

ATTITUDE AND LEGAL CONSCIOUSNESS OF MUSLIM FAMILIES REGARDING THE MUI FATWA ON SUPPORTING PALESTINE

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Abstrak

Penerbitan Fatwa Majelis Ulama Indonesia Nomor 83 Tahun 2023 tentang hukum dan dukungan untuk perjuangan Palestina telah memicu beragam reaksi publik. Sebagian memandangnya sebagai simbol solidaritas terhadap perlawanan Palestina melawan kolonialisme, sementara yang lain menyuarakan skeptisisme, khawatir akan dampak negatifnya, terutama bagi keluarga Muslim yang terdampak oleh fatwa tersebut. Penelitian ini mengkaji sikap dan kesadaran hukum keluarga Muslim terhadap fatwa tersebut, dengan fokus pada keluarga yang terdampak langsung maupun yang tidak terdampak. Dengan pendekatan campuran, penelitian ini menggunakan perspektif psikologis dan filosofis melalui teori sikap dan Maqashid. Skala Likert yang telah divalidasi didistribusikan secara daring kepada 176 keluarga Muslim. Hasilnya menunjukkan tingkat dukungan yang moderat, dengan skor rata-rata 62,81, mencakup 35,8% responden. Dukungan emosional (rata-rata 3,94) lebih tinggi dibandingkan aspek kognitif (3,75) dan perilaku (3,65). Perbandingan antara keluarga terdampak (64,02) dan tidak terdampak (62,3) menunjukkan tidak ada perbedaan signifikan ($p = 0,152 > 0,05$). Dari perspektif teori sikap, respons lebih condong pada dimensi emosional daripada kognitif atau praktis. Dalam perspektif Maqashid, keluarga Muslim menekankan perlindungan manusia (*hifdh an-nafs*) sembari mengecam kejahatan Israel. Namun, kesadaran kognitif sering kali tidak terwujud

dalam tindakan praktis. Studi ini menyoroti dinamika kompleks dukungan terhadap fatwa tersebut.

Kata Kunci: *Fatwa, Sikap, Kesadaran Hukum, Keluarga Muslim, Perlindungan.*

Abstract:

The issuance of the Fatwa by the Indonesian Council of Ulama Number 83 of 2023 regarding the law and support for the Palestinian struggle has sparked diverse public reactions. Some view it as a symbol of solidarity with Palestine's resistance against colonialism, while others express skepticism, fearing potential negative impacts, particularly on Muslim families affected by the fatwa. This study examines the attitudes and legal consciousness of Muslim families toward the fatwa, focusing on those directly affected and unaffected. Using a mixed-methods approach, the research employs psychological and philosophical perspectives through attitude and Maqashid theories. A validated Likert scale was distributed online to 176 Muslim families. Results indicate a moderate level of support, with an overall mean score of 62.81, covering 35.8% of respondents. Emotional support (mean 3.94) outweighs cognitive (3.75) and behavioral (3.65) aspects. Comparisons between affected (64.02) and unaffected (62.3) families show no significant difference ($p = 0.152 > 0.05$). From an attitude theory perspective, responses lean toward emotional rather than cognitive or practical dimensions. In the Maqashid perspective, Muslim families emphasize human protection (*hifdh an-nafs*) while condemning Israel's crimes. However, cognitive awareness often does not translate into practical actions. The study underscores the complex dynamics of support for the fatwa.

Keywords: *Fatwa, Attitude, Legal Consciousness, Muslim Family, Protection.*

A. Introduction

A fatwa is an outcome of *ijtihad* concerning contemporary religious issues. Fatwa represents how legal rulings are applied to daily problems.¹ Fatwa is only information about an Islamic norm, it is not a judge's decision in court, so it has no coercive power to anyone.² However, in other regions, such as Malaysia, fatwas are

¹ Necmettin Kızılkaya, *Legal Maxims in Islamic Law: Concept, History, and Application of Axioms of Juristic Accumulation, Legal Maxims in Islamic Law* (Leiden: Brill, 2020), 266, doi:10.1163/9789004444676.

² Lena Larsen, *How Muftis Think: Islamic Legal Thought and Muslim Women in Western Europe, Studies in Islamic Law and Society*, vol. 44, 2018, 3.

positioned as an integral or binding part of the law that can create legal force.³ To be more precise, a fatwa is an Islamic concept used to offer interpretations, adaptations, and resolutions regarding religion and current affairs.⁴ Here, fatwas are often based on issues irrelevant to existing law, but they still point to the fact that fatwas are still taken from actual cases (the real world).⁵

In the contemporary context, the form of fatwa is no longer passive; it only waits for questions from the mustafti (fatwa requester). It is also proactive, especially regarding very dynamic contemporary issues. Here, the fatwa will appear with the initiator character, *insha'iy*, without considering the necessity of following a particular school but prioritizing the choice of correct and relevant opinions to the main issues.⁶ This type of fatwa usually tries to respond to new problems where the fatwa decision is used as a guide for society and is needed as a basis for formulating and adopting specific policies.⁷ This represents the fatwa's function as a viable tool where society can adjust to internal and external social, political, and economic change.⁸ In the Indonesian context, a fatwa can be categorized as a living law based on its production process, citing and considering public needs.⁹

Fatwas wield considerable influence in shaping the attitudes and perspectives of Muslim society despite lacking robust legal bindings as they are not obligatory to adhere to.¹⁰ The impact of a fatwa is rooted in ideological connections or religious

³ Magaji Chiroma dkk., "The Concept of Fatwa (Islamic Verdict) in Malaysia and the Constitutional Dilemma: A Legislation or Legal Opinion?," *International Journal of Business, Economics and Law* 4, no. 3 (2014): 19, <http://irep.iium.edu.my/37654/>.

