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Islamic Law and Social Media: Analyzing the Fatwa of Indonesian Ulama Council Regarding Interaction on Digital Platforms

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Abstract: The MUI fatwa serves as an answer to issues of Islamic law related to socio-religious issues in Indonesia. The fatwa comes through the *ijtihad* of the scholars so that it has legal authority, so that Muslims have solutions to problems that arise. The article aims to examine Islamic law and social media which focuses on the MUI fatwa Number 24/2017 concerning guidelines for *mu'āmalah* and interacting using digital platforms. This research is a sociological legal research that examines the function of law that works in social reality. Sociologically, law functions as a tool to control and manipulate and change society for the better. The results of the study show that the MUI fatwa is a practical guideline for the use of social media; social interaction guidance, content verification guidelines, content creation and content dissemination. So that *ghibah*, *namīmah*, intimidation and hate speech will not occur. From the perspective of sociological law, the fatwa serves to provide guidance in social interaction so that society can be engineered and changed in a better direction. This fatwa as part of Islamic law is able to carry out its function as social control of society so that social media is used properly and usefully.

Keywords: Islamic law, Council of Indonesia *Ulama* (MUI), social media, social interaction, digital platform.

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Abstrak: *Fatwa MUI berfungsi sebagai jawaban terhadap persoalan hukum Islam yang berkaitan dengan masalah sosial keagamaan di Indonesia. Fatwa tersebut hadir melalui ijtihad para ulama sehingga memiliki otoritas secara hukum, sehingga umat Islam memiliki solusi terhadap persoalan yang muncul. Artikel bertujuan untuk mengkaji tentang hukum Islam dan media sosial yang difokuskan pada fatwa MUI Nomor 24/2017 tentang pedoman bermuamalah dan berinteraksi dengan menggunakan platform digital. Penelitian ini merupakan penelitian hukum sosiologis yang mengkaji tentang fungsi hukum yang bekerja dalam realitas sosial. Secara sosiologis, hukum berfungsi sebagai alat untuk mengontrol dan memanipulasi serta mengubah masyarakat agar menjadi lebih baik. Hasil penelitian menunjukkan bahwa fatwa MUI merupakan pedoman praktis penggunaan media sosial; bimbingan interaksi sosial, pedoman verifikasi konten, pembuatan konten serta penyebaran konten. Sehingga dengan demikian gibah, namimah, intimidasi dan ujaran kebencian tidak akan terjadi. Dari perspektif sosiologi hukum, fatwa tersebut berfungsi memberikan pedoman dalam berinteraksi sosial sehingga masyarakat dapat direkayasa dan berubah kearah yang lebih baik. Dengan demikian fatwa sebagai bagian dari hukum Islam mampu menjalankan fungsinya sebagai sosial kontrol masyarakat sehingga media sosial digunakan secara baik dan bermanfaat.*

Kata Kunci: *Hukum Islam, Majelis Ulama Indonesia, Media Sosial, Interaksi Sosial, platform digital.*

Introduction

Islamic law is a universal law, not by a particular time and place.¹ The universality of Islamic law has consequences on the comprehensive content of its laws in answering every contemporary issue, so that every human activity, whether it is happening, or what will happen must be solved by Islamic law. The principle of the universality of Islamic law has been contained in the function of the Qur'an as a guide for the life of mankind for all time and all places.²

¹ Rafat Y. Alwazna, "Islamic Law: Its Sources, Interpretation, and the Translation of It into Laws Written in English", *International Journal for the Semiotics of Law-Revue Internationale de Semiotique Juridique* 29, No. 2, (2016), p. 254. Abdul Hameed Badmas Yusuf, "Boko Haram Jihad Claim in Nigeria and the Sanctity of Life and Property in Islamic Law", *International Journal of 'Umranic Studies* 2, No. 2 (2019), p. 42-43.

² Khalid Latid, "Principle of Permissibility and Prohibition in Islamic Law", August 4 (2022), <https://www.thehalids.org/newsletter-archive/1870-principles-of-permissibility-and-prohibition-in-islamic-law>.

The Qur'an as a source of Islamic law, occupies a central position, not only in the development of Islamic studies, but also an inspiration, companion of Islamic movements and life guidelines for Muslims.³ Therefore, efforts to maintain the existence of Islamic law and regardless of the shackles of rigidity and out of date should be *ijtihad* by fatwa must be done maximally. With the fatwa, the re-actualization of Islamic law values still actual and can be maintained in practical life.⁴

Basically, Islamic law has been actualized by *fiqh* scholars many centuries ago.⁵ However, the existing formulation of *fiqh* has been actual in its time, but because of the changing times followed by the development and complexity of the problems faced by Muslims, then the existing formulation of *fiqh* still needs to be reactualized.⁶ Reactualization of *fiqh* is necessary, aiming to maintain and restore the power of actuality, in tune with the contemporary context.

