

## Examining Call for the Dissolution of Indonesian Ulema Council: *Siyāṣah Syar'īyyah* Perspective

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**Abstract:** The religious authoritative institution of the Indonesian Ulema Council (MUI), is facing infiltration by members connected with acts of terrorism. This leads to public demands for its dissolution under the banner of "Joint Enemy Terrorism". Therefore, this study aimed to assess the possibility of dissolving MUI by reviewing the root causes of terrorism within the religious institution. Through the lens of Islamic political analysis and a critical examination of various data sources, it became evident that the discourse advocating for the dissolution centered around the hashtag #BubarkanMUI#. This hashtag campaign was initiated to frame the participation of MUI members in extremist activities, thereby posing a threat of criminal terrorism. MUI, on the other hand, was beyond dispute due to its strong and legally entrenched position. In this context, the prospect of the dissolution became irrelevant, impractical, and challenging to materialize primarily due to membership issues. The existence of MUI was strengthened and secured through several laws mandating its engagement, including the certification of halal products and regulation of Sharia banking. This showed the religious institution must embark on a thorough evaluation and enhancement of both its structural framework and membership recruitment processes. Regarding the authority to dissolve non-political institutions and organizations, this prerogative should be entrusted to the Constitutional Court, serving as a judicial entity responsible for safeguarding democracy, human rights, and constitutional principles.

**Keywords:** Dissolution; Indonesian Religious Leaders; MUI; Authoritative Institution; Terrorism; *Siyāṣah Syar'īyyah*.

### Introduction

The recent discourse surrounding Indonesian Ulema Council (MUI) is dominating both mass and social media platforms, sparking debates regarding its potential dissolution. The trending hashtag #BubarkanMUI has gained traction on Twitter and Instagram, drawing attention to this issue. This increase in public concern originates with the arrest of a Central MUI member by the Special Detachment (Densus) 88 after being suspected of engaging in terrorism. The arrest serves as the catalyst for the current call to dissolve the religious institution. Ahmad Zain An-Najah, a member of MUI Fatwa Commission, was apprehended along with two other religious missionaries, Farid Okban and Anung Al Hamat, by the Anti-Terror Detachment 88 of the National Police on Tuesday, November 16, 2021, in Bekasi, West Java (Faizin, 2021).

The Indonesian government previously dealt with similar decisions, particularly regarding the dissolution of the Islamic Defenders Front (FPI) community organization (Suryawati & Jamalullail, 2021) and the disbandment of Hizbut Tahrir Indonesia (HTI) (Aswar, 2018). The government justified its rejection of HTI due to the organization advocacy of a caliphate (Ilham et al., 2021), a concept perceived as incompatible with the principles of Pancasila, Bhinneka Tunggal Ika, and the 1945 Constitution (Panjaitan,

2020). Therefore, HTI became a prohibited organization in Indonesia (Aswar et al., 2020) and officially disbanded on July 19, 2017 (Rikza, 2020). The FPI, a mass organization accused of frequently engaging in various intolerant actions (Suryawati & Jamalullail, 2021) and violence in the name of a certain identity, was officially dissolved by the government on December 30, 2020 (Wiryomartono, 2020).

Within the broader context of the Indonesian rich democratic history, the ongoing ideological struggle between mainstream nationalists and Islamists remains undeniable (Diprose et al., 2019). The 2019 presidential election deepened polarization and ideological divisions among voters. The Indonesian Islamists often prioritize economic issues, emphasizing policies related to economic redistribution and regional autonomy (Fossati, 2019). Therefore, the prospect of the dissolution may serve as a tool for social unrest and a catalyst for identity politics leading up to the 2024 Presidential Election. This has the potential to further widen the divisions among citizens.

The government, as the main guardian of democracy, faces a delicate situation when addressing the issue of the dissolution, given the engagement of certain members in acts of radicalism and terrorism. The action represents a sensitive issue in religion and the state, necessitating a vigilant method by the government to identify and address its root causes. It is essential to acknowledge that religious institution plays a crucial role in shaping government policies and addressing the challenges of the nation. In the context of political issues intertwined with religious politics, an interesting avenue for exploration is the potential dissolution of MUI from the perspective of *siyāsah syar'īyyah*, or Islamic politics. This inquiry becomes relevant as the religious institution brings together representatives of ulema from diverse Islamic organizations across Indonesia. Equally important is understanding the underlying causes and motivations behind the widespread discourse advocating for the dissolution of MUI among the public. Therefore, this study aims to bridge a gap in the existing literature by examining the possibility of dissolving MUI from *siyāsah syar'īyyah* perspective. This is achieved as a result of the initial problem that catalyzed the widespread discussion surrounding dissolution among the public while examining the underlying causes of terrorism.