⁴ Ibid., 12.

⁵ Wael B Hallaq, "From Fatwās To Furū': Growth and Change in Islamic Substantive Law," *Islamic Law and Society* 1, no. 1 (1994): 33.

⁶ Barbara Freyer Stowasser dan Zeinab Abul-Magd, "Legal codes and contemporary fatawa: Muslim women and contesting paradigms," *Hawwa* 6, no. 1 (2008): 51, doi:10.1163/156920808X298912.

⁷ Asrorun Ni'am, *Living Fatwa: Transformasi Fatwa dalam Perilaku dan Kebijakan Publik di Era Milenial* (Jakarta, 2023), 15.

⁸ Ann Black dan Nadirsyah Hosen, "FATWAS: Their role in contemporary secular Australia," *Griffith Law Review* 18, no. 2 (2009): 422, doi:10.1080/10383441.2009.10854648.

⁹ Abidah Masrurah dan Muzalifah Muzalifah, "Urgensi Fatwa Mui Dalam Pembangunan Sistem Hukum Ekonomi Islam Di Indonesia," *Indonesian Journal of Shariah and Justice* 2, no. 1 (17 Juli 2022): 78, doi:10.46339/ijsj.v2i1.27.

¹⁰ Ann Black, Hossein Esmaeili, dan Nadirsyah Hosen, *Modern perspectives on Islamic law* (Cheltenham: Edward Elgar Publishing Limited, 2013), 85, doi:10.4337/9780857934475.

principles. Therefore, a fatwa is an important source of guidance for many devout Muslims.¹¹

The influence of a fatwa is heightened when it addresses fundamental aspects and pertains to the interaction of Muslim communities with non-Muslims. In such cases, the fatwa holds the potential to mobilize widespread Muslim consciousness and foster patriotic attitudes. Nevertheless, the potency of this influence is contingent on the authority of the individual disseminating the fatwa.¹² The wider the recognition and scholarly authority a person possesses, the more effortlessly a fatwa can propagate and influence society. Consequently, the legal awareness and attitudes of the Muslim community undergo changes in tandem with the dissemination of fatwas. However, the fatwa impacts public legal consciousness, as Rasyid found on public awareness in choosing halal products in North Sumatra.¹³

The divergent roles of Palestine and Israel significantly influence various aspects of life, particularly in the realm of global politics. This situation catalyzes religious scholars (ulama) to express their political stances by issuing fatwas. The Indonesian Ulema Council (MUI), serving as a prominent voice of Indonesian religious scholars, issued a significant fatwa in Indonesia. This is encapsulated in Fatwa Number 83 of 2023, addressing the Law and Support for the Palestinian Struggle.¹⁴ The MUI emphasized that despite being a seemingly simple political measure, the fatwa carries significant consequences, particularly in its focus on boycotting products associated with pro-Israel sentiments. Consequently, the MUI aims for an economic impact rooted in religious doctrine, considering the substantial influence of Indonesian Muslims as the world's largest Muslim community. It is undeniable that this circumstance will bring about shifts in the attitudes and legal

¹¹ Mohammad Syifa Amin Widigdo dan Homaidi Hamid, "The Power of Fatwā in Indonesia: An Analysis of MUI's Controversial Fatwās," *Afkaruna* 14, no. 2 (2018): 147, doi:10.18196/aiijis.2018.0085.146-165.

¹² Omer Awass, "Fatwa, Discursivity, and the Art of Ethical Embedding," *Journal of the American Academy of Religion* 87, no. 3 (2019): 8, doi:10.1093/jaarel/lfz031.

¹³ Arbanur Rasyid, *Sertifikasi Halal (Fatwa MUI dan Kaitannya dengan Kesedaran Hukum di Masyarakat)* (Sukabumi: Haura Utama, 2020), 331.

¹⁴ Azharun N, "Fatwa MUI No.83 tentang Dukungan terhadap Perjuangan Palestina," 2023.

consciousness of the Muslim community, aligning more closely with the cause of the Palestinian people. What MUI did is represent its obligations as a group of scholars who must be able to mobilize the social and religious development of Muslim communities based on moral and intellectual considerations. It may be considered a process of shariatization in Indonesia.¹⁵

The solidarity and backing for Palestine, as undertaken by the MUI, are similarly occurring in various nations that endorse the Palestinian cause. In Arab countries, efforts to support Palestine involve abstaining from the consumption of products believed to have affiliations with pro-Israel sentiments.¹⁶ In Malaysia, the advocacy for Palestine is spearheaded by the Malaysian "Boycott, Divestment, and Sanctions" (BDS) movement. This initiative is said to have resulted in a reported loss of US\$1.3 million for the Malaysian McDonald's franchise due to its perceived support for Israel.¹⁷ Apart from McDonald's, the global franchise Starbucks is also reported to have experienced significant losses because it is pro-Israel.¹⁸ Similarly, following the lead of other nations, the Turkish Parliament has prohibited the sale of various international brands suspected of having affiliations with Israel. Furthermore, these brands were also removed from outlets and stores.¹⁹ Particularly within the framework of the MUI, the issuance of Fatwa No. 83 of 2023 is by no means unprecedented. The MUI has previously issued numerous fatwas on various strategic issues, each drawing responses from the public.

