Molla Fenārī in the 15th century.[28] Appointed by an imperial decree (*berāt*), the *Shaykh al-*

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21 Atar, s.v. "Fetva." 486.

22 Abū ʿAbdillāh ibn Ahmad al-Ansārī Al-Qurtubī, *Al-Jāmiʿ Li-Aḥkām al-Qurʾān* (Kāhirah: Dār al-Kātib al-ʿArabīyah li-al-Ṭibāʿah wa-al-Nash, 1964).

23 Jakob Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār al-Iftā*, vol. 59 (Brill, 1997).

24 Hamid Pongoliu, "The Existence of the Statement of the Companions (Fatwā Ṣaḥāba) and Its Ḥujjah in Islamic Legal Thoughts.," *Al-Ahkam* 29, no. 2 (2019): 189–202, https://doi.org/10.21580/AHKAM.2019.29.2.4281.

25 Shaheen Amid Whyte, *Islamic Religious Authority in a Modern Age* (Springer, 2024).

26 Sofuoğlu and Iskandar, "Constructing Legal Reasoning: A Historical Assessment of Fatwa Literature from the 4th to 19th Century."

27 Atar, s.v. "Fetva." 486.

28 Şükrü Özen, "Osmanlı Dönemi Fetva Literatürü," *Türkiye Araştırmaları Literatür Dergisi* 3, no. 5 (2005): 249–378.

Islām possessed exclusive authority to issue *fatwās* at the state level. Below him, provincial and district-level *muftīs* answered the everyday religious queries of the public. The *Shaykh al-Islām* held immense sway over legal and administrative matters; he could validate the Sultan's decrees or oppose unjust policies through *fatwās*. Local *muftīs* were regarded as moral authorities in their respective regions. Judges (*qāḍīs*) would consult *muftīs* as legal experts in difficult cases, rendering *muftīs* significant figures within the provincial hierarchy. This structure imbued the institution of *iftāʾ* with bureaucratic character and enhanced the social and legal influence of *fatwās*.[29]

In the contemporary Muslim world, the authority to issue *fatwās* is typically vested in official or semi-official institutions. In many countries, individuals bearing the title "Grand Muftī" are appointed by the state to serve as national-level legal advisers on religious matters. For instance, in Egypt, the *Dār al-Iftāʾ* and its presiding Grand Muftī offer *fatwā* services to the public.[30] In Saudi Arabia, the Permanent Committee for Scholarly Research and Iftaʾ (*Lajnat al-Buḥūth wa al-Iftāʾ*) and the Grand Muftī are responsible for issuing legal opinions.[31] In Malaysia, *fatwās* issued by state-endorsed *fatwā* councils are recognised as advisory for the public.[32]

Moreover, several transnational *fatwā* bodies have emerged, such as the International Islamic Fiqh Academy (under the Organization of Islamic Cooperation) and the European Council for Fatwa and Research, which issue collective *fatwās* through the collaboration of scholars from diverse legal backgrounds.[33] In the Shi'i context, the authority to issue *fatwās* resides in the *marjaʿ al-taqlīd* as a senior religious authority (usually a *mujtahid muṭlaq*) whom each adherent selects to follow.[34] Shi'i believers are religiously bound to adhere to the *fatwās* issued by their chosen *marjaʿ*, who serves as both a spiritual and legal guide.

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[29] Muharrem Midilli, "Osmanlı Fetva Literatüründe 'Fetâvâ-Yı Karahisârî'Olarak Bilinen Mecmua, Fetâvâ-Yı Ali Efendi'nin Yazma Nüshalarından Biri Midir?," *Darulfunun Ilahiyat* 36, no. 1 (2025): 271–285.

[30] Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār al-Iftā*, vol. 59.

[31] Ibnu Irawan, Jayusman Jayusman, and Agus Hermanto, "Fatwa Contribution to the Development of Islamic Law (Study of the Fatwa Institute of Saudi Arabia)," *FITRAH: Jurnal Kajian Ilmu-Ilmu Keislaman* 5, no. 2 (2020): 181–206.

[32] Muhammad Fathullah Al Haq Muhamad Asni and Jasni Sulong, "Penyelarasan Fatwa Antara Negeri-Negeri: Analisis Amalan Dan Kaedah Penyeragamannya Di Malaysia: Fatwa Coordination Between States: Analysis of The Practices of Standardization and Its Method in Malaysia," *Journal of Fatwa Management and Research* 9, no. 1 (2017): 86–109.

[33] Ahmed Gad Makhlouf, "The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework," *Oxford Journal of Law and Religion* 10, no. 3 (2021): 464–486.

[34] Sareh Larijani, "Muṭahharī's Approach to the Right of Women to Issue Fatwas," *Contemporary Islam* 18, no. 1 (2024): 115–131.

In Türkiye, the authority to issue *fatwās* is exercised by the network of *muftī* offices operating under the Presidency of Religious Affairs (Diyanet İşleri Başkanlığı). According to its founding statute, Diyanet is tasked with providing religious guidance to the public, which includes responding to theological and jurisprudential queries. The High Council of Religious Affairs (Din İşleri Yüksek Kurulu), functioning under Diyanet, is the highest body authorised to issue *fatwā*-like decisions and formal opinions on significant religious matters.[35]

In Indonesia, *fatwā* institutions play a vital role in providing religious guidance to the Muslim community on various legal, ethical, and social issues. Among these institutions, the most prominent is the Indonesian Ulama Council (Majelis Ulama Indonesia or MUI), established in 1975 as a platform to bridge religious authorities and the state. In addition to MUI, other Islamic organisations such as Nahdlatul Ulama (NU) and Muhammadiyah have long maintained their own *fatwā* bodies which contribute significantly to Islamic legal discourse.[36] While *fatwās* in Indonesia do not hold binding legal authority under national law, they carry substantial religious and social influence, particularly in shaping public behaviour, guiding moral decisions, and informing legal and political debates within a pluralistic society.

1. The Fatwa Institution in Türkiye (Presidency of Religious Affairs (Diyanet), Türkiye)

In the Republic of Türkiye, the provision of *fatwā* services is officially organised by the Presidency of Religious Affairs (Diyanet İşleri Başkanlığı).[37] With the abolition of the Ministry of Sharia and Foundations (*Şeriye ve Evkaf Vekâleti*) on March 3, 1924, and the subsequent establishment of Diyanet, this institution became the sole governmental authority responsible for religious affairs. Within Diyanet's central administrative structure, the High Council of Religious Affairs (*Din İşleri Yüksek Kurulu*, abbreviated as DİYK) functions as its supreme consultative and decision-making body.[38] According to Law No. 633, which defines the legal foundation and organisational duties of Diyanet, the Council is tasked with "issuing decisions, opinions, and responses on religious matters by taking into account the essential sources and methodology of Islam, historical experience, and contemporary needs." This mandate underscores the Council's mission to uphold and renew the classical tradition of *fatwā* issuance within a contemporary framework.

In this capacity, the High Council acts as a de facto "national muftīship," rendering decisions on major religious issues affecting the country at large. For instance, the Council has issued authoritative religious opinions on complex and

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35 Atar, s.v. "Fetva." 486.

36 Ahmad Munjin Nasih, "Lembaga Fatwa Keagamaan Di Indonesia (Telaah Atas Lembaga Majlis Tarjih Dan Lajnah Bathsul Masail)," *De Jure: Jurnal Hukum Dan Syar'iah* 5, no. 1 (2013): 67–78, https://doi.org/10.18860/j-fsh.v5i1.2997.