## Literature Review

### *Siyāsah Syar'īyyah* Concept

The concept of *siyāsah syar'īyyah*, also known as Islamic politics, revolved around the application of Islamic principles and values in the context of governance and public affairs. This concept incorporated the belief that Islam provided a comprehensive framework for political and social organization, with Islamic teachings serving as the guiding compass for political decision-making, policy formulation, and societal development.

*Siyāsah syar'īyyah* emphasized the significance of justice, equality, and the pursuit of the common good within the context of Islamic law, or Sharia. This concept indicated that governance should be founded upon principles of consultation (*shūrah*), accountability, and unwavering adherence to Islamic ethics. *Siyāsah syar'īyyah* spanned both the theoretical and practical facets of Islamic governance, addressing issues such as leadership, the rule of law, social justice, economic policies, and public administration.

From the perspective of *siyāsah syar'īyyah*, the primary objective of governance was to establish an Islamic state or society characterized by the principles and values of Islam. This endeavor necessitated the full implementation of Shariah in various dimensions, covering individual behavior, family affairs, commercial transactions, and public policies. *Siyāsah syar'īyyah* recognized the authority of religious scholars and jurists in interpreting and applying Islamic law within the political sphere.

The recognition that interpretations and methods of *siyāsah syar'īyyah* could vary significantly among scholars and practitioners was essential. Therefore, debates and varying viewpoints often arose regarding specific policies and practices within the broader context of Islamic politics. The application of *siyāsah syar'īyyah* also could manifest in diverse forms across different contexts, as it interacted with local cultural, historical, and political realities. Generally, *siyāsah syar'īyyah* incorporated the belief that Islamic

principles and values should serve as a guiding compass for political decision-making and governance, with the overarching goal of fostering a just and morally grounded society based on the teachings of Islam.

### The Existence of MUI

MUI appeared as a deliberation forum for *ulema*, *zu'ama* (leaders), and Muslim intellectuals in Indonesia, originating on 7 *Rajab* 1395 in Jakarta, corresponding to July 26, 1975 (Alfitri, 2020). The primary aim of this institution was to guide, foster, and protect the interests of Muslims across Indonesia. The establishment of MUI was the result of collective deliberations covering *ulema*, *zu'ama*, and Muslim intellectuals from diverse regions of the country. This assembly included 26 *ulema* representing 26 provinces, 10 *ulema* affiliated with local-level Islamic mass organizations such as Nahdatul Ulama (NU), Muhammadiyah, Syarikat Islam, Perti, Al-Washliyah, Math'laul Anwar, GUPPI, PTDI, DMI, and Al-Ittihadiyyah (Bakry et al., 2022). Furthermore, it comprised 4 scholars from the Islamic Spiritual Service, Army, Air Force, Navy, and POLRI (Indonesian National Police), along with 13 individual figures. This collective *ijtihad* led to the formation of MUI, as documented in a "Certificate of Establishment of MUI" signed by all the participants, and later called Ulama National Conference Volume I (Farid, 2019).