¹⁵ Syafiq Hasyim, *The Shariatization of Indonesia: The Politics of the Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI)* (Lieden: Brill, 2023), 398, <https://lcn.loc.gov/2022051724>.

¹⁶ Harbani, Rahma. "Imbas Boikot Produk Pro-Israel, Penjualan Merek AS Sepi Pembeli di Negara Arab." *DetikHikmah*, November 23, 2023. <https://www.detik.com/hikmah/khazanah/d-7052558/imbasa-boikot-produk-pro-israel-penjualan-merek-as-sepi-pembeli-di-negara-arab>.

¹⁷ Yanwardhana, Emir. "McDonald's Gugat pro Palestina-Boikot Israel Rp 20 m." *CNBC Indonesia*, January 1, 2024. <https://www.cnbcindonesia.com/news/20240101092909-4-501744/mcdonalds-gugat-pro-palestina-boikot-israel-rp-20-m>.

¹⁸ Muhammad, Mahdi. "Susul Starbucks, McDonald's Akui Terpukul boikot Solidaritas Palestina." *kompas.id*, January 7, 2024. <https://www.kompas.id/baca/internasional/2024/01/07/susul-starbucks-mcdonalds-akui-terpukul-boikot-solidaritas-palestina>.

¹⁹ Reuters, "Turkish Parliament Removes Brands from Menu over Alleged Israel Support," Reuters, November 7, 2023, <https://www.reuters.com/world/middle-east/turkish-parliament-removes-brands-menu-over-alleged-israel-support-2023-11-07/>.

Several studies examining the interplay between fatwas, awareness, and changes in attitudes have been conducted by researchers with diverse perspectives. For instance, exploring the public's response to MUI Fatwa Number 14 of 2021 and addressing the Organization of Worship during the COVID-19 outbreak revealed conflicting attitudes within society. Noor's research indicates that those in the agreement do so due to rukhsah, while those in disagreement cite *uzur syar'i* as the basis for their stance.²⁰ Waldiono's analysis suggests that public endorsement of the MUI fatwa is likely when local government authorities and religious figures in the region concurrently support it.²¹

The merits and drawbacks of the MUI fatwa are also scrutinized in the context of the controversial fatwa against Ahmadiyah teachings. Alzinar et al. argue that a fatwa's stance is akin to a viewpoint or perspective. Therefore, if the MUI issues a fatwa declaring a group as sinful, it is essentially expressing an opinion.²² Similarly, a study on the awareness of market traders in Aceh regarding the fatwa condemning usury reveals that their attitude differs when they are aware of the fatwa declaring usury as impermissible and comprehending the concept of usury. They maintain the perspective that bank interest is distinct from usury.²³ The outcomes of this study exhibit diversity and arise from various viewpoints. Nonetheless, these findings illustrate that the nature of people's attitudes toward the MUI fatwa encompasses fragmentation, resistance, and appreciation.²⁴ The MUI has issued Fatwa Number 83

²⁰ Dzul kifli Noor, "Sikap masyarakat dalam Melaksanakan Fatwa MUI tentang Pandemi Covid-19," *Emanasi: Jurnal Ilmu Keislaman dan Sosial* 3, no. 2 (Oktober 2020): 1.

²¹ Jenjang Waldiono dan Muhammad Hilali Basya, "Implementation of The MUI's Fatwa No.14/2020 Concerning Worship During Pandemic: Study on Muslim Society in Ternate," *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies* 17, no. 2 (Desember 2021): 271-89, doi:10.18196/AFKARUNA.V17I2.12835.

²² Fariz Alnizar, Amir Ma'ruf, dan Fadlil Munawwar Manshur, "PERCEPTIONS AND REACTIONS OF AHMADIYYA TO FATWA INDONESIAN ULAMA COUNCIL (MUI): AN ANTROPHOLOGICAL LINGUSITICS APPROACH," *Heritage of Nusantara: International Journal of Religious Literature and Heritage* 8, no. 2 (Desember 2019): 208-42, doi:10.31291/HN.V8I2.553.

²³ Muhammad Dayyan dan Rifyal Dahlawy Chalil, "the Attitude of Merchants Towards Fatwa on Riba and Convensional Bank in Langsa," *Share: Jurnal Ekonomi dan Keuangan Islam* 9, no. 1 (2020): 48-71, doi:10.22373/share.v9i1.6372.

²⁴ Ahmad Fawaid dkk., "Kontestasi Dan Resepsi Akademis Atas Fatwa Mui Tentang Covid-19: Tinjauan Bibliografis Atas Monografi Tahun 2020-2021," *Islamika Inside: Jurnal Keislaman dan Humaniora* 7, no. 2 (Januari 2021): 281-301, doi:10.35719/ISLAMIKAINSIDE.V7I2.163.

of 2023 to express solidarity with the Palestinian people's struggle. Subsequently, a scientific examination of the public's reactions to this fatwa has been conducted. Per PUSFAHIM's findings, based on 1014 survey participants, 95% indicated adherence to the MUI fatwa. Additionally, 47% of respondents followed the fatwa due to religious considerations, 46% for humanitarian motives, and 7% for other reasons.²⁵

However, the findings of this study raise a perspective that warrants further exploration, specifically delving into the attitudes of families impacted and unaffected by the fatwa, particularly Muslim families targeted by the fatwa. This perspective is crucial, given that the third point of the fatwa encourages individuals to refrain from consuming products and services deemed pro-Israel, even though numerous daily necessities fall into this category. Assessing whether the alternatives are equivalent and readily available to the public when making substitutions is essential. Altering consumption patterns and adapting to new products and habits are additional issues synonymous with the repercussions of fatwas. Additionally, the challenges faced by Muslim families, particularly those whose livelihoods are associated with pro-Israel entities, present new complexities. Abruptly leaving such employment without a comparable job leads to new problems. The attitudes of families affected and unaffected by the fatwa constitute a gap that necessitates further analysis. Hence, the urgency of this research stems from this perspective.