37 Din İşleri Yüksek Kurulu, "Fetva Yöntemimiz," 2025.

38 Omur Aydin, "DiYanet İŞleri Başkanliği'Nin Hukuki Statüsü ÜzeriNe Tartişmalar," *Akademik İncelemeler Dergisi* 14, no. 2 (2019): 239–276.

novel issues such as organ transplantation, blood donation, in vitro fertilisation, and digital currencies. While these rulings carry no legally binding force, they are widely regarded by the public as credible religious guidance and thus exert substantial normative influence on individual and communal practices.[39] On a more practical level, Diyanet's *fatwā* services manifest as direct responses to religious enquiries posed by citizens. Across the country, provincial and district *muftī* offices, through the work of religious officials, *vāʿiẓ* (preachers), and subject matter experts, provide *fatwā* services either in person or via telephone and online platforms. One notable initiative in this regard was the "Alo 190 Fatwa Hotline", a widely used service through which individuals could receive religious advice via telephone for many years.[40]

Today, Diyanet continues its *fatwā* activities through digital technologies. The "Religious Question and Answer Platform" (Dini Soruları Cevaplandırma Platformu), which is accessible via website and mobile applications, publishes responses to frequently asked religious questions and allows users to submit new enquiries. Topics range from ritual practices and ethical concerns to family matters and contemporary socio-religious issues requiring scholarly guidance. In this way, the classical practice of issuing *fatwās* is being transmitted to mass audiences through modern communication tools, ensuring both the preservation and accessibility of Islamic jurisprudential guidance in the digital age.

Within the framework of Diyanet's *fatwā* issuance process, questions submitted by the public are initially examined by qualified scholars of Islamic theology. If a *fatwā* request concerns a straightforward and personal matter, it is typically addressed directly by specialists working in the provincial *muftī* offices. However, if the subject is novel, complex, or possesses implications for the nation at large, the inquiry is referred to the High Council of Religious Affairs (Din İşleri Yüksek Kurulu). This council convenes periodically to deliberate on such issues in a collegial setting.[41] When necessary, the Council may solicit the opinions of experts from other fields such as medicine, economics, or sociology, including consultations with academic scholars from universities.[42] Upon reaching a consensus, the Council announces its *fatwā* as an official decision. These decisions are often communicated to the public via press releases or through Diyanet publications. For instance, the Council's rulings on the permissibility of organ transplantation or the allowance for

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[39] Din İşleri Yüksek Kurulu, "Fetva Yöntemimiz," 2025.

[40] Zana Çitak et al., "The Transformation of the State–Religion Relationship under the AKP: The Case of the Diyanet," in *Turkey's New State in the Making: Transformations in Legality, Economy and Coercion*, ed. Pınar Bedirhanol et al. (Bloomsbury Publishing, 2020).

[41] İsmail Kara, "Din Ile Devlet Arasında Sıkışmış Bir Kurum: Diyanet İşleri Başkanlığı," *Marmara Üniversitesi İlahiyat Fakültesi Dergisi*, no. 18 (2000).

[42] Emre Ünlücayaklı, "The Official Discourse on Religion in Post-1980 Turkey: The Official Boundaries of the Religious Field, National Belonging and Heritage" (McGill University, 2012).

women to perform Hajj or ʿUmrah unaccompanied by a male guardian have been published in the Diyanet regulations and also distributed in booklet form.[43]

2. Fatwa Institutions in Indonesia (Indonesian Ulama Council, MUI)

The emergence of *fatwā* institutions in Indonesia is closely linked to the evolving needs of Muslim society in addressing contemporary legal and religious issues. These institutions arose in response to the growing demand for authoritative religious guidance capable of navigating the complexities of modern life. Before the establishment of the Indonesian Ulama Council (Majelis Ulama Indonesia, MUI) as a formal national body, Islamic organisations had already initiated *fatwā*-issuing bodies that played significant roles within their respective communities. Two notable examples of *fatwā*-producing bodies in Indonesia are *Bahtsul Masa'il*, established by Nahdlatul Ulama (NU), and *Majelis Tarjih*, formed by Muhammadiyah in 1927.[44] However, the authority of their *fatwās* is generally limited to their followers and organisational networks, rather than extending to the national level. In contrast, the Majelis Ulama Indonesia (MUI) occupies a distinct institutional position as a nationally recognised *fatwā* authority. Although its *fatwās* are not legally binding within the state legal system, they are often treated as a reference point in public policy, regulatory frameworks, and broader societal discourse. This distinction highlights the layered structure of *fatwā* authority in Indonesia, where organisational *fatwās* operate within community-specific spheres, while MUI functions as a quasi-national body with wider normative influence.

The formal establishment of the Majelis Ulama Indonesia (MUI) in 1975 under President Suharto marked a significant development in the institutionalisation of Islamic authority. Initially designed as a semi-governmental body, MUI was intended to serve as a mediator between the state and the Muslim community, ensuring that religious discourse remained aligned with state objectives.[45] During the New Order regime, MUI's primary role was often seen as supporting government policy, particularly in promoting social harmony and political stability. However, the fall of Suharto in 1998 and the subsequent Reformasi era significantly reshaped the religious and political landscape of Indonesia. In this new context, MUI began to reposition itself as a representative body of the ummah, seeking greater independence from state control and striving to assert its authority on a broader range of social and moral issues. This transition reflects not only the institution's evolving identity but also the

[43] Din İşleri Yüksek Kurulu, "Fetva Yöntemimiz," 2025.

[44] Nasih, "Lembaga Fatwa Keagamaan Di Indonesia (Telaah Atas Lembaga Majlis Tarjih Dan Lajnah Bathsul Masail)."

[45] Fuad Luthfi et al., "Pendekatan Sosio-Legal Terhadap Fatwa: Analisis Kedudukan Dan Peran Fatwa MUI Di Indonesia," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): 2226–2245.

broader democratisation and decentralisation processes that have characterised Indonesian governance in the post-authoritarian period.[46]

Fatwās issued by MUI function primarily as aspirational legal opinions. They offer moral and religious guidance that carries normative weight among those who accept its religious authority, but they do not have coercive power within the national legal system. As such, MUI *fatwās* are analogous to the legal, linguistic, or theological opinions of experts; they are persuasive rather than prescriptive. Their acceptance depends largely on the religious convictions of individual Muslims and communities. From a constitutional perspective, a *fatwā* only acquires legal force when it is codified through legislation or incorporated into positive law by a competent state authority.[47] This distinction underscores the separation between state law and religious norms in Indonesia's plural legal order.

MUI *fatwās* play a significant role in shaping public opinion, guiding ethical behaviour, and influencing policy debates, especially in matters related to Islamic law, social morality, and national identity.[48] The MUI operates within the socio-cultural infrastructure of Indonesian civil society rather than as a formal organ of the state.[49] Since the Reformasi era, MUI *fatwās* have demonstrated growing political relevance. Some *fatwās* have shaped legislative initiatives, such as those on pornography, Islamic banking, and religious deviance (e.g., the Ahmadiyah issue), while others have contributed to national debates on political participation and governance, such as rulings on female presidential candidates or the permissibility of abstaining from elections.[50] This evolution reflects a shift toward an interdependent model between religious authority and state policy, where MUI retains independence while also exerting influence as a moral and political actor within Indonesia's democratic society.