One way to keep actualizing the implementation of Islamic law is through fatwa.⁷ In Indonesia, the fatwa is produced by fatwa institutions and one of the fatwa institutions that actively responds to the development of Indonesian Muslims is the Council of Indonesian Ulama (MUI). This fatwa institution is expected to provide a solution to the contemporary problem faced by Muslims, especially in resolving the problems of Muslims that no rule of law before, such as law of social interaction in social media.⁸ Caused of the importance of the fatwa institution in religious life in Indonesia and considering the needs of Muslims in Indonesia for the fatwa of interaction in

³ Hasan Hanafi, *Al-Yamin wa al-Yasar fi al-Fikr al-Diniy*, Mesir: Madbuliy, 1989, p. 77. Mohammad Fauzan Ni'ami and Bustamin Bustamin, "Maqāṣid Al-Syarī'ah dalam Tinjauan Pemikiran Ibnu 'Āsyūr dan Jasser Auda", *Juris: Jurnal Ilmu Syariah* 20, No. 1 (2021), p. 91-102.

⁴ Cipto Sembodo, "The Re-Actualization of Islamic Law: Munawir Sjadzali and the Politics of Islamic Legal Interpretation under the New Order Indonesia", *Al-Jamiah: Journal of Islamic Studies* 43, No. 1 (2005), p. 106-107.

⁵ Ahmed Gad Makhlouf, "Evolution of Islamic Law in the 20th Century: The Conception of Collective *Ijtihad* in the Debate Between Muslim Scholars", *Journal of Law and Religion* 9, No. 1, (2020), p. 1-2.

⁶ Husain Mohammad Ahmed Al-Rababah, (et.al), "Renewal under Modern Islamic Jurisprudence (Fiqh) (Sami Hmoud as a sample)", *Journal of Philosophy, Culture, and Religion* 46, (2019), p. 28-29.

⁷ Abdul Aziz Dahlan, *Ensiklopedi Hukum Islam*, Jakarta: Ichtar Baru Van Hoeve, 1996, p. 328.

⁸ Athoillah Islamy, "Fatwa About Social Interaction on Social Media in the Paradigm of Islamic Legal Philosophy", *Journal of Al-Mishbah Jurnal Ilmu Dakwah dan Komunikasi*, 15, No. 2, (2019), p. 169-172.

social media which is increasingly needed, the paper will describe the implementation of fatwa methodology and urgency of fatwa about interaction in social media.

The use of social media in Indonesia in interacting is quite high and continues to increase from year to year. According to data on active social media users in Indonesia, there were 191 million people in January 2022, an increase of 12.35% compared to the previous year. Social media in digital platforms that are widely used, for example: Facebook, WhatsApp, Instagram, Telegram, YouTube, Twitter and Tiktok.⁹ It is certain that those who use social media a lot are Muslims, because the majority of Indonesia's population are Muslims. Therefore, it is quite important to study the use of social media in the context of Islamic law, namely the MUI fatwa.

Studies on fatwas related to various aspects, for example, social media, social religion, worship and economics can be seen in several articles. Another article that discusses social media is an article about Islam and media ethics which discusses the many users of social media, especially Instagram, who have not heeded the ethics of communication in using social media. Communication ethics can be seen from polite communication. Communication ethics is not only related to communication. verbal but must be based on written intentions that are implemented from calm, patience and empathy.¹⁰ This article will explain the implementation of the fatwa and the urgency of the fatwa regarding interactions on social media.

Likewise, studies on the media related to reporting on Covid-19 when it hit the world, including Indonesia. The news about Covid-19 has received two polarizations in society, some are careful and seek true news, while others directly accept it without filtering the news. Therefore, in this context, the government needs to be present to provide solutions with reliable reporting and strengthen media regulations regarding hoax reporting. Because there is no way the government will let people fall into destruction. Moreover, the government has involved the MUI which has authority in the field of religious

⁹ M Ivan Mahdi. "Pengguna Media Sosial di Indonesia Capai 191 Juta pada 2022". <https://dataindonesia.id/digital/detail/pengguna-media-sosial-di-indonesia-capai-191-juta-pada-2022>. (accessed August 4, 2022).

¹⁰Maya Sandra Rosita Dewi, "Islam dan Etika Bermedia (Kajian Etika Komunikasi Netizen di Media Sosial Instagram dalam Perspektif Islam," *Research Fair Unisri* 3 , No. 1, (2019).

fatwa so that the certainty that the vaccine is halal can be accounted for in Islamic law.¹¹

The MUI fatwa does cover all aspects of Islamic law that are currently developing in society. For example, the procedure for performing prayers during the Covid-19 period which prioritizes *maqāsid al-sharīa*, namely protecting the soul so that social interaction is limited, including worship at the mosque while wearing a mask.¹² The MUI fatwa on Covid-19 also shows that its substance is in line with health aspects; in line with the government's political interests regarding physical and social restrictions; ending the negative stigma on the political role of religious actors and increasing the role of religious leaders as people who have authority in Islamic law which has an impact on socio-religious issues.¹³ However, it has been proven that the fatwa passed by the government when Covid-19 brought benefits to the people of Indonesia.