Grounded in this, the research aims to ascertain Muslim families' support level for MUI FATWA No. 83 of 2023 regarding Law and Support for the Palestinian Struggle. This research is quantitative-qualitative. The characteristics of respondents in this study were Muslim families who were affected or not affected by the MUI fatwa. The data collection instrument is a scale of support for MUI fatwa No. 83 of 2023, developed by the research team based on attitude theory consisting of cognitive, affective, and behavioural aspects.²⁶ These aspects are expressed on a Likert scale in the Googleform® application and then distributed online to generate data from

²⁵ Azharun N, "Fatwa MUI No.83 tentang Dukungan terhadap Perjuangan Palestina."

²⁶ Eko A. Meinarno dan Sarlito W. Sarwono, ed., *Psikologi Sosial* (Jakarta: Penerbit Salemba Humanika, 2018).

respondents. The Likert scale was distributed in November 2023; data was collected from 209 respondents. However, only 176 respondents' data were eligible to proceed to the statistical data processing phase. The results of statistical data processing are then analyzed from the perspective of attitude and maqasid theories. Therefore, the primary approaches deployed here are psychological and philosophical.

B. Analysis Of Muslim Family Support Towards Mui Fatwa Number 83 Of 2023: Attitude Theory Perspective

Results of statistical analysis of Muslim families' attitudes towards MUI fatwa no. 83 of 2023 is explained as follows:

1. *Validity and Reliability Test of the instrument.*

Before conducting further quantitative analysis, it is imperative to assess the psychometric properties of the scale "attitudes towards MUI fatwa No. 83 of 2023," independently developed by the research team, for both validity and reliability. The validity and reliability tests were executed through a tryout approach. In the initial round of validity testing using the Pearson product-moment formula, it was determined that out of the 23 items, six items were excluded, leaving 17 items. Following a second round of validity testing, the 17 items were validated with scores ranging from 0.221 to 0.473. Concurrently, the reliability test using Cronbach's alpha formula yielded a score of 0.733, indicating a satisfactory level of reliability for this attitude scale (refer to Table 1)

Tabel 1: Instrument Reliability

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
0.733	0.777	17

2. *Data Analysis Muslim family support for MUI fatwa no. 83 of 2023*

Results of descriptive analysis of Muslim family support for MUI fatwa no. 83 of 2023 can be figured out from Figure 1 below.

Figure 1: The average support of Muslim families for MUI fatwa no. 83 of 2023

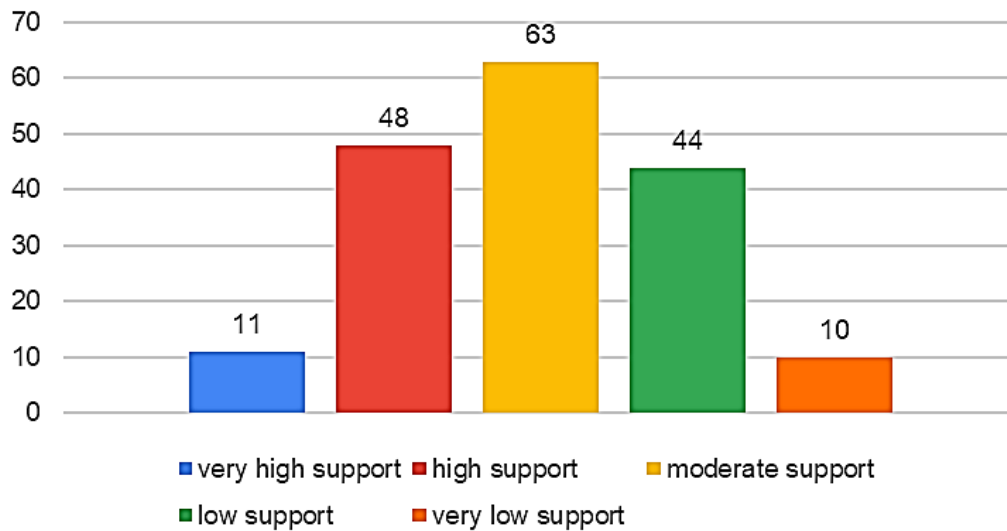


Table 2: Detailed Descriptive Data Likert scale support for the MUI fatwa

Mean	62.81
Std. Error of Mean	0.547
Median	63.00
Mode	59
Std. Deviation	7.257
Range	44
Minimum	38
Maximum	82

Figure 1 illustrates that the largest group comprises families expressing "medium support" for the MUI fatwa, totaling 63 respondents. This figure aligns with respondents' mean attitude score of 62.81 (see Table 2). Following this, the categories of support are ranked sequentially, with "high support" having 48 respondents, followed by "low support" with 44 respondents, "very high support" with 11 respondents, and "very low support" as the least represented category. From the

quantitative overview, although there is a slight inclination towards "high" and "very high" support, the overall scores suggest that the support of Muslim families for the MUI fatwa predominantly falls within the moderate or medium category.