MUI, as an organization that evolved from *ulema*, *zu'ama*, and Muslim intellectuals, experienced multiple national deliberations and leadership changes. Historically, the position of chairman was held by important figures, including Prof. Dr. Hamka (1977 – 1981), KH. Syukri Ghozali (1981 – 1983), KH. Hasan Basri (1985 – 1998), Prof. KH. Ali Yafie (1998 – 2000), KH. M. Sahal Mahfudz (2000 – 2014), Prof. Dr. HM. Din Syamsuddin (2014 – 2015), Prof. Dr. KH. Ma'ruf Amin (2015 – 2020), and KH. Miftachul Akhyar (2020 – present) (Majelis Ulama Indonesia, 2021). The inception of this institution coincided with a crucial moment in the history of Indonesia, characterized by a national revival. After 30 years of independence marked by intense political struggles, attention to the spiritual welfare of the people had waned. Over the subsequent 25 years, MUI, as a deliberation forum, remained steadfast in its commitment to serve Muslims by guiding a blessed religious and social life based on the guidance of Allah SWT. This institution extended advice and issued fatwas on societal and religious issues to both the government and society. MUI played a crucial role in promoting *ukhuwah* Islamiyah (Islamic brotherhood) and inter-religious harmony, contributing to national unity and integrity. This institution also functioned as a communication channel between *ulema* and *umara* (government), bridging the gap between the interests of the people and government policies to advance national development. Furthermore, MUI was dedicated to fostering improved relations and cooperation among organizations, Islamic institution, and Muslim scholars in delivering guidance and services to the community, including consultation and information services.

### MUI and External Affiliates

Similar to other social organizations, the existence of MUI operated with autonomy and maintained a steadfast commitment to independence (Syatar et al., 2022). This was manifested in its unwavering stance of not being dependent or unduly influenced by external parties when expressing views, forming thoughts, shaping attitudes, and making decisions (Sofwan Jauhari & Ghoni, 2020). In the context of its relations with other Muslim social organizations (Husni, 2022), MUI did not adopt an orientation of super-structure. This institution did not seek to exercise dominion over or dictate terms to other social organizations. MUI did not position itself as a singular forum representing the plurality and diversity of Muslims. Instead, it became a forum that brought together *ulema*, *zu'ama*, and Muslim intellectuals from diverse backgrounds.

The independence maintained by MUI did not imply a prohibition on establishing relationships and cooperation with various entities, both domestically and internationally. These partnerships were rooted in mutual respect and corroborated with the vision, mission, and functions of this institution (Alkawy, 2019). The portrayal of relationships and collaborations showed the role of MUI in the diverse fabric of the nation life, emphasizing its important contribution to maintaining societal harmony. Therefore, this institution acknowledged the necessity of coexistence and cooperation among the various components of the nation. The views and attitudes of MUI showed a sincere commitment to realizing the Islamic concept

of *rahmatan li al-ālamīn* (Rahmat for All Nature), which signified being a source of blessing and compassion for all of humanity.

## Method

This study used a qualitative method, aiming to conduct an exploratory analysis of the discourse surrounding the potential dissolution of MUI. The central objective was to uncover the underlying ideological network driving this discourse, with a focus on political Islam as the analytical framework. For data collection, this study conducted interviews and consulted various sources such as library materials, articles, and literature pertinent to the dissolution and the intersection of politics and religion. The collected data was subjected to a rigorous analysis process using content analysis methods within the context of *siyāṣah syar'īyyah*. This analysis was characterized by a descriptive, systematic, analytical, and argumentative method, ensuring a comprehensive understanding of the results. The ensuing discussion section presented the outcomes of this analysis, offering interpretations and arguments derived from the data. It examined the various ideological and political factors that contributed to the discourse surrounding the potential dissolution of MUI.

## Results and Discussion

### The Central Authority and Role of MUI

The Indonesian state, founded in Pancasila, incorporated the ideals of a modern democratic nation while maintaining a significant role in religion within society (Faisal, 2018). This signified that the relationship and responsibility of the state toward religion extended beyond safeguarding religious freedom, a common practice in secular countries, to also include preserving the integrity of religious teachings and guarding against fraud and deviations.

The Ministry of Religion, as a state institution, primarily served religious affairs. In the execution of tasks related to Muslim affairs, it collaborated closely with MUI, particularly in the formulation of religious laws. The ministry also engaged in coordination with other authorities when determining religious laws, often seeking the input of MUI, a prominent forum for Muslim scholars (Mangunjaya & Praharawati, 2019). Intellectuals from mass organizations and Islamic institution were recognized as representatives of Muslims and were vested with the authority to issue fatwas and provide guidance to the government. A clear explanation of this recognition could be found in the context of food regulations, particularly regarding the inclusion of *halal* labels on food, beverages, cosmetics, and pharmaceutical products (Marzuki, 2020).