In the economic field, the MUI Fatwa shows its authority which is then used as the basis for the development of Islamic economics in Indonesia. Through the Fatwa of the National Sharia Council (DSN-MUI), it has filled the legal vacuum regarding the economic activities of the people. This is because the rapid increase in activity in the *mu'āmalah* area requires a responsive fatwa. The DSN-MUI acts as the only institution that issues fatwas regarding the activities of Islamic financial institutions in Indonesia which are very important in the realm of national legal politics.¹⁴ Likewise, socio-religious issues in general, the MUI Fatwa has proven its benefits and benefits which are then used as the government's legal basis in overcoming issues of

¹¹ Ruslan Sangaji, et.al., "The News of the Covid-19 Vaccine in The Media and Public Resistance in Indonesia: A Study of Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, No. 2 (2021), p. 957-975.

¹² Salman Abdul Muthalib, et.al., "Changes in Congregational Prayer Practices During the Covid-19 Pandemic in Aceh from Maqashid al-Sharia Perspective," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 16, No. 2 (2021), p. 421-449. Ali Sodikin, "Science-based Ijtihad: Religious and Scientific Dialectic on Fatwas Regarding Congregational Worships Amid the Covid-19 Pandemic," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 21, No. 1 (2022), p. 79-97.

¹³ M. Asrorun Ni'am Sholeh, "Toward a Progressive Fatwa: MUI's Response to the COVID-19 Pandemic," *Ahkam: Jurnal Ilmu Syariah* 20, No. 2 (2020).

¹⁴ Elsy Renie, "The Urgency of Fatwa in The Law Sharia Economics in Indonesia," *Juris: Jurnal Ilmu Syariah* 20, No. 2 (2021), p. 201-208.

debate, conflict and social contestation and issues that develop in the public sphere.¹⁵

So thus the MUI Fatwa as part of Islamic Law is the basis and way out for the state and society in dealing with contemporary socio-religious problems. Related to the MUI fatwa Number 24 of 2017 concerning social interaction and the use of social media is a guide for Muslim communities in interacting in the digital world. Because today's social media is a necessity that can be regarded as a logical consequence of the social changes that occur in society.

This study is important as a form of Islamic law's response to social change and global challenges. The principles of Islamic law that precipitate benefit and elasticity are able to provide guidance for Muslims. No matter how fast the world of information changes, religion is able to provide dignified principles and solutions, so that social media does not become an enemy of important content, information and news dissemination have benefits and good functions for humans.

This study is a sociological legal research that examines the function of law that works in social reality.¹⁶ Sociologically, law functions as a tool to control and manipulate and change society so that it becomes better. The law in question is the MUI Fatwa Number 24 of 2017 as part of Islamic law.

This study uses the theory of new media literacy, media literacy theory as stated by Jenkins discusses the characteristics of new media and literacy competencies that must be owned.¹⁷ Literacy competence, according to Jenkins, is compatible with the MUI Fatwa regarding guidelines for interaction on social media. Several previous studies related to the spread of hoaxes on social media include articles about the ethics of social media in responding to hoax news written by Al-Ayyubi in the article discussing the many negative issues spread by certain groups and individuals, negative news

¹⁵Syafiq Hasyim, "Religious Pluralism Revisited: Discursive Patterns of the Ulama Fatwa in Indonesia and Malaysia," *Studia Islamika* 26, No. 3 (2019), p. 475-409.

¹⁶Munir Fuady, *Teori-Teori Besar (Grand Theory) dalam Hukum*, Jakarta: Kencana, 2020, p. 171-174. Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum*, Jakarta: Rajawali Press, 2014, p. 133.

¹⁷Cahyani, I. P. "Digital Literacy of Lecturers as Whatsapp Group Users In Spreading Hoax Informations and Hate Speech," *Expose: Jurnal Ilmu Komunikasi*, 2 No. 2, (2019), p. 147-163.

is very easily viral in society, so the researcher's offer is that netizens should have ethics in social media.¹⁸

Fatwa and the Dynamics of Islamic Law

Operationally, the fatwa comes from the word *al-fatwa* or *al-futya*, is the answer to a problem (improbable) in the field of law.¹⁹ Thus, the fatwa in this sense is defined as giving an explanation (*al-ibanah*). It says *al-fath fi al-amr* because it means giving explanations or giving answers to the problems faced, the field of asking for fatwas is legal matters.²⁰ The person who asks for a fatwa called *mustafti*, while the person who gave the answer is called *mufti*. So, it can be understood that the element of the fatwa contains: *mustafti*, *mufti*, *al-ifta* and *fatāwa*.²¹

Fatwas can significantly eliminate the problems faced in the issue of *fiqh*, by showing truth and their arguments.²² According to Yusuf Qardhawi, the fatwa is explaining the *Shari'a* law on the issue as an answer to the question posed by the fatwa requester (*mustafti*), whether individually or collectively.²³

From several definitions, it can be understood two important things: First, the fatwa is responsive, that is the legal response (legal opinion) issued after the emergence of a question or request fatwa (based on demand). Generally, fatwas are produced as answers to questions and are problems that have occurred or are real. A fatwa giver (*mufti*) may refuse to give a fatwa on questions about issues that have not occurred yet. However, a *mufti* is still encouraged to answer the questions.