A nuanced examination focused on attitudinal dimensions²⁷ (cognitive, affective, and behavioral) was undertaken to scrutinize the support pattern within Muslim families. In this regard, One-way ANOVA was employed to compare the three aforementioned aspects of attitude.

Table 3: Mean of the attitude aspects

Attitude aspects	N	Mean
Cognitive	176	3.75
Affective	176	3.94
Behaviour	176	3.64
Sum	528	3.78

Table 4:

One-Way Anova & Games-Howell's post-hoc formula comparing the aspects of attitude

Attitude aspects	Comparison between	Mean Difference	Std. Error	Sig.
Cognitive	Affective	-.193*	.070	.017
	Behaviour	.114	.069	.230
Affective	Cognitive	.193*	.070	.017
	Behaviour	.307*	.081	.000
Behaviour	Cognitive	-.114	.069	.230
	Affective	-.307*	.081	.000

*. The mean difference is significant at the 0.05 level.

According to the mean comparison results presented in Table 3, the affective aspect exhibits a higher score (3.94) than the cognitive aspect (3.75) and the behavioral aspect (3.65). The outcomes of posthoc analysis, utilizing the Games-Howell formula as indicated in Table 4, affirm that the affective aspect significantly surpasses both the cognitive and behavioral aspects. Conversely, no significant differences were observed between the cognitive and behavioral aspects.

²⁷ Ibid.

Building on the One-way ANOVA analysis above, it is evident that a strong emphasis on affection notably characterizes the attitudes of Muslim families towards the MUI fatwa. In simpler terms, their attitude toward the fatwa is significantly more emotionally charged. These emotions may stem from sentiments of empathy for Palestinians and frustration towards Israeli military actions, as well as potentially encompassing emotions like solidarity among fellow Muslims. Moreover, emotions related to economic factors such as shop income, the threat of job losses, and the well-being of families affected by the MUI fatwa may also contribute to the emotional tone of this support. The sentiments and emotions associated with the MUI fatwa intricately shape the nature of this support.

Table 5: T-test Support for MUI Fatwa Based on Gender

		F	Sig.	t	df	Sig. (2-tailed)
Equal	variances	17.82	.000	-2.853	174	.005
assumed		8				
Equal	variances not			-2.496	81.21	.015
assumed					2	

Moreover, when examining support for the MUI fatwa through a gender lens, table 5 indicates that female respondents (63.87) exhibited more significant support for the MUI fatwa compared to their male counterparts (60.60). This disparity is notably substantial ($p\text{-value } 0.005 < 0.05$). Taking into account the insights from the data in Table 4, it can be inferred that the heightened support from women is also rooted in emotional sentiments.

Table 6:

T-test family support based on who read the fatwa and those who do not read the fatwa text

		F	Sig.	t	df	Sig. (2-tailed)
Equal	variances	.003	.955	1.489	174	.138
assumed						
Equal	variances not			1.428	10.013	.184
assumed						

Nonetheless, it is crucial to highlight that the scores for cognitive and behavioral aspects are notably lower than those for the affective aspects. From a cognitive standpoint, this implies that factual data and information relying on knowledge, which may involve intricate cognitive processes, do not significantly influence attitudes when compared to information or news that evokes emotions among members of Muslim families. This observation is corroborated by the data presented in Table 6, which contrasts families that read the fatwa text with those that do not. The result, in terms of the level of support, indicates no substantial difference between families that read the fatwa text and those that do not (indicated by a p-value of $0.138 > 0.05$). Contrary to expectations, there is no noteworthy distinction in support between those who read the fatwa and those who do not; what matters is their acquaintance with the content of the fatwa.

Table 7:

T-Test support for the MUI fatwa for families affected and not affected by the fatwa

	F	Sig.	t	df	Sig. (2-tailed)
Equal variances assumed	5.314	.022	1.440	174	.152
Equal variances not assumed			1.624	127.763	.107

The behavioral aspect, distinct from the preceding two facets, reflects the lowest score. This suggests that demonstrating support for the MUI fatwa is a challenging endeavor for both families directly affected by it and those unaffected. Numerous crucial considerations come into play. In the case of families impacted by the fatwa, how support is extended must be carefully deliberated, as it profoundly influences the sustainability of their businesses, such as shops or stalls, which serve as their livelihood. Similarly, for the unaffected families, supporting it entails significant effort, necessitating a shift in consumption habits away from pro-Israel products and an adaptation to choices. The diminished emphasis on behavioral aspects, relative to cognitive and affective aspects, aligns with the overall support exhibited by families

(both affected and unaffected) for the MUI fatwa. The t-test conducted on families affected and unaffected by the MUI fatwa (refer to Table 7) revealed that their attitudes did not differ significantly ($p\text{-value } 0.152 > 0.05$) despite affected families displaying a slightly higher mean score (64.02) compared to unaffected families (62.30).

The analyses above likely explain the public support for the MUI fatwa, placing it within the "medium support" category.