MUI was one of the esteemed fatwa institution, earning recognition for its intellectual human resources spanning various disciplines including both Islamic and general knowledge (Siregar, 2021). This combination of knowledge contributed to the designation of food and beverages as *halal*, instilling confidence among the general public in their consumption. The combination further showed the role of MUI in issuing fatwas and providing guidance on religious and social matters to both the government and the wider Muslim populace. These directives corroborated with the concept of *amar ma'ruf nahi munkar* (enjoining what was right and forbidding what was wrong), aimed at enhancing National Resilience. Consequently, its existence had a strong influence on shaping the image of Islamic teachings, particularly in religious practices within the Indonesian Muslim community. MUI also played a crucial role in the evolution of Islamic legal thought, contributing to the development of national law. Additionally, the religious institution served as a supervisory body overseeing and exercising control over government regulations and laws.

The religious institution has the authority to issue fatwas concerning general religious matters affecting Muslims. It was important to note that fatwas were advisory in nature and were not legally binding. However, their influence in the daily lives of the Indonesian populace remained considerable, given the communal nature of the community.

The method taken by MUI in formulating its legal decisions was rooted in a method that elevated the Quran and hadith as the primary sources of reference. These sources were interpreted based on the established rules, with considerations given to contemporary developments in science and technology (Riyanta et al., 2022). Therefore, the interpretation of MUI was contextual, taking into account the current context in addition to the *asbabun nuzul ayat* and *asbabul wurud* of hadith. Every decision attempted to include the concept of benefit, and the study of seeking *illat* or wisdom assumed a central role in addressing contemporary issues. This method was rooted in the broader concept of *maslahah*.

According to Law Number 12 of 2011, MUI fatwas did not possess the character of binding legislation with legal enforcement, thereby lacking sanctions and necessitating universal obedience. They represented legal opinions that individuals could choose to adhere to or disregard. The implementation of a fatwa took the form of personal religious observance rather than a legal obligation. When sincerely followed by Muslims, it could be regarded as an expression of personal religious awareness. MUI was entrusted with the responsibility of issuing fatwas, providing guidance, and offering legal interpretations for new issues. Fatwas represented deliberations on Islamic law, issued by the mufti and *ulema*, whether individually or collaboratively, in response to evolving societal questions and concerns. While fatwas were generally perceived as non-binding in terms of legal enforcement, they played a significant role in furnishing religious legal insights to the community.

As a fatwa provider, the functions of MUI were intricately woven into Article 4 of MUI Association Articles and Bylaws. The article specified that, firstly, the religious institution served as a forum for the deliberation of *ulema*, *zu'ama*, and Muslim intellectuals, dedicated to safeguarding the populace and advancing Islamic life. Secondly, it became a platform for the convergence of *ulema*, *zu'ama*, and Muslim intellectuals, facilitating the practice of Islamic teachings and fostering *ukhuwah Islamiyah* (Islamic brotherhood). Lastly, MUI acted as a representative body for Muslims in inter-religious engagements, consultations, and the issuance of fatwas, particularly on matters related to Islamic law. As a fatwa-issuing body, it accommodated and channeled the diverse aspirations of the Indonesian Muslim population, including varying sects, understandings, and religious organizations.

Fatwas held a significant role in the lives of Muslims, becoming essential guides when they encountered various challenges (Nurhalizah & Fageh, 2022). The issuance of fatwa by *ulema* represented one facet of the broader *ijtihad* concept, functioning as a legal foundation for a wide spectrum of activities, whether they pertained to religious matters or non-religious domains. The inherent connection between fatwa and *ijtihad* showed how they mutually strengthened each other. Fatwas were the tangible results of the *ijtihad* process, undertaken by scholars or experts in exploring Islamic law. These results took the form of religious rulings, transferred both verbally and *tuffak* (in written documents). With the synergy of fatwas and *ijtihad*, the teachings of Islam could develop rapidly across the globe, solidifying and popularizing the faith. It was appropriate to indicate that the advancement of the Islamic community in comprehending its teachings depended on both the concepts of fatwas and *ijtihad*. In the absence of both concepts, Islamic teachings might have remained stagnant and underdeveloped. The ideal exploration of teachings incorporated the rigorous *ijtihad* process, which was articulated in the form of a well-grounded religious fatwa.