Secondly, from the aspect of the power of law, the fatwa as a legal answer is not confining. In other words, the person who requested a fatwa

¹⁸ M. Zia Al-Ayyubi, "Etika Bermedia Sosial dalam Menyikapi Pemberitaan Bohong (Hoax) Perspektif Hadis," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 19, No. 2 (2019), p. 148-166.

¹⁹ Wan Mohd Khairul Firdaus Wan Khairuldin, et.al., "Fatwa as a Disseminator of Islamic Laws among Community of Malaysia", *International Journal of Academic Research in Business and Social Sciences* 8, No. 11, (2018), p. 518.

²⁰ Abu Zakariya Mahy al-Din, *Fatawa al-Imam al-Nawawiy*, Beirut: Dar al-Kutub al-Ilmiyah, 1992, p.6.

²¹ Abu Zakariya Mahy al-Din, *Fatawa al-Imam...*, p. 5.

²² Nadirsyah Hosen, "Behind the Scenes: Fatwas of Majelis Ulama Indonesia (1975-1998)," *Journal of Islamic Studies* 15, No. 2, (2004), p. 159-161.

²³ Yusuf al-Qardhawi, *Ijtihad dalam Syariat Islam: Beberapa Pandangan Analitis tentang Ijtihad Kontemporer*, (Trenslater by Ahmad Syathori), Jakarta: Bulan Bintang, 1987, p.150.

(*mustafti*), whether an individual, an institution, or a society should not recognize the contents or laws given to him. This is because the fatwa is not confining as the verdict of the court (*qada'*). It could be a fatwa by a mufti somewhere different from another fatwa by *mufti* elsewhere. However, if this fatwa is adopted as a court decision, then it has a confining legal force, moreover, if adopted into a positive law/regulation of the region.²⁴

Social and cultural changes affect the fatwa provisions, it is understandable that one of the causes of dissent among Islamic law scholars is due to the socio-cultural differences.²⁵ This of course will give effect to the fatwa issued by the scholars of Islamic law, because the social demands will vary from one place to another, and socio-cultural development has different progress. Factors of the development of modern knowledge greatly affect the determination of fatwa on various problems faced. Many of the legal issues that have developed lately have not been resolved by the *mujtahid fiqh* in their fatwas formulating.²⁶

Basically, religious fatwas provide a *fatwa*/advice to the community or people through *ijtihad*.²⁷ Therefore, religious fatwas in human life are very important to guide mankind in the issue of Islamic law. Without religious fatwas, Muslims will always be hesitant in doing *ibadah mahdah* or other *ibadah*, which is associated with *mu'amalah* and *ubudiyah*. Thus, religious fatwas are very influential and very meaningful to determine the direction and pattern of development of Islamic law in society, for this it is necessary for the institution/assembly of fatwas in charge of taking concrete decisions and conduct study of Islamic law.²⁸ In this modern era the problems of Muslims

²⁴Melissa Crouch, "Negotiating Legal Pluralism in Court: Fatwa and the Crime of Blasphemy in Indonesia." In *Legal Pluralism By Examining the Role of Fatwa Issued Against So-Called 'Deviant' Religious Believers Convicted on Charges of Blasphemy*, by Hooker. Singapore, 2015. p. 1-2.

²⁵ Mohd Akram Dahaman Dahlan, et.al., "Changes and Differences in Fatwa from Malaysia and Singapore Contexts", *Middle-East Journal of Scientific Research* 12, No.2, (2012), p. 204.

²⁶ Rohadi Abdul Fatah, *Analisis Fatwa Keagamaan dalam Fikih Islam*, Jakarta: PT. Bumi Aksara, 2006, p. 144.

²⁷ M. Usman, et.al., "The Dynamics of Fatwa among a Diverse Community", *International Journal of Pharmaceutical Research*, 12, No. 4, (2020), p. 4353. Moh. Bahrudin, et.al., "The Implementation of *Ijtihad Jama'iy* in MUI's Fatwa Commission", *Walisongo: Jurnal Penelitian Sosial Keagamaan* 28, No. 2, (2020), p. 127-128.

²⁸ La Jamaa, "Fatwas of the Indonesian Council of Ulama and its Contribution to the Development of Contemporary Islamic Law in Indonesia", *Indonesian Journal of Islam and Muslim Society*, 8, No. 1, (2018), p. 31-34.

have been very complex, various new religious problems arise and must be solved with religious solutions, and able to be guided by Muslims in Indonesia.