3. *Perspective of Cognitive Dissonance Theory*

Support falling within the "medium" category can also indicate an "ambivalent" stance towards the MUI fatwa. Ambivalent or dual attitudes encompass distinct evaluations of the same attitude object. In this specific context, it signifies the presence of two conflicting attitudes towards the MUI fatwa. On one side, Muslim families denounce Israel's colonization of Palestine and, consequently, endorse the MUI fatwa. Conversely, they hesitate to replace products perceived as "suspected" of being pro-Israel with neutral alternatives. This hesitancy stems from the reluctance of some families to bear the consequences associated with their support for the MUI, such as adapting to alternative products and adopting new lifestyle habits. This dilemma is particularly pertinent for families owning shops or restaurants that sell products affiliated with or supportive of Israel, as well as for those whose members derive their livelihood from agencies supporting the colonization of Palestine. Moreover, external factors, including local and national needs and interests, often precede international concerns. The equilibrium illustrated in Figure 1, depicting a balance between high and low support, encapsulates the dilemma faced by Muslim families entangled in the ambivalence of supporting the MUI fatwa.

Should this ambivalence in support intensify, it may lead to cognitive dissonance. Cognitive dissonance refers to psychological discomfort arising from a

conflict between two or more attitudes.²⁸ Ambivalence in the support of Muslim families towards the MUI fatwa indicates that this duality of attitudes has the potential to evolve into a dissonant condition. Individuals naturally seek solutions to alleviate the discomfort if this dissonance is perceived and becomes intolerable. Several alternative actions can be outlined as mitigation strategies to address dissonance: 1) Modifying the dissonant behavior or belief, 2) incorporating additional supportive elements, 3) Trivialisation²⁹.

The initial approach involves altering the dissonant behavior or belief. In the context of the MUI fatwa, this method is implemented by either reinforcing or diminishing one attitude in comparison to another to resolve dissonance. For instance, it could mean strengthening ideological beliefs by actively supporting the pro-Palestinian cause while weakening pragmatic attitudes by avoiding the consumption of 'affiliated' or pro-Israel goods and services. Alternatively, suppose a pro-Palestinian stance is perceived as jeopardizing the family's livelihood, and alternative solutions are not sought. In that case, the pro-Palestinian attitude may be weakened to meet the family's immediate needs.

The second method entails incorporating additional supportive elements. Regarding attitudes towards the MUI fatwa, this approach involves introducing other perspectives or information, such as thinking, "The pro-Palestinian movements and the MUI fatwa actually have no impact on my life, but the people around me are enthusiastic about supporting Palestine. It is these propagandas that make me uncomfortable." Conversely, one might entertain the thought, "I don't think consuming pro-Israel products is a problem... after all, these products also have a 'halal' recommendation from the MUI." These supplementary thoughts serve as a

²⁸ Eddie Harmon-Jones and Judson Mills, "An Introduction to Cognitive Dissonance Theory and an Overview of Current Perspectives on the Theory," in *Cognitive Dissonance: Reexamining a Pivotal Theory in Psychology*, ed. Eddie Harmon-Jones (American Psychological Association, 2019), 3–24.

²⁹ Azizul Halim Yahya dan Vidi Sukmayadi, "A Review of Cognitive Dissonance Theory and Its Relevance to Current Social Issues," *MIMBAR : Jurnal Sosial dan Pembangunan* 36, no. 2 (2020): 480–88, doi:10.29313/mimbar.v36i2.6652.

bridge between conflicting attitudes or provide alternative viewpoints to minimize dissonance.

The third strategy is trivialization, focusing on perceiving the attitudes causing discomfort as trivial matters, better left ignored than burdening the mind. In the context of the MUI fatwa and the pro-Palestinian struggle, this could manifest as a mental mechanism to downplay the significance of the MUI Fatwa, pro-Palestinian, or pro-Israel movements, consider them unimportant, and even refuse to engage in discussions. Instead, individuals prioritize themes such as the presidential election, enjoying quality time with family, or completing work-related tasks.

From the standpoint of cognitive dissonance theory, this ambivalent attitude can be described as an "ambiguous" stance. This implies that the attitude is susceptible to change depending on the level of discomfort or dissonance experienced. It may strengthen and be marked by increased tangible support for the MUI fatwa. Conversely, it could weaken, characterized by a lack of support for the MUI fatwa. Alternatively, this attitude may gradually fade and be forgotten, replaced by other themes and activities. Additionally, considering the literal interpretation, the recommendation from MUI fatwa no. 83 in 2023.³⁰ point 3 The guidance provided is that Muslims are encouraged to minimize involvement in transactions and the utilization of products associated with Israel and those supporting colonialism and Zionism. The term "advised" falls between a strict directive like "requires" and a permissive stance like "allows" or "frees." It implies a middle ground, neither imposing an obligation nor granting exemption. Intriguingly, community support aligns with this middle ground – not overly strong nor weak, but balanced.

C. Muslim Family Support For MUI Fatwa Number 23 Of 2023: Tracing The Goal And Legal Conciousness

³⁰ "Fatwa Terbaru MUI Nomor 83 Tahun 2023: Mendukung Agresi Israel Ke Palestina Hukumnya Haram." *Fatwa Terbaru MUI Nomor 83 Tahun 2023: Mendukung Agresi Israel Ke Palestina Hukumnya Haram*. <https://mui.or.id/baca/berita/fatwa-terbaru-mui-nomor-83-tahun-2023-mendukung-agresi-israel-ke-palestina-hukumnya-haram>.