In the context of Islamic law, fatwas played a substantial role in providing legal insights to the public, even though they lacked binding legal authority. This concept did not represent mandatory rules that had to be followed and enforced within the legal context of Indonesia. MUI fatwas held particular significance for Muslims because they served as authoritative references crafted by individuals well-versed in the religious domain. These fatwas fulfilled an important demand from the public seeking clarity in addressing various issues. Mahfud MD elucidated that MUI served as an institution of legal scholarship, including Islamic law. Therefore, the non-binding nature of fatwas could be underscored through the lens of both national and Islamic legal perspectives. The existence of the religious institution served as a guide for the public as well as a bridge between the populace and the government.

### MUI and Terrorism Issues

The engagement of MUI members with Jemaah Islamiah (JI), a network of prohibited organizations, was surprising, particularly considering the significant role of MUI within the diverse landscape of the Indonesian society (Hasyim & Saat, 2021). MUI faced criticism for the connection between one of its members, Ahmad Zain An-Najah, and an extremist and terrorist network (Editorial board, 2021). The scrutiny stemmed from the belief that this institution has strayed from its main vision as an important agent for promoting a tolerant and inclusive religious understanding (*rahmatan lil alamin*). Additionally, MUI faced recent criticism regarding the position of fatwas within the legal hierarchy in Indonesia, as outlined in Law Number 12 of 2011 concerning the Establishment of Legislation (Sarip et al., 2019). This criticism seemed overstated because MUI fatwas had positively contributed to the development of the legal system, comprising both criminal and civil laws.

Prominent figures, including Mahfud MD (Ist, 2021), a Coordinating Minister for Political, Legal, and Security Affairs, have voiced disagreement with a call for the dissolution of MUI. Deputy Minister of Religion Zainut Tauhid Sa'adi (Isnanto, 2021) and Senator Edwin Pratama Putra (Rinai, 2021) had similarly expressed the view that the dissolution issue was excessive. Al-Chaidar (Nurmansyah & Saleh, 2021), a terrorism expert from Malukussaleh University, criticized the pressure to dissolve MUI as presumptuous and excessive. Political observer Rocky Gerung (Hidayahningrum, 2021) similarly stated that the arrest of the three religious figures by the Anti-terror Detachment 88 Team was part of a structured scenario deliberately designed to dissolve this institution. In response, the General Chair of MUI, Miftachul Akhyar (Arifin, 2021), urged the public not to be provoked by specific individuals or groups leveraging the situation for personal benefit.

Several studies have explored the issue of terrorism as well as strategies for addressing and countering it in Indonesia. According to Ayu Rikza (Rikza, 2020), the dissolution of HTI by the government was driven by the idea and concept of the aspired state being considered a threat to national security. This action affirmed Pancasila to be the state ideology and the harmonization of society as its empirical foundation.

According to Muhammad Reza (Winata, 2018), the authority to dissolve mass organizations was initially established by the Government under Law Number 8 of 1985. This authority went through legal iterations, being determined by court rulings under Law Number 17 of 2013 and finally re-established under Law Number 16 of 2017. Reza indicated that this change in norm formulation expressed a trajectory in legal politics characterized by repression and a departure from democratic principles. An analysis of the constitutionality of this authority showed several significant points. Firstly, it was seen as violating the due process of law as stipulated in Article 1, paragraph (3) of the 1945 Constitution. Secondly, it was viewed to become an infringement upon the rights of association and assembly guaranteed by Articles 28 and 28 E, paragraph (3). Lastly, applying the *contrarius actus* principle to legal entities as legal subjects was deemed inappropriate. Article 62, paragraph (3), and 80 A of Government Regulation in Lieu of Law Number 2 of 2017, as established in Law Number 16 of 2017, should be declared unconstitutional. Muhammad Reza suggested the legislators should promptly revise Law Number 16 of 2017, or the Constitutional Court should issue a conditional decision that returns the authority to determine the dissolution of mass organizations to the court.

In contrast, Emanuel Raja Damaitu and Igam Arya Wada (Damaitu & Wada, 2017) considered that the attitude of the government regarding the dissolution of mass organizations was because many of these organizations did not corroborate with the vision and mission required by the government. The initiation of radical mass organizations instilled public unease due to various acts of violence perpetrated under the banner of religion. In this context, the government possessed broad authority, as stated in Law Number 17 of 2013 concerning Community Organizations. This authority enabled the revocation of registered certificates, perfectly leading to the dissolution of problematic community organizations. Armed with this authority, the government was obliged to take resolute action against mass organizations proven to be problematic.