THE ROLE OF FATWA IN ISLAMIC LAW

The role and function of the *fatwā* within the Islamic legal system are of considerable importance. In essence, a *fatwā* represents a form of juristic reasoning (*ijtihād*). When a *muftī* cannot locate an explicit ruling in the Quran or Sunnah regarding a specific matter, he employs analogical reasoning (*qiyās*) and other *ijtihādī* methods to derive

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46 M. Sya'roni Rofii, "Peran MUI Dalam Penguatan Demokrasi Indonesia," *Jurnal Hukum Islam* 17, no. 1 (2019): 60–78.

47 Sopa Sopa et al., "Social Security Programs in Islamic Law: A Comparative Study of Fatwa Institutions on Indonesia's Health Insurance," *Jurnal Hukum* 40, no. 1 (2024): 187–203.

48 Ahmad Badrut Tamam, "Kedudukan Fatwa Majelis Ulama Indonesia (MUI) Dan Fatwa Dewan Syariah Nasional (DSN) Dalam Sistem Hukum Indonesia," *Al-Musthofa: Journal of Sharia Economics* 04, no. 01 (2021): 1–25.

49 Luthfi et al., "Pendekatan Sosio-Legal Terhadap Fatwa: Analisis Kedudukan Dan Peran Fatwa MUI Di Indonesia."

50 Ahmad Badrut Tamam, "Kedudukan Fatwa Majelis Ulama Indonesia (MUI) Dan Fatwa Dewan Syariah Nasional (DSN) Dalam Sistem Hukum Indonesia."

a solution. In this respect, the *fatwā* fulfils a dynamic and progressive function in Islamic law. Indeed, the science of *fiqh* began as a process of interpreting the Quran and Sunnah, and it subsequently evolved and systematised through the cumulative body of *fatwās* issued by the Companions and later jurists. A historical review of Islamic legal development reveals that juristic *fatwās* have played a pivotal role in shaping the *fiqh* tradition. Some legal theorists even contend that *fatwās* issued by qualified *muftīs* were so influential in the classical period that they were effectively regarded as one of the sources of Islamic law.[51]

Substantively, a *fatwā* constitutes a consultative legal opinion (*istishāra*); it does not possess the binding force of a judicial verdict. Islamic jurisprudence draws a fundamental distinction between the judicial ruling (*qaḍāʾ*) issued by a judge (*qāḍī*) and the legal opinion (*fatwā*) issued by a *muftī*.[52] The judge adjudicates disputes between contending parties in a legal proceeding, whereas the *muftī* provides an opinion on the religious ruling on a specific question.[53] For example, if someone were to ask a *muftī*, "I repaid a debt I owed, am I now free of this obligation?", the *muftī* would likely respond that, assuming the debt has been discharged, the individual is no longer liable from a religious perspective. However, if the same person were to bring the matter before a court, the judge would demand proof of payment, such as evidence or witnesses, and if the individual could not furnish such proof, the judge might rule that the debt remains outstanding. This example illustrates that the *fatwā* binds the inquirer religiously and morally, whereas the *qāḍī's* verdict is legally binding. In other words, the *fatwā* clarifies one's status before God, while *qaḍāʾ* determines legal consequences in the temporal realm. As one Ottoman *Shaykh al-Islām* succinctly stated, "The *fatwā* rules based on apparent circumstances (*ẓāhir*), whereas judicial rulings are based on evidence (*dalīl*)."[54] The modern Diyanet's approach to *fatwās* reflects this distinction, emphasising that its legal opinions are non-binding religious-legal views that carry no coercive force. [55]

One of the core functions of the *fatwā* is to offer authoritative guidance by selecting among competing juristic opinions in matters of legal disagreement. In issues where various schools of law (*madhāhib*) recognise multiple valid opinions, the *fatwā* often plays a decisive role in establishing which position should be implemented in practice. In classical jurisprudence, the term *muftā bihi* refers to the

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51 Atar, s.v. "Fetva." 486.

52 Ahmed Gad Makhlouf, "Evolution of Islamic Law in the 20th Century: The Conception of Collective Ijtihād in the Debate between Muslim Scholars," *Oxford Journal of Law and Religion* 9, no. 1 (2020): 157–178.

53 Muhammad Zubair Abbasi, "Judicial Ijtihād as a Tool for Legal Reform: Extending Women's Right to Divorce under Islamic Law in Pakistan," *Islamic Law and Society* 24, no. 4 (2017): 384–411.

54 Süleyman Kaya, "Osmanlı Fetvası Üzerine," *Türkiye Araştırmaları Literatür Dergisi* 11, no. 22 (2013): 79–125.

55 Atar, "Fetva," 488; "Fetva Yöntemimiz," Din İşleri Yüksek Kurulu, accessed June 12, 2025, https://kurul.diyanet.gov.tr/FetvaYontem.

preferred legal opinion that is adopted in issuing a *fatwā*. For instance, within the Ḥanafī school, when multiple *ijtihād*-based opinions exist regarding a single matter, Ottoman *fatwā* compilations often state, "The *fatwā* has been issued in accordance with the opinion of X." In this way, *fatwās* served to unify legal practice within society by clarifying which view ought to be followed. Even during the time of Caliph ʿUmar ibn al-Khaṭṭāb, efforts were made to reach consensus (*ijmāʿ*) through consultation with other Companions on critical legal matters, a practice aimed at ensuring social cohesion. In later periods, *fatwā*-issuing authorities continued to guide the community's religious practices by expressing preferences among intra-school opinions.[56]

Throughout Islamic history, *fatwās* have served as instruments of guidance not only in private acts of worship (*ʿibādāt*) and interpersonal transactions (*muʿāmalāt*), but also in political, social, and economic domains. Since the era of the Rightly Guided Caliphs, heads of state routinely consulted jurists before undertaking complex or far-reaching decisions. The Umayyad and Abbasid caliphs generally refrained from acting on significant matters without first obtaining the opinion of *muftīs*. Similarly, the Ottoman sultans consistently sought *fatwās* from the *Shaykh al-Islām* prior to declaring war, ratifying peace treaties, or enacting new legislation.[57] This pattern illustrates how the *fatwā* also functioned as a means of legitimation. For example, even the statutes promulgated by Sultan Suleiman the Magnificent (*Qānūnī Sulṭān Süleymān*), which were believed to be in conformity with the Sharīʿa, were supported by *fatwās* from *Shaykh al-Islām* Ebussuʿūd Efendi. Thus, the *fatwā* became an integral mechanism in the legislative process of Islamic governance.[58]

Moreover, *fatwās* have given rise to a vast and rich body of literature within Islamic intellectual history. Over time, legal opinions issued by jurists were compiled into collections known as *fatwā compendia* (*majmūʿāt al-fatāwā*), which were subsequently preserved in written form.[59] These compilations not only documented religious-legal rulings but also reflected the social, economic, and cultural conditions of the societies in which they were produced. As such, historical *fatwā* collections serve today as primary sources for legal history, social history, and cultural studies. Moreover, numerous practical issues that are not addressed in classical *fiqh* manuals are treated in these *fatwā* collections. In this way, *fatwās* can be viewed as a vital bridge between social reality and legal doctrine within the Islamic tradition.[60]

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56 Atar, "Fetva," 486.
57 Kaya, "Osmanlı Fetvası Üzerine."
58 Atar, "Fetva," 487.
59 Midilli, "Osmanlı Fetva Literatüründe 'Fetâvâ-Yı Karahisârî'Olarak Bilinen Mecmua, Fetâvâ-Yı Ali Efendi'nin Yazma Nüshalarından Biri Midir?"
60 Atar, "Fetva," 496.