In the field of Maqashid studies, there are five fundamental values commonly utilized as a foundation: *hifdh ad-din* (preserving religion), *hifdh an-nafs* (preserving the soul), *hifdh al-'aql* (preserving reason), *hifdh an-nasl* (preserving descendants), and *hifdh al-mal* (preserving property).³¹ The presence of these values in an action or attitude is not solely assessed based on the significance or urgency of an issue or action. Beyond that, these values must be perceived and positioned as elements that exert an impact over time. The longer-lasting and more consequential the effect, the more imperative it becomes to champion these values. The critical point is that protection with a benefit dimension is not only for a group of people and short-term, but it must cover many people and be long-term.³² Through this approach, the goal of sharia can be explored.³³ Further, using these five values, social justice can be achieved.³⁴

In response to the MUI fatwa, Muslim families confront several protective values simultaneously. Their stance does not exclusively lean toward a particular value but contests these values—various identified defensive values surface, including *hifdh ad-din*, *hifdh an-nafs*, and *hifdh al-mal*.

Within the realm of *hifdh ad-din*, Muslim families recognize that Israel's assault on Palestine constitutes a violation of both human values and religious norms. They vehemently condemn Israel's atrocities. Their endorsement of the fatwa manifests as a means of safeguarding their fellow Muslim brethren, concurrently standing up for their religion. Here, two values materialize simultaneously: defending religion and human life. This demonstrates their legal awareness regarding the significance of

³¹ Zaprul Khan, *Rekonstruksi Paradigma Maqashid Asy-Syari'ah: Kajian Kritis dan Komprehensif* (Yogyakarta: IRCiSoD, 2020).

³² Euis Nurlaelawati, "Problematika Isbat Nikah: Dualisme Kepentingan dan Perlindungan Terhadap Perempuan dan Anak dalam Legalisasi Poligami Siri," dalam *Membela Hak-Hak Masyarakat Rentan: HAM, Keragaman Agama, dan Isu-Isu Keluarga*, ed. oleh Noorhaidi Hasan (Yogyakarta: Pascasarjana UIN Sunan Kalijaga Press, 2021), 107.

³³ Wilda Siti Hawani, Azuhria, dan Muhammad Ilham, "TELAAH MAQASHID AL-SYARI'AH FENOMENA CHILD FREE DALAM REALITAS KEHIDUPAN SOSIAL," *Indonesian Journal of Shariah and Justice* 3, no. 2 (22 Desember 2023): 209, doi:10.46339/ijsj.v3i2.71.

³⁴ Husamuddin Mz dkk., "KEADILAN SEBAGAI MAQASHID AL-DARURIYYAT DALAM KEBUTUHAN SOSIAL MODERN," *Indonesian Journal of Shariah and Justice* 3, no. 2 (31 Desember 2023): 266, doi:10.46339/ijsj.v3i2.47.

protecting humanity, albeit within the confines of ideological considerations. Regardless of their alignment with Palestine, their conduct in choosing and selling food products reflects a protection pattern that appears ambivalent.

For the families directly affected, the decision to adhere to the fatwa poses economic challenges, as firmly following it may have a clear and substantial financial impact on the group. However, they grapple with the internal conflict of being perceived as not standing up for Palestinians. This dilemma is particularly evident for Muslim families employed by companies affiliated with Israel. The question arises: is it beneficial for their lives to cease selling products or working for such institutions? Should the greater public good take precedence, even at the expense of their families' well-being? This internal struggle revolves around protective values, such as interpreting *hifdh an-nafs* as social concern versus self-preservation and *hifdh al-mal* as a choice between selling products or maintaining family economic stability.

Despite confronting these values, they prioritize profitability and benefits for themselves and their families. This choice does not imply a lack of agreement or support for condemning Israel's attacks. Instead, it reflects a proportional level of legal awareness, adhering to the Islamic legal maxim: "Eliminating dangers must not be done by creating new dangers."³⁵ Their act also aligns with another Islamic Legal Maxim: rejecting harm is more important than taking benefits where this legal maxim narrates the conflict between *mafsadah* and *maslahat*.³⁶ Denying the dangers that approach themselves is better than taking advantage of the existence of only abstract for them.

What the affected Muslim families do is in harmony with contemporary *maqāsid* theory, which gives rise to different meanings from the value of protection of the soul (*hifdh an-nafs*). If previously *hifdh an-nafs* was often interpreted as the preservation of offspring, this time, it can turn to a family-oriented theory. Ibn' Ashur

³⁵ Muhammad Shidqi bin Ahmad bin Muhammad Al-Burnu, "Al-Wajiz fi Idhahi Qawaid al-Fiqh al-Kulliyah" (Beirut: Muassah ar-Risalah, 1996), 259.

³⁶ Abdullah bin Sa'id Al-Lahjiy, "Idhah al-Qawa'id al-Fiqhiyyah" (Kuwait: Dar Aldeyya, 2013), 81.

initiated this placed caring for the family as one of the new protection values in Islamic law.³⁷

In contrast, unaffected Muslim families face a different set of challenges, primarily centered around the products they choose to buy. While they must consider alternative options, this group does not experience significant value conflicts like the previously mentioned group. Their legal awareness of the importance of humanitarian protection in Palestine remains unencumbered by protective values that may prioritize their own and their families' well-being. The fatwa's impact is limited to their consumption process, not affecting their financial aspects as observed in the first group. Consequently, the values of *hifdh an-nafs* and *hifdh al-mal* can be realized without hindrance. Opting for alternative products serves as a means of supporting the protection of Palestinian lives (*hifdh an-nafs*). It simultaneously represents a prudent step to manage and safeguard their assets (*hifdh al-mal*).