Religious fatwa in the society is expected to direct the Muslims to avoid unconstitutional things.²⁹ Muslims will obey the rules, they sincerely do *mu'āmalah* and *ubudiyah* as servants of Allah SWT., adherence is applied in social-religious and social life so that they should proportionally. In this context, the fatwa as the final decision in determining the problems that occur in the community especially if there are problems that are difficult to resolve. The law in the fatwa must be obeyed, because this fatwa is a joint decision.³⁰ Therefore, there is no choice, the society must accept religious fatwa as the final decision in setting up various problems that occur (especially issues related to religious social issues).³¹

As for social issues can be detected more steadily with other approaches, in addition to religious fatwa approach, can also with a social approach. Religious fatwa is the determinant and decision maker, while other approaches such as persuasive approach, human relations, ecology, just as supporters of religious fatwa. Other approaches are supportive in conducting religious fatwa to guide the people, so that the people can be united in action, and tolerant of differences, so it is not problematic in terms of *khilafiyah* in the field of *furu'iyah*. However, Muslims are more advanced towards the dynamics of thinking and acting in the face of today's world problems.

Ideally, religious fatwas are not “out of date” in taking decisions of their laws. Because religious fatwas always follow the development of the times and the development of the people mindset, thus increasingly shows that Islamic teaching are always universal and conditional and able to answer the challenges of the times with all its changes.

Similarly, the conditions of Islamic laws, the content of the Qur'an and Hadith of the Prophet, if not reviewed and analyzed with *ijtihad*, then the teachings of Islam is not applicable in the life of mankind.³² While on the other hand it takes complete knowledge to study the Qur'an and Hadith of the

²⁹ Fachruddin Majeri Mangunjaya and Gugah Praharawati, “Fatwas on Boosting Environmental Conservation in Indonesia”, *Journal of Molecular Diversity Preservation International* (MDPI) 10, No.10 (2019), p. 3.

³⁰ Saifuddin, “Legal Opinion (Fatwa) of MUI (Council of Indonesian Ulama) on Ahmadiyah”, *Az Zarga': Journal of Hukum Bisnis Islam*, 4, No. 2 (2012), p. 198-199.

³¹ Rohadi Abdul Fatah, *Analisis Fatwa Keagamaan...*, p. 138.

³² Abd Wafi Has, “Ijtihad Sebagai Alat Pemecahan Masalah Umat Islam”, *Episteme: Journal of Pengembangan Ilmu Keislaman* 8, No.1 (2018), p. 90-93.

Prophet and the ability to analyze social phenomena that arise and develop in society, resulting in a very strong correlation between the ability to study and explore the teachings of Islam from the Qur'an and hadith Rasulullah PBUH with the ability to diagnose the problems that occur in the community.

From these two capabilities, then the possibility of producing a good religious fatwa and right will be achieved, so that fatwa really solve existing problems and emerge in Muslims, and the results of the fatwa really can provide peace and tranquility in the life of Muslims, this is the ideal of Islamic law in realizing the benefit for mankind. Conversely, if Islamic law is not explored and studied well, or even reviewed by people who are not experts or do not have the criteria as a *mujtahid*, then the results of his study would make the Islamic law does not fit the objectives of Islamic law.³³ Similarly, if wrong in the analysis of social issues, the fatwa does not bring peace and tranquility in society, but will cause confusion in society, so that the belief in religious fatwa will be reduced.

Islamic law provides strict principles related to fatwas, because there are methodologies, objectives and socio-religious problems that occur in society. The principles of a fatwa can be stated, among others, as follows:³⁴

- 1) Fatwas always present actual matters that decide cases in accordance with the principles of Islamic law, so that the principles developed in this fatwa use the principles of contemporary *ijtihad*.
- 2) There is scientific freedom in expressing opinions without being tied to a particular school of thought, either fanaticism or piety towards one's opinion. Ideally a justifiable opinion
- 3) Fatwa always contains the values of peace, goodness, benefit of life and always invites to consistently uphold Islam.

Given how important the existence of a fatwa is for the life of Muslims, anyone who meets the requirements to issue a fatwa may not refuse to be asked for a fatwa. In this case, several things need to be considered in relation to the law of giving a fatwa: First, giving a legal fatwa is *fardu kifayah*, that is, if there is a person or party who asks the law of a problem, it is obligatory for a person who has the competence to give a fatwa to answer it.

Second, if a fatwa has been issued but for some reason the fatwa is declared inappropriate, then the party issuing the fatwa must notify the person

³³ Raja Bahlul, "Islamic Law and Legal Positivism", *Institute of Philosophy School of Advance Study* 5, No. 2 (2016), p. 245-246.

³⁴Rohadi Abdul Fatah, *Analisis Fatwa Keagamaan...*, p. 13-15.

requesting the fatwa that the fatwa issued earlier is not appropriate, and the fatwa requester may no longer practice the results of the fatwa.