CONTEMPORARY LEGAL CHALLENGES AND JURISTIC ADAPTATIONS IN ISLAMIC LAW

The rapid advancement of technology, globalisation, and socio-political changes has significantly transformed the religious, social, and economic landscape of contemporary Muslim societies. These transformations have introduced complex legal challenges that classical Islamic jurists did not encounter in their time.[61] While Islamic law remains rooted in the Quran and Sunnah, the dynamic nature of human civilisation necessitates continuous reinterpretation of legal principles to address emerging issues. The adaptability of Islamic jurisprudence (*fiqh*) is evident in its unique methodological approach, which integrates ijtihad (independent reasoning) and *maqāṣid al-sharīʿah* (higher objectives of Islamic law) to ensure legal rulings remain relevant in a contemporary context.[62] The evolution of worship (*ʿibādah*), social interactions, and economic transactions (*muʿāmalah*) highlights the necessity of a modern legal framework that accommodates scientific advancements and societal changes while maintaining the integrity of Islamic teachings.

The domain of *ibadah* has witnessed significant legal debates due to the impact of modern science and technology, particularly in emergencies such as the COVID-19 pandemic.[63] During the pandemic, scholars faced the challenge of determining the permissibility of suspending *jumu'ah prayer* in mosques, replacing it with *dhuhr* prayer at home, and the validity of virtual *khuṭbah* (sermons). Similarly, fasting during Ramadan posed a challenge for healthcare workers who were required to wear personal protective equipment (PPE) for long hours, raising questions about exemptions from fasting based on hardship (*mashaqqah*). In addition, *zakat* distribution during emergencies required rapid digital transformation, leading to the rise of online zakat platforms that facilitated efficient and transparent charitable giving.

The use of modern technology in worship has also raised both opportunities and ethical dilemmas. Mobile applications for prayer times, digital Quran recitations, and *fatwā* consultations have enhanced religious practice, but they also pose challenges regarding authenticity and reliability. The rise of artificial intelligence (AI) in providing religious guidance raises theological concerns about whether AI-generated *fatwās* can replace human scholars. Moreover, digital payment methods for zakat and *waqf* (Islamic endowment) have revolutionised charitable giving, allowing for wider participation in social finance. However, ensuring the *sharīʿah* compliance

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61 Wan Ahmad Zuhairi Yaacob, Luqman Haji Abdullah, and Syed Mohd Jeffri Syed Jaafar, "Sheikh 'Alī Jum 'Ah's Thoughts in Fatwa Method: A Preliminary Review," *Jurnal Syariah* 31, no. 3 (2023): 380–407.

62 Ab Majid Mahmood Zuhdi, "Fatwa Dan Isu Semasa: Masalah Dan Cabaran Di Malaysia," *Jurnal Syariah* 12, no. 2 (2004): 79–93.

63 Fatahuddin Aziz Siregar, "Stay at Mosque: Congregational Worship, Covid-19 Pandemic and Islamic Living Law in West Sumatra," *Mazahib: Jurnal Pemikiran Hukum Islam* 21, no. 1 (2022): 117–153.

of these platforms remains a critical concern for Islamic jurists, as they must evaluate whether these digital payment methods align with Islamic principles regarding charitable giving and financial transactions.[64]

The evolution of economic transactions in the modern era has presented unique legal challenges in *muʿāmalah*. One of the most significant issues is the *halāl* certification of food and consumer products. With global trade and mass production, ensuring the *halāl* status of food requires standardised regulatory frameworks. The use of biotechnology in food production, such as lab-grown meat and genetically modified organisms (GMOs), further complicates the discourse on *halāl* compliance, requiring contemporary juristic deliberation.[65]

Islamic banking and finance have also witnessed significant transformations, particularly in the adoption of cash *waqf*, *sukuk* (Islamic bonds), and fintech-based Islamic financial services. The increasing popularity of *sukuk* in global markets raises questions about their structuring and compliance with Islamic legal principles.[66] Additionally, the emergence of cryptocurrencies as an alternative financial instrument has sparked intense debate among Islamic scholars. Some argue that cryptocurrencies involve excessive speculation (*gharar*), while others see potential in blockchain technology for enhancing transparency in Islamic finance.[67] Online transactions, including e-commerce and digital contracts, also require a modern interpretation of Islamic legal principles, particularly concerning consumer protection, fraud prevention, and adherence to Islamic contractual ethics.[68]

Beyond worship and economic transactions, contemporary Islamic legal discourse must address evolving social and ethical challenges. One of the most contentious debates revolves around bioethics, particularly regarding organ donation, artificial insemination, and euthanasia.[69] While some scholars argue that organ donation is an act of altruism that aligns with Islamic ethical principles, others express

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64 Wahida Norashikin Jamaruddin and Ruzian Markom, "The Application of Fintech in the Operation of Islamic Banking Focussing on Islamic Documentation: Post-COVID-19," *INSLA E-Proceedings* 3, no. 1 (2020): 31–43.

65 Mohammad Naqib Hamdan et al., "A Review of the Discussions on Cultivated Meat from the Islamic Perspective," *Heliyon* 10, no. 7 (2024); Jawad Alzeer, Khaled Abou Hadeed, and Farhan Tufail, "Cultured Meat and Halal: A Comprehensive Analysis from Jurisprudence, Biology, and Ethics," *Halalsphere* 5, no. 2 (2025): 53–61.

66 Flavia Cortelezzi and Alessandro Ferrari, *Contemporary Issues in Islamic Law, Economics and Finance: A Multidisciplinary Approach* (New York: Taylor & Francis, 2022).

67 M. Kabir Hassan, Aishath Muneeza, and Ismail Mohamed, "Cryptocurrencies from Islamic Perspective," *Journal of Islamic Accounting and Business Research* 16, no. 2 (2025): 390–410.

68 Mohd Shahid Mohd Noh, Suffian Haqiem Nor Azelan, and Muhammad Izzul Syahmi Zulkepli, "A Review on Gharar Dimension in Modern Islamic Finance Transactions," *Journal of Islamic Accounting and Business Research* 16, no. 5 (2025): 976–989.

69 Mansooreh Saniei and Mehdi Kargar, "Modern Assisted Reproductive Technologies and Bioethics in the Islamic Context," *Theology and Science* 19, no. 2 (2021): 146–154.

concerns about the sanctity of the human body and the prohibition of bodily harm. Similarly, artificial insemination and in-vitro fertilisation (IVF) raise legal questions about lineage (*nasab*), particularly when donor sperm or surrogacy is involved. Euthanasia, or the right to die, presents another legal and moral dilemma, as Islamic teachings emphasise the sanctity of life and prohibit intentional harm, yet some argue for exceptions in cases of extreme suffering.[70]

Environmental sustainability has also become a significant issue within Islamic jurisprudence, leading to the development of *fiqh al-bī'ah* (Islamic environmental jurisprudence). The Quranic concept of stewardship (*khilāfah*) emphasises the responsibility of humans to protect the environment, yet contemporary Muslim societies struggle to implement policies that align economic growth with environmental preservation. The rise of green energy initiatives and sustainable finance within Islamic economic frameworks highlights the need for legal mechanisms that encourage eco-friendly investments and ethical corporate practices.