In addition to discussing their attitude within the framework of *maqashid*, exploring their attitude using legal consciousness theory is also important. In legal consciousness studies, we recognize three significant schools: the Identity school, the Hegemony school, and the Mobilization school. These three schools are relevant for analyzing the findings of this research.

The Identity School highlights the importance of individual subjectivity in relation to the law and views legal consciousness and identity as mutually constitutive. This approach emphasizes the diversity and flexibility of legal identity without relying on fixed categories. According to the Identity School, an individual's perception of the law is influenced by their identity; if an event aligns with their identity, the law may be considered relevant. However, if it does not align, the individual may feel the situation is unjust and take action, either by using formal legal

³⁷ Jasser Auda, *Maqāṣid al-Sharī'ah: A Beginner's Guide* (London: The International Institute of Islamic Thought, 2008), 23–24.

institutions, threatening to sue, or invoking legal concepts in everyday conversations.³⁸

The Hegemony School views the law as a powerful and pervasive tool of state control, shaping worldviews, perceptions, and individual decisions even when not directly applied. The goal of legal consciousness research within this school is to uncover how the law operates and its broad but often invisible impact on people's daily thoughts and actions. Additionally, Hegemony scholars show how some individuals resist the law's influence, though this often ends up reinforcing its power. Law maintains its dominance not only through obedience but also by being continuously reproduced in the thoughts and actions of everyday people, making it an inseparable part of public life.³⁹

This school studies legal consciousness to understand the potential of law in transforming society, especially through the application of rights aimed at achieving justice or protecting marginalized groups. Its focus is on measuring the legal consciousness of individuals or groups to assess the extent of social change while also explaining the dynamic cognitive processes that guide change. Furthermore, this school examines the role of local norms and practices that hinder society's application of law. Although the law remains a strong presence, this school highlights humans as agents of change who are not entirely constrained by the law, focusing on how society uses the law to protect their interests and contribute to positive social change.⁴⁰

Although fatwa is not truly a legally binding product, here we position it as a legal product that has significant influence over the lives of Muslim communities. Therefore, the focus of the data obtained is to what extent Muslims perceive *fatwa* as legal texts that must be obeyed and that impact their lives, thus demonstrating the attitudes that emerge from Muslim communities towards specific issues.

³⁸ Lynette J Chua dan David M Engel, "Legal Consciousness Reconsidered," *Annual Reviews of Law and Social Sciences* 15 (2019): 337–38.

³⁹ *Ibid.*, 339–40.

⁴⁰ *Ibid.*, 341.

The legal consciousness shown by the two types of Muslim families here serves the same purpose. They want to achieve the primary goal (ghāyah ḍarūriyyah), preserving humanity, although in different ways (wasīlah ḍarūriyyah).⁴¹ As long as the main goal is achieved, the means used to achieve that goal, even if they come at the expense of other values of interest, are still considered legitimate. In this position, the pattern of legal consciousness of the Muslim community follows the school of identity and mobilization in the theory of legal consciousness.⁴² The way they supported the Palestinian movement by condemning Israel's actions, although this is not entirely feasible, manifests the existence of the identity school. While how they responded to the fatwa differently and how fatwas changed them to move forward and created a belief of truth in the legal action they took to show the mobilization school.

The emergence of fatwa-based legal consciousness in Muslim families here intersects with issues of discrimination and humanity. This legal awareness will be more vital when discrimination and crimes against humanity become more massive while still positioning the substance of fatwas, which are Islamic norms, as an ethical framework. This is similar to what Massoud and More found in how California Muslims build their awareness of Sharia against the backdrop of discrimination towards Muslims and the massive anti-sharia movement.⁴³

D. Epilog

From the perspective of attitude theory analysis, Muslim families' support for the MUI fatwa falls within the moderate range and leans towards an emotional rather than cognitive and behavioral inclination. The degree of support does not exhibit a significant disparity between families directly impacted by the fatwa and those

⁴¹ Ali Sodiqin dan Al-Robin Al-Robin, "Diversity in Determining Maturity Age in Indonesian Law: Maqāsid Al-Sharīah Perspective," *Justicia Islamica* 18, no. 1 (2021): 109, doi:10.21154/justicia.v18i1.2621.

⁴² Chua dan Engel, "Legal Consciousness Reconsidered," 337–40.

⁴³ Mark Fathi Massoud dan Kathleen M. Moore, "Shari'a Consciousness: Law and Lived Religion Among California muslims," *Law and Social Inquiry* 45, no. 3 (2020): 787–817, doi:10.1017/lsi.2019.73.

unaffected. Furthermore, the moderate support aligns with an ambivalent stance. This ambivalence in attitude or support may change during cognitive dissonance.

Within the context of the Maqashid study, the legal awareness exhibited by Muslim families reflects diverse perspectives. Those directly affected demonstrate an ambivalent stance regarding the realization of protective values, as they must weigh long-term benefits that directly impact them. This contrasts with Muslim families unaffected by the fatwa. Nonetheless, their legal consciousness aligns with several protective values, including *hifdh ad-din*, *hifdh an-nafs*, and *hifdh al-mal*.

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