Third, it is unlawful for the mufti to issue a fatwa too easily, and if this is known, then it is unlawful for a fatwa requester to ask him for a fatwa. Therefore, the *mustafti* must see the expertise and honesty of the giver of the fatwa. Among these attitudes that are too lax (*tasahul*), for example, is the haste in issuing a fatwa before careful review and thought has been carried out. Before a fatwa is issued, it must go through a series of review processes, including the clarity of the problem being asked, because a fatwa that is not based on the clarity of the problem being asked can result in an inaccurate fatwa. Including an attitude that is too lax (*tasahul*) in giving fatwa is the presence of negative hidden goals, for example tending to find excuses (*hilah*) that can alleviate the law (*rukhsah*) by adhering to opinions that approach *syubhat*.

Fourth, when issuing a fatwa, the mufti must be psychologically and physically stable, so that he can think clearly and maintain neutrality in determining the law on an issue. Because psychological and physical problems will greatly affect his neutrality.

Fifth, the mufti is prohibited from making fatwas a source of income for his own interests. A fatwa giver may not ask for a fee from the fatwa requester for the fatwa he has issued. Sixth, if the mufti who determines the fatwa refers to the opinion of a particular school of scholar, then it must be based on the opinion of the scholar contained in the recognized books of *fiqh* (*al-kutub al-mu'tabarah*).

Seventh, if the mufti has stipulated a fatwa regarding the law of an issue then at a later time there are other parties who ask the same problem, then in this case, if the mufti remembers the fatwa decision along with its arguments and arguments (*wajh al-istidlāl*), then it is permissible for him to issue a fatwa like the first fatwa. Meanwhile, if the mufti only remembers his legal conclusion and does not remember his arguments and *wajh istidlāl*, then it is permissible for him to issue the same fatwa accompanied by the arguments. However, in this case it is better to carry out research and re-examination (*tajdīd al-nadr*), because there are fears that there will be new legal conditions/reasons (*'illat*) that make the legal conclusions on this matter different.

Eighth, the fatwa stipulation must be clear and can be directly implemented by the fatwa requester, because that is what the fatwa requester needs. Therefore, in a fatwa as much as possible to avoid more than one legal conclusion or produce multiple conclusions, instead it must emphasize only

one legal conclusion even though it is believed that there are differences among scholars.

As explained above, that *al-ifta* (the work of giving fatwa) is the same as the effort of *ijtihad*. Therefore, *al-ifta* can be carried out by individuals (*ijtihad fardhi*) or groups (*ijtihad jamā'i*). *Ijtihad fardhi* is *ijtihad* carried out by individuals on certain issues which generally concern individual interests. Meanwhile, *ijtihad jamā'i* is *ijtihad* carried out by a group of experts on certain issues which generally involve broader interests.

Collective *ijtihad* as an *ijtihad* carried out collectively by a group of experts in Islamic law gains legitimacy from the Koran, the sunnah of the Prophet Muhammad, the practices of the companions and *tabi'in*. This can be analyzed from the habits of the Prophet Muhammad PBUH. to gather friends and asked questions about a problem. In fact, in almost every war, Rasulullah PBUH always gather friends to do the selection of the best strategy. The tradition of carrying out collective *ijtihad* was also preserved by the companions and *tabi'in* after the Prophet Muhammad died.³⁵

At present, *ijtihad jamā'i* is carried out through special forums held by religious organizations, both at the international and national levels. At the international level it is known as Majma'al-Buhuz al-Islamiyah and Majma' al-Fiqh al-Islamiy. Meanwhile, at the national level, it is known as the MUI Fatwa Commission, Bahtsul Masail Nahdlatul Ulama, Council of Tarjih Muhammadiyah, and so on.³⁶

Several factors led to the choice to do *ijtihad jamā'i* rather than *ijtihad fardhi*, including:³⁷

- 1) The development of modernization in all aspects of life. These contemporary problems are inadequate if solved by individual *ijtihad* due to the increasing complexity of the problems encountered.
- 2) The development of scientific specialization. Today knowledge is increasingly specifically discussed and studied. This specialization of knowledge makes a scientist no longer masters a thorough knowledge as was the case with previous scholars. Therefore, in solving a

³⁵Ma'ruf Amin, *Fatwa dalam Sistem Hukum Islam*, Jakarta: Elsas Jakarta, 2008, p. 43.

³⁶MB. Hooker, *Mazhab Indonesia: Fatwa-Fatwa dan Perubahan Sosial*, Bandung: Mizan, 2003. M. Atho Mudzhar, *Fatwa-Fatwa Majelis Ulama Indonesia: Sebuah Studi tentang Pemikiran Hukum Islam di Indonesia 1975-1988*, Jakarta: INIS, 1993. Muhammad Shuhufi, "Fatwa dan Aktualisasi Hukum Islam di Indonesia," *Diktum: Jurnal Syariah dan Hukum* 8, No. 1 (2010), p. 55-68.

³⁷Ma'ruf Amin, *Fatwa dalam Sistem...*, p. 6.

problem, information and thoughts are often needed from various scientists whose fields are related to the problem at hand.