There were certain beliefs that were combined with party ideologies. The results of Diego Fossati (Fossati, 2019) corroborated the persistence of sectarian identities and their loose association with political ideology. The most salient observation pertained to the linkage between political Islam and the formation of attitudes and behavior. For instance, the Indonesian Islamists, who tended to eschew the principles of liberal democracy, often prioritized economic issues and advocated for economic redistribution and regional autonomy. This showed the importance of ideology in the study of the Indonesian politics.

A significant thesis regarding the sacredization of the caliphate as an ideal concept was proposed by M. Ilham *et al.* The thesis showed that the caliphate, being a product of historical Muslim state experiences, should not be perceived to be a rigid theological necessity but rather as a sociological experiment open to various new interpretations (Ilham *et al.*, 2021). The absence of authoritative religious texts specifying certain models and forms of practice reinforced the idea that the state was not bound by a particular model. Furthermore, the format and practice of the state exemplified by the Prophet were not just theological necessities but also responses to the dynamic demands of their times.

The discourse surrounding the dissolution issue of MUI gained momentum on social media, particularly through an account called Baskara Indonesia, which initiated a Petition on the change.org website. At the time of writing this paper, the petition had garnered 3,121 signatures (Widiatmoko, 2021). The opening statement of the petition contended that MUI had often hindered religious tolerance. This institution was established by the state to provide balance among the existing religious organizations of its time (Putri, 2016). The role of MUI as a deliberation forum for Muslim scholars, leaders, and intellectuals was aimed at protecting the public, fostering Islamic life, and promoting Muslim participation in national development (Pemerintah RI, 2014). Council served at least five main functions, including inheriting the duties of the Prophets, issuing fatwas, guiding Muslims, advocating for reform (the *islāh wa al-tajdīd* movement), and enforcing commands for *amar makruf nahi munkar* (Al Hakim, 2019).

The significance of fatwas in shaping the national legal system of the Unitary State of Indonesia under Pancasila could not be denied, particularly the first principle which emphasized the belief in One God and Islamic law. At this point, it was essential for the state to establish robust communication and synergy with MUI to foster a mutually beneficial symbiosis oriented towards public issues (Johar, 2019). The authority of fatwas had yet to secure its rightful place and position in the life of the nation, frequently sparking debates and cynicism, such as those related to the halal or prohibited status of food products (Lahaling *et al.*, 2015).

The arrest of Ahmad An-Najah, a member of the Central MUI Fatwa Commission (Hasyim & Saat, 2021), also implicated leading universities known for their adherence to the moderate ideology of *manhaj wasatiyah*. An-Najah held a doctorate in philosophy from Egypt's Al-Azhar University and was previously active in the Muhammadiyah Orsat Egypt (PCIM) organization. Although the arrest negatively impacted the University and the Muhammadiyah organization, subsequent investigations by the National Police Anti-terror Detachment 88 showed that Ahmad An-Najah was suspected to be a member of the Syuro Jamaah Islamiah (JI) Council and Chairman of the Sharia Board of the Amil Zakat Institution BM Abdurrahman Bin Auf (LAZ-ABA) (Asih, 2021).

In the context of addressing and countering terrorism in Indonesia, the arrest placed MUI in a challenging position, considering its previous perception as a moderate institution that brought together scholars from various backgrounds. The former chairman of MUI, Din Syamsuddin, emphasized that the religious institution consistently represented *wasatiyyah* (moderate) Islam from the start and rejected all forms of intolerance (Scherpen, 2015). The actions and attitudes of these leaders, which were subsequently found to be contrary to the moral ideals and moderate vision of the religious institution, need to be contextualized.