The ability of Islamic law to address contemporary issues is largely dependent on its methodological framework. The application of *ijtihad* remains crucial in interpreting modern challenges through an Islamic legal lens.[71] However, not all scholars agree on the extent to which *ijtihad* should be exercised, leading to divergent opinions on issues such as gender roles, technological advancements, and financial innovation. The principle of *maṣlaḥah* (public interest) serves as an essential tool in balancing religious tradition with contemporary needs, ensuring that Islamic law remains relevant while upholding ethical and moral standards. Additionally, the concept of *maqāṣid al-sharī'ah* provides a broader framework for evaluating legal rulings based on their objectives, such as justice, economic welfare, and social harmony.

METHODOLOGY

This study employs a qualitative research approach with a comparative design to examine competing models of *fatwā* authority in Indonesia and Türkiye. The analysis focuses on two key institutions: the Majelis Ulama Indonesia (MUI) and the Presidency of Religious Affairs (Diyanet). These institutions were selected because they represent contrasting models of *fatwā* authority. MUI functions as a semi-official national body that accommodates diverse Islamic perspectives within Indonesia's pluralistic religious landscape, while Diyanet operates as a state-integrated institution that produces authoritative and standardised religious guidance at the national level. The selection of MUI, rather than other Indonesian organisations such as Nahdlatul

[70] Faraz Mansoor, "Healthcare Decisions in Islam: Key Ethical Considerations," *Journal of World Religions and Interfaith Harmony* 3, no. 2 (2024): 138–48; Saniei and Kargar, "Modern Assisted Reproductive Technologies and Bioethics in the Islamic Context."

[71] Abdullah Hemmet Abdullah, "Renewal and Ijtihad Practices: An Analytical Study in Light of the Objectives of Islamic Sharia," *Journal of Scientific Development for Studies and Research (JSD)* 6, no. 21 (2025): 370–396, https://doi.org/10.61212/jsd/336.

Ulama (NU) or Muhammadiyah, is based on its formal recognition as a national *fatwā* authority whose rulings often serve as reference points for state policy and public discourse.

This study examines *fatwās* issued by MUI[72] and Diyanet[73] between 2010 and 2023. This timeframe is selected for several reasons. First, it reflects a period in which contemporary Islamic legal challenges have become more complex, shaped by globalisation and digital transformation. Second, it corresponds to the increasing institutionalisation of *fatwā* authorities, including the expansion of digital platforms, online *fatwā* services, and wider public engagement. Third, it includes critical moments such as the COVID-19 pandemic, during which *fatwā* institutions were required to respond quickly to urgent and unprecedented issues. This period provides a strong empirical basis for examining how different institutional models respond to evolving legal challenges.

Within this timeframe, the study applies a purposive sampling strategy to ensure meaningful comparison. Rather than analysing all *fatwās* issued during this period, the study focuses on selected cases where both institutions address similar contemporary legal issues. This case-based approach allows for a "like-for-like" comparison, making it possible to examine how similar questions are interpreted within different institutional settings.

Data are drawn from official publications, institutional databases, and verified online sources. Each *fatwā* is examined in terms of its legal reasoning; methodological approach; sources of authority, such as the Quran, Hadith, and juristic principles and the socio-political context in which it is produced. The analysis combines thematic and comparative methods. Thematic analysis is used to classify *fatwās* into major domains, including ibadah (ritual practices), *muʿāmalah* (economic and financial transactions), and contemporary socio-ethical issues. Comparative analysis is then conducted to identify similarities and differences between MUI and Diyanet, particularly in terms of interpretive methods, institutional authority, legal reasoning, and responsiveness to contemporary challenges.

THEMATIC ANALYSIS OF FATWAS ISSUED BY MUI AND DIYANET

The issuance of *fatwās* by religious authorities plays a crucial role in guiding Muslim communities on contemporary legal, social, and economic matters. In Indonesia, the Majelis Ulama Indonesia (MUI) serves as the primary institution responsible for issuing *fatwās*, while in Türkiye, the Diyanet İşleri Başkanlığı (Diyanet) fulfils a similar role. Between 2010 and 2023, both institutions addressed a broad range of

[72] Majelis Ulama Indonesia (MUI), "Fatwa," MUI Digital, Jakarta: Majelis Ulama Indonesia (MUI), accessed June 6, 2025, https://mui.or.id/info-fatwa.

[73] Din İşleri Yüksek Kurulu, "Fetva Yöntemimiz," *Diyanet*, 2025, https://kurul.diyanet.gov.tr/FetvaYontem.

emerging issues by providing authoritative religious rulings. This analysis categorises these *fatwās* into three major themes: worship (*ʿibādah*), social issues (*muʿāmalah* and societal concerns), and economic matters (Islamic finance and business transactions). By examining the similarities and differences in the *fatwās* issued by MUI and Diyanet, this study aims to highlight how Islamic legal thought responds to the challenges of a rapidly evolving world.

1. Worship (*ʿIbādah*)

Islamic worship (ibadah) encompasses core religious duties, including prayer, fasting, zakat, hajj, and other rituals.[74] MUI has issued 31 *fatwās* related to ibadah during the period under review, while Diyanet has issued 14 *fatwās* on similar subjects. One of the most significant themes in these *fatwās* involves the adaptation of worship practices during emergencies, such as the COVID-19 pandemic. MUI addressed the permissibility of performing congregational prayers with social distancing measures and allowing Friday prayers to be replaced with dhuhr prayers at home. Similarly, Diyanet issued *fatwās* recommending the suspension of communal prayers in mosques to prevent the spread of the virus. Another crucial area of *fatwās* concerns the use of technology in worship. MUI has recognised digital platforms for zakat payments, while Diyanet has ruled on the permissibility of mobile applications for calculating prayer times and finding qibla directions. These *fatwās* illustrate how Islamic legal authorities integrate modern advancements into religious practices while maintaining adherence to traditional principles.

2. Social Issues (*Muʿāmalāt* & Societal Concerns)

The intersection of Islamic law and social matters remains a significant concern for religious scholars. *Fatwās* related to family law, ethics, medical and bioethical issues, and modern challenges have been prominent in the past decade. MUI and Diyanet have both issued *fatwās* on marriage and divorce, particularly concerning online marriage contracts and electronic *ṭalāq* (divorce). MUI has emphasised the need for a direct *ījāb* and *qabūl* (offer and acceptance) in marriage, while Diyanet has cautioned against the misuse of technology in such contracts. Furthermore, ethical concerns related to social media have led both institutions to issue *fatwās* addressing cyberbullying, online harassment, and the spread of false information. A pressing contemporary issue is the use of artificial intelligence (AI) in religious and social contexts. Both MUI and Diyanet have yet to establish comprehensive *fatwās* on AI-generated religious rulings, though discussions are ongoing. Additionally, MUI and Diyanet have provided religious guidance on interfaith relations, particularly regarding Muslim interactions with non-Muslims in multicultural societies. These *fatwās* illustrate the dynamic nature of Islamic legal thought as it seeks to address

[74] Uthman Okanlawon Sidiq and Saheed Afolabi Ashafa, "An Appraisal of Climate Change and Its Effects on Ibadah (Worship) in Islam," *Sri Lankan Journal of Arabic and Islamic Studies* 5, no. I (2022): 1–9, https://doi.org/10.2307/j.ctvh9vtpk.34.

emerging societal issues, such as the challenges of coexistence and mutual respect in diverse communities.