Giving a fatwa is not an easy job that can be done by everyone, but rather it is a difficult job and carries a lot of risks which one day will be accounted for before Allah SWT. This is considering that the main purpose of a fatwa is to explain religious law to the public which then makes it a guide in practicing religion. Therefore, it is not surprising that in matters of fatwa, the scholars set a number of very strict and strict principles, *'adab* (code of ethics) and requirements that must be adhered to by every person or institution that will issue a fatwa.

Apart from having to meet specific requirements, a fatwa must be based on strong evidence and arguments. Therefore, it is not justified to issue a fatwa solely based on certain desires and interests or mere assumptions without being based on strong evidence and arguments. Every time you state the law of a problem, it must be based on the argument, both the Koran and the hadith of the Prophet,

The basis for establishing a fatwa can be categorized into two groups, namely the legal arguments agreed upon by the scholars to be used as the basis for establishing a fatwa, namely the Koran, sunnah, *ijma'*, and *qiyas*. While the legal arguments that are disputed to be used as the basis for determining the fatwa, namely *istihsān*, *istishāb*, *maṣlāḥah al-mursālah*, *sadd al-ẓarī'ah*, *qaul al-sahābah* and so on.

Analysis of the MUI Fatwa on Social Interaction through Social Media

The Council Indonesian Ulama (MUI) publishes Fatwa Number 24 of 2017 on Laws and Guidelines of Interaction (*mu'āmalah*) through social media.³⁸ In the fatwa listed forbidden for Muslims in social media. *First*, do the *gibah* (talking about the ugliness of people), slander, *namimah* (lamb), and the spread of enmity. *Second*, bullying, hate speech, and hostility on the basis of ethnicity, religion, or intergroup. *Third*, spreading hoaxes and lying information even with good intentions, such as information about the death of the living. *Fourth*, spread pornography, disobedience, and all things that are forbidden *syar'i*. *Fifth*, disseminate the correct content but not the appropriate place and/or time.

³⁸ Hasanuddin AF., "Fatwa Majelis Ulama Indonesia Nomor 24 Tahun 2017 Tentang Hukum dan Pedoman Bermuamalah Melalui Media Sosial", May 13th (2017), <https://www.mui.or.id/wp-content/uploads/files/fatwa/Fatwa-No.24-Tahun-2017-Tentang-Hukum-dan-Pedoman-Bermuamalah-Melalui-Media-Sosial.pdf>.

The *fatwa* affirms that Muslims are forbidden to produce, distribute and/or make accessible false content/information, *hoax*, *gibah*, slander, *namimah*, disgrace, bullying, hate speech, and other things related to the public. In addition, MUI forbids buzzer activity in social media and other similar things as professions for profit, both economic and non-economic.³⁹

In this fatwa also formulated some practical guidelines for the use of social media, are:

a. Guidance of Social Interaction

MUI has formulated guidelines of social interaction through social media by stating that social media is a means of social interaction, it is just that every Muslim who interacts socially through social media must still pay attention to the provisions of religion and legislation, which must be considered in understanding every news content in social media is:

- 1) Content/information derived from social media has the possibility of right and wrong.
- 2) Good content /information is not necessarily true.
- 3) Correct content/information is not necessarily useful.
- 4) Useful content/information is not necessarily suitable to be submitted to the public.
- 5) Not all content/correct information is allowed, and fair shared to the public.

b. Content/Information Verification Guidelines

In this guideline, the MUI affirms that those who receive content/information from social media (both positive and negative information) should not be immediately disseminated before being verified with *tabayyun* and its benefits are ensured. The *tabayyun* process can be done by considering the source of information, its content, and the context of the information. *Tabayyun* efforts should be done in private and not openly in public areas.

³⁹Fatwa Majelis Ulama Indonesia Nomor 24 Tahun 2017 Tentang Hukum dan Pedoman Bermuamalah Melalui Media Sosial. Dian Erika Nugraheny, "Fatwa MUI: Aktivitas Buzzer Hukumnya Haram", <https://nasional.kompas.com/read/2021/02/12/21344491/fatwa-mui-aktivitas-buzzer-hukumnya-haram>. (accessed August 4, 2022).

c. Content/Information Creation Guidelines

In the creation of content or information to be submitted to the public domain, this *Fatwa* formulates some guidelines that generally regulate the accuracy of the information and its delivery methods, and the impacts raised after the information is known by the public.

