

Analysis of Progressivity of *Qawaidh Fiqh* Applications on Fatwa DSN-MUI 2017-2021

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Abstract

This study seeks to describe how the implementation of the use of fiqh rules contained in the DSN-MUI fatwa for the 2017-2021 period. The study also seeks to describe the factors behind the conclusions of the analysis results obtained. This research uses qualitative methods with a normative juridical approach and descriptive analysis techniques. Review documents in the form of fiqh rules in the 2017-2021 DSN MUI fatwa and literature studies as the most dominant data collection technique used. In addition, interviews with academics and practitioners of DSN-MUI were also conducted in order to obtain more comprehensive and systematic research results. The results of this study found that of the 32 fatwas issued by the DSN-MUI in the 2017-2021 period, there were 152 fiqh rules applied by the DSN-MUI in formulating fatwas as one of the sources of ijtihad. However, of the 152 rules, there are essentially only 30 different fiqh rules used. Each of the rules is repeated several times, only 4 fiqh rules of which are not repeated. In terms of progressivity, in general, the application of qawaidh fiqh in the DSN-MUI fatwa in 2017-2021 has indicated a better increase compared to previous years. But on the other hand, the use of qawaidh fiqh al-'ammah in the DSN-MUI fatwa (2017-2021) is still more than the use of qawaidh fiqh al-khassah with a ratio of 17:10. These things are due to the presence of certain factors that have been presented in this study.

Keywords; *Fiqh Rules, DSN-MUI, Fatwas, Qawaidh Fiqh Al-'Ammah, Qawaidh Fiqh Al-Khassah.*

Introduction

The current development of the Islamic economy is a form of effort to translate Islam's vision, which is rahmatan lil alamin, fair, universal (alamiyyah) and in balance with nature. A Muslim must follow and comply with Islamic demands kaffah, including the values that apply to the field of muamalah. More specifically in the economic field, because if religion is supported by a strong economy, then religion will become a great superiority that easily influences the values of its teachings in world society through economic hegemony. This can be seen from the many verses of the Qur'an, Hadith, and Ijtihad of the scholars who discuss the economy. In fact, Surah Al-Baqarah verse 282, which is the longest verse in the Qur'an, contains economic problems, not matters of mahdhah worship or aqidah. According to Ibn 'Arabi, this verse contains 52 economic laws. The Al-Qur'an as the guidance of life for Muslims has regulated economic and business activities both explicitly and implicitly. Apart from that, Islam also views business as a profitable and enjoyable job, like the Prophet Muhammad SAW, who in history was not only known as an accomplished leader and politician, but

on the other hand he was also known as an accomplished businessman. So that the Qur'an really encourages and motivates Muslims to conduct business transactions in our lives (Arfan, 2013).

But buying and selling will not be valid if it contains elements that are forbidden such as maysir, usury, and other things. Meanwhile, to find out whether a transaction is halal or not, it is needed are the reasons behind it. However, the Al-Qur'an and Hadith are quite limited in responding to this problem in connection with the cessation of revelation, while events and problems in human life continue to grow and are unlimited. Then, mature this, only relying solely on the text of revelation is not sufficient enough in dealing with everyday human problems. So that efforts are needed to carry out *ijtihad* on contemporary problems apart from using two main sources, namely the Al-Qur'an and hadith which are general (non-specific), *mujtahids* can also use established *fiqh* principles that have been formulated by *fiqh* experts raised from Al-Qur'an, Hadith, and *Ijma'* to handle it (Ahmad, 2017).

Fiqh rules are likened to fruit juice that has been squeezed, in which it contains many vitamins and nutrients needed for the health of the human body. Whereas *fiqh*, or the product of Islamic law, is likened to the fruit produced from a tree, while *ushul fiqh* is a tree trunk that produces both. With fruit juice, humans can easily consume it and make health solutions quickly and efficiently. Likewise, *fiqh* rules make it easy for Islamic law practitioners to formulate laws on *mustajaddat* (renewed) issues that are developing both now and in the future (Hammam, 2017).

In face change social, economic, and political, Islamic law is confronted in no easy choice. If Islamic law is taken in a manner whole without exists interpretation back, then the results achieved often not realistic. However otherwise if too far leave Islamic law, then role will lost (Djazuli, 2002).

A Hadith narrated from Muadz ibn Jabal who was one of the companions of the Prophet *sallallahu 'alaihi wa sallam* when he was sent as *qadhi* (grand judge) as well as ruler to Yemen. "From Muadz ibn Jabal r a that the Prophet SAW when he sent him to Yemen, the Prophet asked: "What do you do if you are faced with legal problems? He said: "I judge by the book of Allah". The Prophet said: "If it is not in the book of Allah? " The Prophet said: "If it is not in the sunnah of the Prophet SAW"? he said: "I will do *ijtihad* and not excess (in *ijtihad*)". So Rasulullah SAW hit Muadz in the chest and said: "Praise be to Allah who has agreed with his messenger (Muadz) with what pleases". And it is known that *fiqh* rules are one of the instruments in *ijtihad*. So here the author likens the rule of *fiqh* as a very useful bridge to connect the two things, where the Al-Qur'an and Hadith are on one side, and on the other hand which is a dynamic and growing human and life issue.