3. Economic Issues (Islamic Finance & Business Transactions)

Islamic economic principles continue to evolve in response to global financial developments. Between 2010 and 2023, MUI and Diyanet have issued *fatwās* on trade ethics, banking regulations, and emerging financial technologies. MUI has been at the forefront of Islamic financial innovation, issuing *fatwās* on the permissibility of cash waqf, sukuk, and Islamic crowdfunding platforms. Diyanet has similarly addressed issues related to halal investments and sharia-compliant banking practices. One of the most debated topics in contemporary Islamic finance is cryptocurrency and digital assets. While MUI has declared that cryptocurrencies like Bitcoin are *ḥarām* due to their speculative nature, Diyanet has taken a more cautious stance, emphasising the need for regulatory clarity. Another critical issue is labour rights and fair wages under Islamic law. MUI has issued *fatwās* ensuring that employment contracts comply with sharia principles, while Diyanet has emphasised ethical business conduct and fair employer-employee relationships. These *fatwās* demonstrate the adaptability of Islamic finance to modern economic challenges and the efforts of religious authorities to ensure ethical economic practices.

The analysis of *fatwās* issued by MUI and Diyanet from 2010 to 2023 reveals the dynamic and responsive nature of Islamic legal thought in addressing contemporary challenges. The categorisation of *fatwās* into ibadah, social, and economic themes highlights the comprehensive role of Islamic legal institutions in providing guidance to Muslim communities. While both MUI and Diyanet share similar concerns, their approaches may differ due to contextual and cultural variations. The integration of technology, bioethical concerns, financial innovations, and interfaith relations underscores the necessity of an adaptive and informed Islamic legal framework. As society continues to evolve, Islamic legal scholars must remain vigilant in addressing emerging issues through a balance of traditional jurisprudence and modern advancements.

DISTRIBUTION OF FATWAS ISSUED BY MUI AND DIYANET

Over the past decade (2010–2023), both MUI and Diyanet have issued a substantial number of *fatwās* in response to evolving societal needs. This section explores the distribution of *fatwās* issued by these two institutions, examining trends, differences in frequency, and potential underlying factors that contribute to the observed patterns.

A closer look at the distribution pattern highlights that MUI consistently issued more *fatwās* compared to Diyanet. The highest number of *fatwās* from MUI was recorded in 2020, with 20 *fatwās*, likely due to the COVID-19 pandemic, which necessitated religious guidance on matters such as congregational prayers, fasting exemptions, and digital zakat payments. Similarly, Diyanet issued four *fatwās* in 2020, reflecting its response to similar concerns. However, Diyanet's overall *fatwā*

issuance was relatively lower across the observed period, with some years (2011 and 2013) recording no *fatwās* at all (see Table 1).

Table 1: Number of *Fatwā* Published by MUI and Diyanet (2010-2023)

No	Year	Number of *Fatwā* published by MUI	Number of *Fatwā* published by Diyanet	Total
1	2023	3	1	4
2	2022	8	7	15
3	2021	11	7	18
4	2020	20	4	24
5	2019	8	2	10
6	2018	7	2	9
7	2017	6	1	7
8	2016	7	1	8
9	2015	0	2	2
10	2014	8	2	10
11	2013	7	0	7
12	2012	9	1	10
13	2011	10	0	10
14	2010	6	2	8
		110	**32**	**142**

Source: Data Processed from a *Fatwā* Issued by MUI and Diyanet

Another notable pattern is the peak in *fatwā* issuance during crisis periods. For instance, in 2022 and 2021, both MUI and Diyanet issued a significant number of *fatwās*, potentially linked to post-pandemic recovery, economic instability, and emerging issues in digital finance, cryptocurrency, and bioethics. In contrast, years such as 2015 recorded very few *fatwās* (two in total), suggesting a relatively stable period with fewer urgent religious or socio-economic concerns requiring *fatwā* intervention.

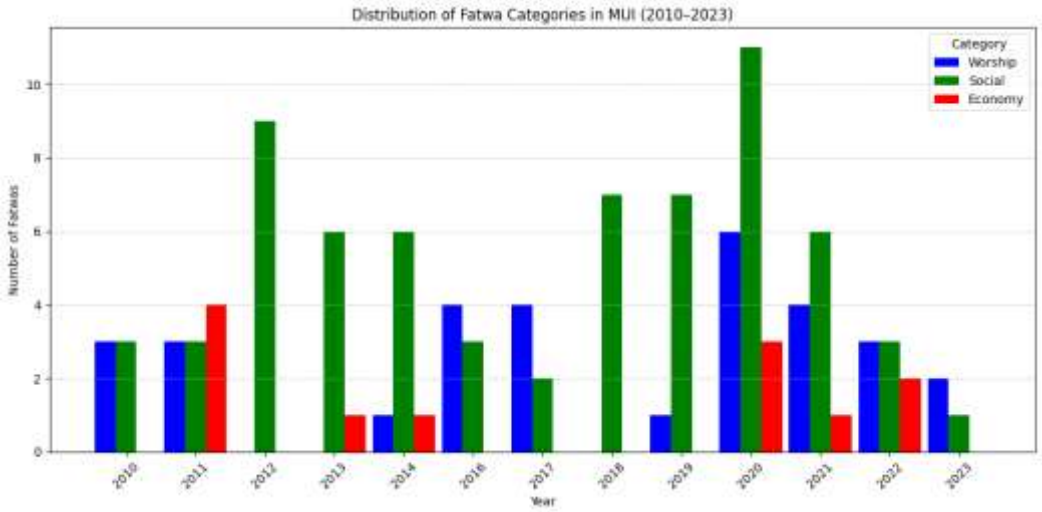
The variations in *fatwā* issuance between MUI and Diyanet can be attributed to several factors. First, the differing religious and political landscapes in Indonesia and Türkiye influence the role of these institutions. MUI operates in a pluralistic society where Islamic jurisprudence interacts with a democratic governance system, leading to a more dynamic *fatwā* issuance process. In contrast, Diyanet functions as a state-controlled institution in a secular nation, where its role is more centralised and often aligned with government policies.

Second, the thematic focus of *fatwās* differs between the two institutions. MUI has been more proactive in addressing economic and technological issues, issuing *fatwās* on halal certification, Islamic banking, and cryptocurrency. Diyanet, on the other hand, has concentrated on social and ethical matters, with a relatively lower emphasis on financial regulations. This divergence reflects the socio-economic priorities and legal frameworks within each country.

Lastly, the accessibility and procedural mechanisms of *fatwā* issuance play a role in the observed distribution. MUI's *fatwās* often emerge from public queries and societal concerns, allowing for a more fluid and responsive issuance process. Conversely, Diyanet's *fatwā* issuance follows a more bureaucratic approach, which may limit the frequency of rulings compared to MUI.