From the information benefit aspect, this *fatwa* affirms that the information submitted should:

- 1) Can motivate for good and devotion.
- 2) It can strengthen brotherhood and love.
- 3) Can add science.
- 4) Can motivate the implementation of religious teachings.
- 5) No hate and hostility

d. Content Distribution Guidelines

This *fatwa* also affirms that the information disseminated to the public must obtain the following criteria:

- 1) Information is true source and context
- 2) Useful for the spread and who read it
- 3) Appropriate and reasonably known by the public

The launch of this *fatwa* as MUI's concern for the massive amount of social media content is not only positive, but also negative. In the provisions of the law, *fatwa mu'amalah medsosiah* oblige every Muslim in doing activities in social media to always strengthen brotherhood, both with fellow Muslims and with others. This *fatwa* also requires that Muslims pay attention to the solidarity of harmony between people

The existence of this MUI *fatwa* does not need to be debated, because it is used specifically for Muslims, and has been through studies and deep considerations.⁴⁰ Its practice depends on the public and the seriousness of the government in responding to social unrest over social media coverage spreading false information, *gibah*, slander, *namimah*, bullying, disgrace, gossip and information leading to the divide the society. The government must follow up on the MUI recommendations related to *Fatwa* Number 24 of 2017. In addition, during this period the government has carried out its obligations under Law Number 11 of 2008 on Information and Electronic Transactions

⁴⁰ Hudan Dardiri, "The *Fatwa* of MUI on Gafatar from The Perspective of Farid Esack and Jacque Derrida", *Al-Mazaahib: Journal of Perbandingan Hukum* 9, No. 2 (2021), p. 167-168.

(*Undang-Undang Informasi Transaksi Elektronik/UUITE*).⁴¹ In the law the government has two main tasks. *First*, related to socialization, education and literacy to the community related to the use of social media. *Second*, restrict access for anyone who violates the law in cyberspace.

The Government and the People's Legislative Assembly (*Dewan Perwakilan Rakyat/DPR*) should formulate legislation to prevent information content that violates religious norms, civilization, immorality, the spirit of unity and the noble value of humanity. Governments also need to increase efforts to educate the public to build literacy on the use of digital media, especially social media and to build awareness and responsibility in creating civilized society (*mutamaddun*). It is crucial that the government should provide a role model to deliver true, useful, and honest information to the community in order to create a trust from the public.

It is important that communities and stakeholders should ensure that the development of information and communication technologies is utilized for the benefit of the people and prevents harm. This fatwa has a good purpose, solving the problems that are developing in the community. Protecting the Muslim community from making restrictions contained in the Fatwa MUI Number 24/2017. Like other fatwas that have been issued a positive law that is prohibition to consume alcoholic beverages.

With the dissemination of the fatwa of MUI on the laws and guidelines of social interaction through social media means that this fatwa gives detailed rules about social interaction. Start from the explanation of the prohibition of certain deeds with social media until the rules of making and disseminating the content are described in Fatwa MUI Number 24 of 2017. Based on the concept of legal power in a society that must be in accordance with the juridical, sociological, and philosophical framework, this fatwa affirms philosophical acceptance among Indonesian Muslims over the control of content on the internet.

In essence, the fatwa provides strengthening for Muslims to be careful using social media.⁴² Substantively, the content of the fatwa explains about internet ethics which is poured in the form of a fatwa, so that its content is spiritual value for those who believe it. With the MUI Fatwa Internet users who adhere to the teachings of Islam will practice the contents of the fatwa.

⁴¹Undang-Undang Republik Indonesia Nomor 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik.

⁴² Hudan Dardiri, "The *Fatwa of MUI*...", p. 169-172.

In implementing the strengthening of internet ethics, this fatwa will serve as a guideline for Muslims in Indonesia to conduct social interaction via internet. One of the considerations of MUI is that the large number of digital media users, especially those based on social media, is often not accompanied by social responsibility, so it can easily spread false news, insult others or even become a medium to spread hatred.

The existence of the MUI Fatwa is very useful to support the Government's efforts to control Internet content for the benefit of the wider community.⁴³ MUI fatwa has broader normative coverage, many provisions of Islamic teachings that are not positive law have been affirmed by the Fatwa. For example, *ghibah* (talking about the ugliness of others) and *namimah* (provocation). Both of these are the root of provocations and hate speeches to the dissemination of lying information that defames others in social media. But the preventive has been forbidden by the Islamic religion contained in the Fatwa.

Conclusions

The Council of Indonesian *Ulama*'s fatwa on social interaction in social media was issued in response to various problems that have been caused by interaction in social media. In the fatwa is affirmed the guidelines of social interaction through social media with fixed attention to the rules of religion and legislation. Guidelines verify social media information content by performing *tabayyun* on any information received. Guidelines for making information by considering the feasibility and benefits of information created, as well as guidelines for the dissemination of information to consider the merits of the information disseminated. This proves that the MUI fatwa as part of Islamic law is able to make a useful and functional contribution to social change and the development of the times in the midst of leaps and bounds in the world's information technology in the form of digital platforms. The MUI fatwa which emphasizes things that are prohibited in interacting through social media is a form of sociological legal function, namely controlling and as a means for a better society.

⁴³ Imaro Sidqi and Doli Witro, "Kedudukan Fatwa Majelis Ulama Indonesia (MUI) Dalam Perspektif Hukum Islam dan Nasional: Studi Implikasi Fatwa Terhadap Masyarakat", *Nizham: Journal of Studi Keislaman* 8, No. 1 (2020), p. 29-30.

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