Al Qarafy said that a *faqih* will not have much influence without adhering to *qawaid fiqh*. Because if you don't stick to it, then the result of *ijtihad* will be many to the contrary. So it can be concluded that by studying *qawaidh fiqh*, one can explore the science of *fiqh* and will gain the convenience of knowing contemporary laws, especially economic issues, many of which do not have *nash sharīh* (definite propositions) in the Qur'an and Hadith based on these problems. actual adjacent or similar. Likewise, to make it easier to master the problems of *furu'iyah* (branches) which continue to grow and are countless. Especially in economic issues that continue to develop in Islamic financial institutions. Therefore it can be concluded that any *fiqh* conclusions that are not based on *fiqh* rules are not strong *fiqh* (Hilal, 2011).

However, the development of the economic aspect has invited various problems that require legal certainty. A large number of muslims in Indonesia feel doubts about legal

certainty regarding financial transaction issues or *financial products* that have developed recently. So this is a tough task for Islamic academics, especially mujtahids, to respond immediately so that a legal vacuum does not occur.

In previous studies, the existence of several fatwas from fatwa authority institutions- especially in the field of muamalah, found that they were less responsive to the use of fiqh rules (Arfan, 2012), this is reflected in the DSN-MUI, where in the span of time since the first time the DSN-MUI issued a fatwa until early 2017 it was found that the issued fatwas were still limited and monotonous in establishing and developing the application of fiqh rules.

Against the background that has been problematic above, and based on previous studies that have recommended conducting similar research on DSN-MUI fatwas after these periods (Ahmad, 2017) (Amin Awal Amarudin S.Psi. S, 2016), hence the authors were inspired to continue similar research with a period of time between 2017 and 2021 in order to find out how the implementation and progressivity of the use of qawaidh fiqh on these fatwas. This period was taken because it is the most recent period of the DSN-MUI fatwas, also because in previous research it had been researched until early 2017. With that, a paper was created entitled "ANALYSIS PROGRESSIVITY OF QAWAIDH FIQH APPLICATIONS ON FATWA DSN-MUI 2017-2021"

Material and Methods

Type study this including in category study qualitative with study library (*library research*) (Sutrisno, 1990). Where is the method study literature this conducted with reading and studying materials existing literature such as Al-Qur'an, Hadith, related books, opinion of clerics, documents law such as the DSN-MUI fatwa, as well as results studies before. Then the materials discussed and researched with method classified, matched, as well analyzed for pulled in conclusion (Zainudin, 2009). This research is classified as a qualitative research type because the data was collected in the form of ideas (*ijtihad*) in DSN-MUI fatwas and fiqh rules, both primary and secondary data sources.

The data in this study was taken and processed by tracing, collecting, and researching various reference bibliographies and related documents with the theme. Data used in study this use types data sources which include primary data and secondary data. Primary data which was used in this creation write are the period DSN-MUI fatwas 2017-2021 years as well as other related books good classics nor contemporary, as well as the opinions of academics and practitioners who are becoming sources. While secondary data was obtained from journals and articles scientific earlier, magazines, as well as other relevant literature with the theme of this study.

In this study, author uses technique studies references against the period DSN-MUI fatwas 2017-2021 years and documentation as dominant technique used. This technique conducted with collect primary and secondary data for then read and study, then analyzed from facet optimization and progressivity rule he fiqh. Besides it, it also will search for knowing factors what just the background conclusion from results analysis with doing Interviews to DSN-MUI practitioners as well and also will look for knowing the opinions of academics about study problems for talk about related matters with rules existing fiqh in the DSN-MUI fatwa like accuracy, optimization and how ideally rule jurisprudence used so that the fatwa becomes more quality so that big hope thing this will impact to development product Islamic finance and the growth of Islamic banks in Indonesia. Next combined so that form unity results systematic research, coherent and intact as well as relevant suggestions.

This study uses approach juridical normative and approach proposal fiqh. The normative juridical approach is an approach based on the main legal material by examining the theories, concepts, legal principles, and laws and regulations related to this research. This approach is also known as the library approach, namely by studying books, laws, and regulations, and other documents related to this research. It is called normative juridical research because the primary data from this research is qawâ'idh al fihiyyah contained in the Fatwa of the National Sharia Council (Amin Awal Amarudin S.Psi. S, 2016). While the ushul fiqh approach as a dominant approach used in this research is an approach that is carried out by taking the alternating logic between deductive and inductive thinking processes. Inductive is a way of thinking in which a general conclusion is drawn from various individual cases, while deductive is a way of thinking in which a general conclusion is drawn from a general statement. The scientific approach of ushul fiqh with these two methods can be equated with the philosophical approach (*Philosophical Approach*) (Arfan, 2013). This approach is taken because it takes into account things that are contextual, essence, pragmatic, functional, and other indications in order to obtain a more complete and comprehensive analysis result (Hammam, 2017).