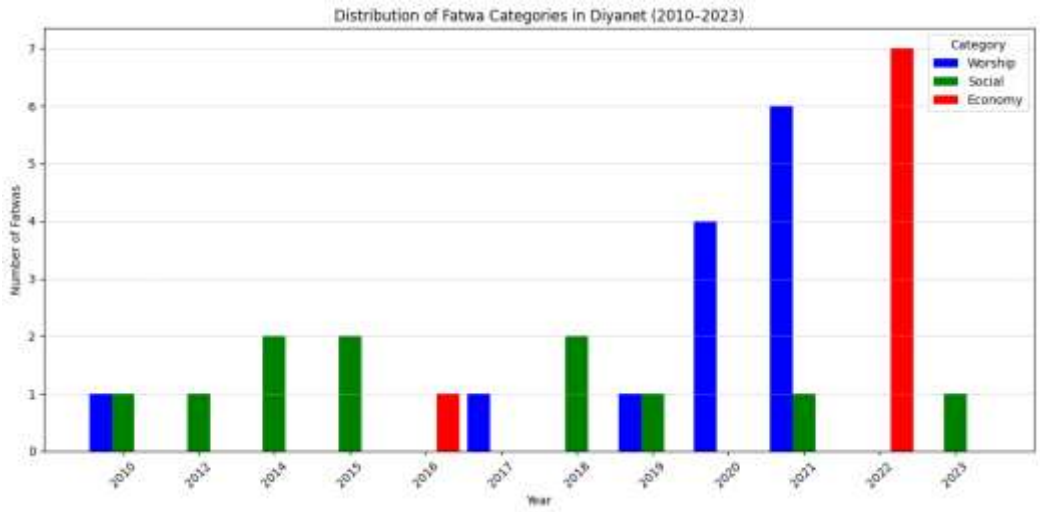
In conclusion, the distribution of *fatwās* issued by MUI and Diyanet from 2010 to 2023 highlights the dynamic nature of Islamic legal adaptation to contemporary challenges. While both institutions serve as authoritative bodies for religious rulings, their issuance patterns reflect differing national priorities, institutional structures, and socio-religious landscapes. Understanding these trends is crucial for assessing the evolving role of *fatwās* in addressing modern Islamic legal issues.

Figure 1: Distribution of *Fatwā* Categories in MUI 2010 to 2023



Source: Author's Analysis Based on Data Retrieved from the Official Website of MUI and Diyanet

Figure 2: Distribution of *Fatwā* Categories in Diyanet 2010 to 2023

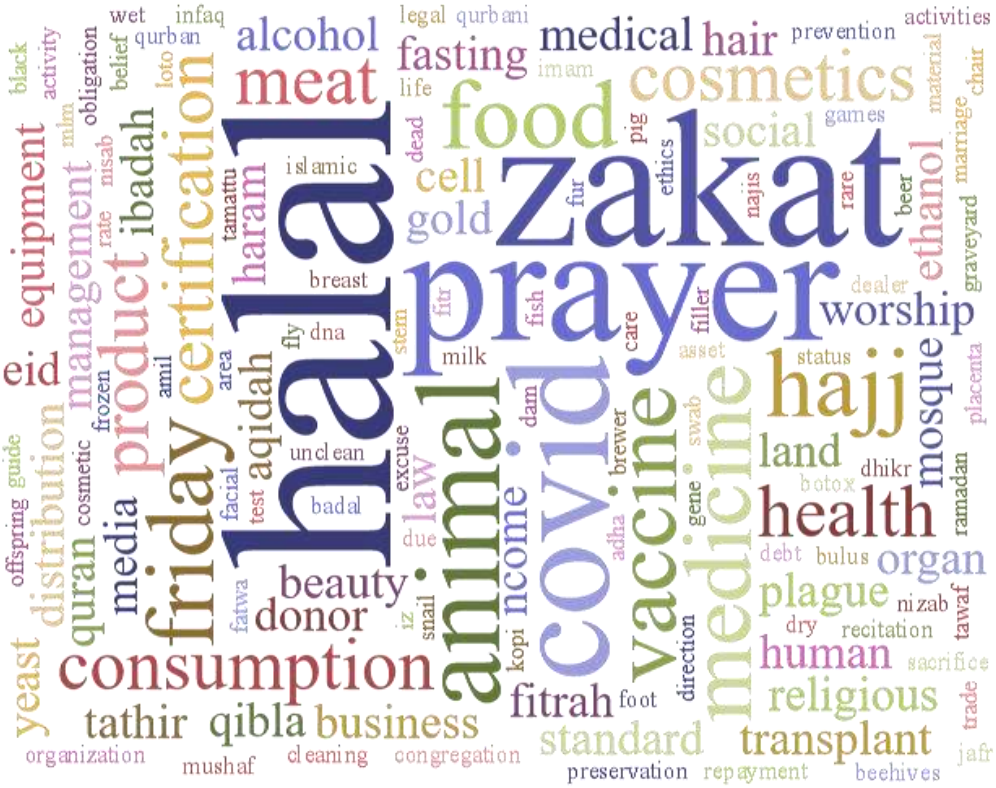


Source: Author's Analysis Based on Data Retrieved from the Official Website of MUI and Diyanet

In addition, a word cloud analysis was employed to identify the most prominent issues addressed in *fatwās* issued by MUI and Diyanet during the period 2010–2023. In this process, keywords were systematically extracted from the text of each *fatwā* to detect recurring themes and frequently discussed topics. This approach enabled a structured categorisation of *fatwā* content and provided an overview of the dominant issues addressed by both institutions over time.

The findings of this keyword analysis are visualised in the word cloud presented in Figure 3, which highlights the most frequently occurring terms. Keywords such as halal, zakat, prayer, vaccine, and COVID indicate the wide range of legal, religious, and socio-ethical concerns addressed in the *fatwās*. These results suggest that *fatwā* institutions not only continue to engage with classical domains of Islamic law but also actively respond to emerging contemporary challenges, reflecting their evolving role in guiding Muslim communities in changing social contexts.

Figure 3: Word Cloud of Key Issues Addressed by *Fatwā* Institutions in Indonesia and Türkiye



Source: Data Processed from *Fatwā* Issued by MUI and Diyanet from 2010 to 2023

The word cloud highlights key contemporary concerns that demand jurisprudential responses, demonstrating the dynamic and adaptive nature of *fatwā* issuance in both countries. Central themes such as halal certification, zakat management, prayer obligations, and health-related issues, including COVID-19, vaccines, and organ transplantation, reveal the breadth of societal and legal challenges faced by Islamic jurists.

The prominence of terms like "*ḥalāl*," "consumption," "vaccine," and "food" indicates the sustained relevance of dietary laws in Islamic societies, particularly as globalisation intensifies cross-border trade and introduces complexities related to medicine, cosmetics, and food production standards. In Indonesia and Türkiye, *fatwā* bodies such as the Majelis Ulama Indonesia (MUI) and the Diyanet İşleri Başkanlığı (Diyanet) have played a crucial role in developing halal certification frameworks to meet domestic needs and support international commerce. The term "*ḥalāl*" frequently appearing in *fatwās* issued by MUI and Diyanet, often relates to matters concerning food, cosmetics, and vaccination. This demonstrates that Muslim

communities in Indonesia and Türkiye face halal-related challenges that require clear religious guidance through *fatwās* issued by these institutions. Similarly, the strong emphasis on zakat and social welfare reflects how Islamic legal rulings continue to shape financial practices and social justice mechanisms in Muslim-majority societies.