When viewed from the perspective of the track record and credibility of MUI, the arrest cases of its members were considered individual incidents. MUI, as an organization affiliated with An-Najah, which upheld the concept of Wasatiyah al-Islam (Moderate Islam), was not connected with any acts of terrorism in Indonesia. This distinguished it from community organizations such as HTI and FPI, which were

previously dissolved by the government. HTI posed conceptual and ideological challenges because it advocated for the implementation of a caliphate to replace Pancasila and the Unitary State of Indonesia. A similar situation was applied to FPI, which consistently refused to comply with the rule of law. According to the law, an organization must be registered with the government, and its status has to be subjected to regular evaluations every 5 years to obtain legal recognition. This made FPI hesitant to revise its Articles of Association and Bylaws to corroborate with the prevailing legal framework. Instead, it persisted in adhering to outdated articles as a reference for obtaining government permits.

The arrest should not be misconstrued as implicating MUI, as Densus 88 apprehended Ahmad An-Najah not as a member of the religious institution, a cleric, or a preacher, but for being affiliated with the JT terrorist organization and his connection in a series of extremist activities. The extensive engagement of this man in ideological and indoctrination training in Afghanistan and being a member of the Sharia Board of the LAZ-ABA Foundation within the Jamaah Islamiah fundraising and funding network led to his arrest. An-Najah was a well-known individual before joining MUI and was arrested based on substantial evidence. Dr. Lukman Arake, specializing in Islamic Political Science, emphasized that the issue of terrorism should not serve as a pretext for the immediate dissolution of the religious institution. Muammar Bakry (Bakry, 2022), the Secretary General of MUI for the South Sulawesi Province, voiced that the idea of the dissolution appeared far-fetched, particularly when considering the principles of *fiqh* governing state authority depending on the specific issue at hand.

According to Najamuddin Safa (N. Safa, 2022), the General Chairperson of MUI in the South Sulawesi Province, the government should preserve and uphold religious matters (*hifz al-din*), making it impossible to dissolve the religious institution based on the allegations of an individual action. MUI had consistently collaborated with the government on religious affairs. However, it was crucial to acknowledge the potential for certain members to misuse the "ulema" label of the religious institution. This label was important because it could be exploited by individuals to incite their congregations against the government and even engage in acts of treason. The action of An-Najah could be seen as an attempt to politicize religion, using MUI and ulema labels as instruments for specific political interests, such as altering Pancasila, a collective consensus, into a religious state.

### **Considerations of *Siyāsah Syar'īyyah* in the Constitutionality of the Discourse of Dissolving MUI**

From *Siyāsah Syar'īyyah* perspective, the movement to dissolve MUI could be interpreted as a necessary step to uphold the principles of Islamic governance and ensure the proper implementation of Islamic law (Sharia). The continued existence and authority of this institution to potentially obstruct the establishment of a truly Islamic state was one argument within perspective. Critics contended that the connection of MUI in advising the government on religious matters and its influence over public policies could lead to compromises or deviations from the pure application of Sharia. Dissolving this institution might have been viewed as a means to remove potential barriers to the complete implementation of Islamic law.

Another argument stemmed from concerns that the monopoly of MUI over religious interpretations and its conservative stance could stifle the dynamism and progress of Islamic thought. Critics argued that the conservative views of this institution often prevailed over alternative, progressive interpretations, impeding intellectual growth within the Islamic community. Dissolving MUI could create space for a more diverse and inclusive discourse, fostering a vibrant and intellectually stimulating environment for the development of Islamic jurisprudence.

Proponents of dissolving MUI might have proposed the establishment of an Islamic state that required guidance from a different institution or council corroborated with the principles of the Quran and Sunnah. They might have suggested creating a new entity incorporating the ideals of justice, equality, and the comprehensive application of Islamic law without being influenced by political considerations or compromise.

The consideration of the potential challenges and risks associated with dissolving MUI from *Siyāsah Syar'īyyah* perspective was important. Without this institution, there might have been a void in terms of a



unified Islamic authority that provided guidance and resolved religious disputes. The absence of this council could lead to fragmentation and conflicting interpretations of Shariah, potentially resulting in confusion and disunity within the Muslim community.

The dissolution could have generated resistance from conservative segments of the community who valued religious authority of MUI and considered it a crucial institution for upholding Islamic principles. Therefore, it was essential to navigate these tensions carefully to prevent divisions or conflicts within the Muslim community.