Health-related issues also feature prominently, underscoring the significant role of *fatwā* institutions during global crises such as the COVID-19 pandemic. The terms "medicine", "vaccine," and "medical" point to the urgent need for religious guidance on public health measures, vaccine permissibility, and the management of life-and-death matters like organ donation and transplantation. In both Indonesia and Türkiye, *fatwās* served not only to address theological concerns but also to bolster public health campaigns and encourage compliance with governmental health protocols.

Moreover, religious observances such as Friday prayer, fasting, and hajj maintain their importance, suggesting a continuous need for *fatwās* that adapt traditional worship practices to changing circumstances. For instance, questions surrounding prayer congregations during lockdowns, adjustments in hajj procedures, and the permissibility of remote or virtual religious participation necessitated prompt and context-sensitive *fatwā* responses. Collectively, the word cloud affirms that *fatwā* institutions in Indonesia and Türkiye are actively engaging with modern realities while striving to uphold Islamic principles. Their ability to issue timely, pragmatic, and socially responsible rulings highlights their ongoing relevance as vital instruments in the negotiation between tradition and modernity in Islamic jurisprudence.

BETWEEN TEXT AND CONTEXT: COMPARATIVE MODELS OF FATWA AUTHORITY

The findings of this study indicate that the differences between the *fatwās* of the MUI and the Diyanet are not solely institutional but rooted in epistemological differences in understanding the authority of contemporary Islamic law. The MUI tends to maintain a classical epistemological framework based on the dominance of texts (the Quran and hadith) as the primary source of legitimacy, which is then articulated through the traditional *uṣūl al-fiqh* format. In contrast, the Diyanet demonstrates a more contextual and functional approach, where evidence is not always explicitly textual but rather internalised within the framework of *maqāṣid al-sharī'ah* and the rationality of public policy. This difference indicates a shift from a textual epistemology to a pragmatic epistemology in the context of the modern state.

In the *istinbāṭ* method, the MUI displays a relatively strict deductive pattern with a formal argumentative structure, such as the inclusion of the terms "considering" and "remembering", which explicitly link each *fatwā* decision to specific evidence. This strengthens normative legitimacy but at the same time can limit flexibility in addressing new issues. In contrast, the Diyanet employs a more

inductive and interdisciplinary approach to *istinbāṭ*, incorporating scientific and social considerations into the legal-making process. In the case of the COVID-19 pandemic, for example, the Diyanet's decision to close mosques reflects a priority on protecting the soul (*ḥifẓ al-nafs*), supported by medical authorities, rather than solely textual arguments.

This difference is also reflected in the extent to which each institution explicitly engages with and cites scriptural evidence (*dalīl*). The MUI consistently displays explicit references to the Quran and hadīth in every *fatwā*, thus providing public clarity regarding the legal basis used. However, this transparency is textual, not methodological, as internal deliberation processes and non-textual considerations are rarely disclosed. In contrast, the Diyanet demonstrates transparency in its process, particularly through mentions of consultations with experts and state institutions, although it does not always explicitly detail the textual evidence. Thus, there is a trade-off between normative transparency (MUI) and procedural transparency (Diyanet).

In responding to contemporary issues, the two institutions demonstrate different orientations. The MUI tends to construct new issues as extensions of classical *fiqh* categories, as seen in its *fatwās* on virtual worship and vaccination, which remain framed within the legal framework of worship and emergency rules. This approach maintains continuity of tradition but has the potential to result in fragmented *fatwās* when faced with the complexity of modern issues. On the other hand, the Diyanet is quicker to integrate contemporary issues into broader public policy frameworks, such as making vaccination a moral and social obligation. This demonstrates that the Diyanet functions not only as a religious authority but also as an instrument of state social regulation.

Institutionally, these findings confirm that the MUI's pluralism produces a diversity of interpretations that can enrich Islamic legal discourse but also raises the potential for inconsistencies in implementation. In the Indonesian context, where religious authority is dispersed across various organisations, *fatwās* serve as a dynamic space for social negotiation. Conversely, the Diyanet's centralisation allows for consistency and speed in decision-making but at the risk of reducing plurality and potentially politicising religious authority. In other words, each model reflects a compromise between authority and participation.

Furthermore, these findings indicate that a key challenge for both institutions is how to integrate modern science into the *istinbāṭ* framework without compromising religious authority. The Diyanet has demonstrated initial progress through the involvement of experts but still needs to maintain scientific independence from political influence. Meanwhile, the MUI needs to broaden its epistemological basis by incorporating interdisciplinary approaches more systematically, not merely as a complement, but as an integral part of the ijtihad process.

This study demonstrates that neither model is entirely superior, but rather that each offers contextual advantages and limitations. The MUI excels in maintaining traditional continuity and textual legitimacy, while the Diyanet excels in efficiency, policy integration, and responsiveness to modern issues. Therefore, the direction of future *fatwā* development should not be dichotomous but rather move towards a hybrid model that combines the strengths of both: the normative depth of the classical tradition and openness to scientific approaches and contemporary social needs.

CONCLUSION

Fatwā institutions in both Indonesia and Türkiye serve as important religious authorities that interpret Islamic law in response to contemporary societal challenges. While they differ in structure and historical evolution, both systems aim to offer contextualised legal opinions (*fatwās*) that guide Muslims in practising their faith in modern legal and social frameworks. In Indonesia, the *fatwā* system is characterized by a plurality of institutions, with the Indonesian Ulama Council (Majelis Ulama Indonesia/MUI) acting as the most prominent national body. Alongside MUI, organizations such as Nahdlatul Ulama and Muhammadiyah have established independent *fatwā* councils that issue opinions on matters ranging from finance and family law to political participation. Although these *fatwās* are not legally binding within the national legal system, they exert significant influence on public discourse, social behaviour, and even government policymaking.

In Indonesia, the Majelis Ulama Indonesia (MUI), alongside other Islamic organisations, reflects a model of authority grounded in explicit textual reasoning and interpretive plurality. The reliance on Quranic and hadith-based arguments reinforces normative legitimacy, while the coexistence of multiple *fatwā*-producing bodies allows for a diversity of perspectives. However, this plurality also results in a fragmented authority structure in which legal interpretations are negotiated rather than standardised. In Türkiye, the Diyanet İşleri Başkanlığı (Diyanet) represents a centralised and state-integrated form of *fatwā* authority. This model prioritises coherence, administrative efficiency, and alignment with public policy, often employing a more context-oriented approach that draws on *maqāṣid al-sharī'ah* and interdisciplinary considerations. While this enables timely and coordinated responses to contemporary challenges, it also raises concerns regarding the concentration of authority and the potential limitations on interpretive plurality.

The comparative analysis highlights a central tension in contemporary Islamic legal thought: the need to balance adherence to textual sources with the demands of changing social, political, and technological contexts. The Indonesian case underscores the continued relevance of textual grounding and scholarly diversity, whereas the Turkish case illustrates the increasing importance of institutional authority and contextual reasoning in shaping legal outcomes.

The primary contribution of this study lies in conceptualising *fatwā* authority as a dynamic interaction between text and context, rather than a purely doctrinal exercise. It shows that the capacity of *fatwā* institutions to address contemporary legal challenges is shaped not only by their interpretive methodologies but also by their institutional structures and modes of engagement with society. The findings suggest that future developments in *fatwā* institutions require a more integrative approach that combines normative rigour with contextual sensitivity. Strengthening interdisciplinary engagement, enhancing institutional transparency, and fostering coordination across *fatwā* bodies may contribute to more effective and credible religious guidance in increasingly complex Muslim societies.

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