The authority of the government to impose limitations on human rights as outlined in Article 28 J paragraph (2) of the 1945 Constitution (*Undang Dasar 1945 Pasal 28 J Ayat (2)*, n.d.). In the context of exercising rights and freedoms, individuals were bound by the boundaries of the law. These boundaries served to ensure the recognition and respect for the rights and freedoms of others, as well as to uphold justice based on considerations of morality, religion, security, and public order in the Indonesian democracy. Consequently, violations of these restrictions and prohibitions could lead to the dissolution of the concerned institution. The decision of the government to dissolve institution should not always be interpreted as a repressive act or a violation of democratic values. When the decision was based on sound legal reasons, specifically in the context of protecting democracy, law, and the Constitution, it could be considered justified.

MUI, institution established on July 26, 1975, in Jakarta as stated in the "MUI Establishment Charter", was a recognized legal entity, even though the exact details of its founding documents were unclear (Majelis Ulama Indonesia, 2021). However, the position of this institution within the community was robust and was reinforced by legal acceptance. The public reaction following the arrest of An-Najah was inevitable and tarnished the reputation of MUI. This reaction culminated in demands and pressure for the dissolution of MUI, expressed through the hashtag #BubarkanMUI. Although this reaction was natural, particularly considering societal condemnation of various acts of violence carried out in the name of religion, the institution had a solid legal position. This showed the discourse surrounding the dissolution of MUI was an unrealistic, irrelevant, and challenging proposition.

The dissolution of MUI was a complex matter due to its engagement in overseeing crucial functions related to religion, particularly for Muslims in Indonesia (Arifin, 2021). This indicated that the state could not disregard religious preferences of the public. Sociologically, legal compliance by the majority of citizens could only be achieved when the legal policy of the government corroborated with religious values. The continued existence of MUI offered significant benefits for maintaining religious climate in the country. The State should have recognized that certain individuals exploited the label of Islam for personal interests, deviating from the true teachings of Islam. This indicated that the regulatory function of MUI remained essential. While the religious institution had no inherent issues, certain challenging tasks had to be accomplished. The challenging tasks included preserving faith and ensuring that members were free from intolerant, radical, and extreme religious beliefs. This could be achieved through a screening and profiling mechanism to assess the track record of prospective members and administrators.

According to Baharuddin Safa (2022), the General Chair of the Makassar City MUI, the government should have exercised caution and wisdom when contemplating the dissolution of the religious institution. This issue had been propagated by those who did not wish to see the role of MUI in preserving Islam. It was merely being used as a pretext to target the religious institution and even the government. However, the government has the authority to dissolve community organizations. This process incorporated legal procedures and a decision that fell within the purview of the government. Dissolving MUI could not have been carried out haphazardly because it has a robust legal standing, and this was evident by performing institution function. The legal force of MUI could be traced to various laws, including Law Number 33 of 2014 concerning Halal Product Guarantee, Indonesian Government Regulation Number 39 of 2021 regarding the Implementation of Halal Product Guarantee, and Law Number 21 of 2008 concerning Sharia Banking. In addition to the written records of its members, these legal provisions showed the significance and necessity of the religious institution.

MUI was a prominent Islamic organization in Indonesia, playing a significant role in shaping religious discourse and providing guidance on matters related to Islam. While certain individuals advocated for the dissolution of this institution, it was crucial to consider various perspective and carefully weigh the potential consequences of the decision.

## Conclusion

In conclusion, the proliferation of the dissolution discourse was instigated by the hashtag #BubarkanMUI#, used to portray certain unscrupulous MUI members as being engaged in extremist activities, thereby posing a potential threat of criminal terrorism. The arrest of these members in connection with criminal acts of terrorism should not be attributed to this institution as a whole. MUI, being a religious institution, firmly rested on unassailable legal ground and could not be contested due to its robust legal foundation. In light of this, the idea of the dissolution appeared irrelevant, inappropriate, and difficult to materialize, specifically given the complexities associated with certain members of the community. The continued existence of MUI was underscored and ensured by its integral role in several laws, such as those governing halal product certification and Sharia banking. Therefore, this institution needed to engage in introspection and improve both its institution structure and the process of member recruitment. The authority to dissolve non-political institution and organizations should be vested in the Constitutional Court, serving as a judicial body dedicated to safeguarding democracy and protecting the constitutional and human rights of citizens.

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## Conflict of Interest

The authors declared no conflicts of interest by authors

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