In accordance with the approach of studying (*library research*), then the primary data and the secondary data were analyzed with using analysis qualitative. Inside there is regularity or pattern certain but full with variation or diversity (Bungin, 2003). Besides it, the method descriptive is also used in technique deep data analysis study this. Descriptive method is a method in researching something object, shape human group, a condition, a system of thought or an event the most recent at the moment. The purpose of this descriptive research is to make a description, a systematic, factual and accurate description of the facts, characteristics, and relationships between the phenomena studied. (Amin Awal Amarudin S.Psi. S, 2016). Then, other data analysis techniques were used in this study is the analysis of symbolic content in the form of a *designation* that describes the frequency of how often certain objects such as people, objects, groups, or concepts are referred to (Klaus, 1993). Where in this case, the object is the application of fiqh principles in the DSN-MUI fatwas for the 2017-2021 period (Amin Awal Amarudin S.Psi. S, 2016).

Literature Review

Classification and Distribution of Fiqh Rules

In general, the discussion of fiqh principles is based on the division of basic principles and ghair principles. The basic rules are the principles of fiqh that are agreed upon by all the priests of the schools of thought without any dispute over their strength. They are also known as the main rules because almost every chapter in fiqh is included in this group of main rules. As for the principles of ghair asasiyah, they are fiqh principles which are a complement to the principles of asasiyah and their validity is still recognized (Arfan, 2012)

Hadjazuli divides the fiqh rules based on their scope and level of coverage into five types, namely:

First, the core principle is to achieve benefit and reject evil. As Izzuddin ibn Abd As-Salam stated " Jalbu al-mashalih wa daf'u al-mafasid".

Second, the basic/fundamental principles (Al-Qawa'id Al-Asasiyah), namely the five main principles in fiqh which have been generalized by fiqh scholars

from various existing furu'iyah problems. These five principles govern almost all chapters of fiqh studies, both worship and muamalah. The five principles of fiqh are:

- 1) Everything depends on the goal (*الأمور بمقاصدها*)
- 2) Confidence is not lost because of doubt (*اليقين لا يزال بالشك*)
- 3) Difficulty attracts ease (*المشقة تجلب التيسر*)
- 4) Disadvantage must be removed (*الضرر يزال*)
- 5) Traditions/customs can become law (*العادة المحكمة*)

Third, the general principles (*Al-Qawwa'id Al-'ammah*), namely the branch rules that are under the basic principles that are still in line with the basic principles.

Fourth, the specific principle (*Al-Qawwa'id Al-Khaashshah*), namely special rules that apply in certain fields of law, such as in the field of law of worship mahdhah, muamalat, munakahat, judiciary ,and jinayah.

Fifth, the detailed principles (*Al-Qawwa'id At-Tafshiliyah*), which are part of the rules that have been mentioned in point number four above. For example in the field of worship just like about prayer, the inside field jinayah as about sanctions course, section in field muamalah only about mudharabah.

Keep in mind that in solving a problem, not enough if only based on with rule number one just . But it must be ensured the scope and scope of the problems encountered so that the use of the rules is more precise (Djazuli, 2006).

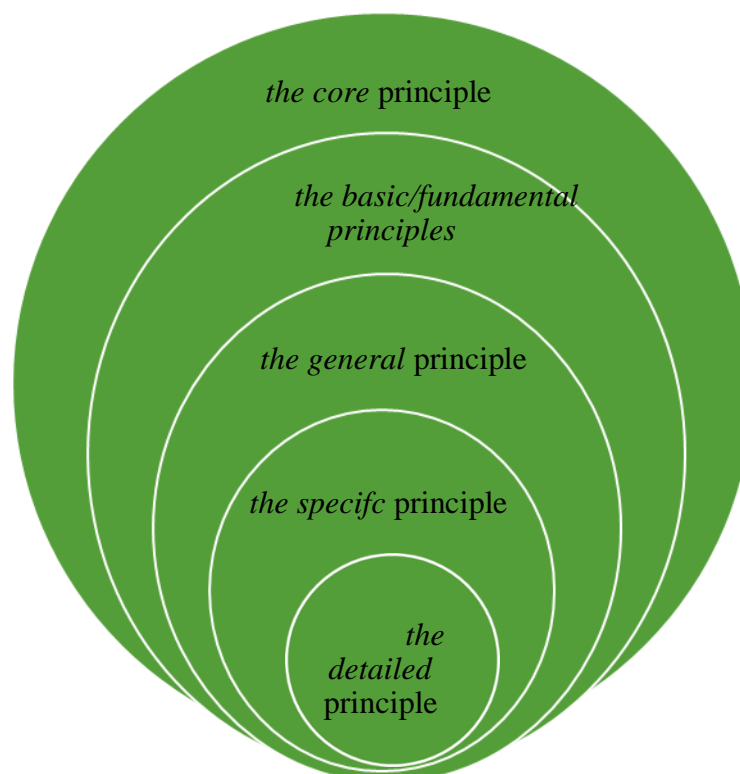


Figure 2 Clasification of fiqh rules

The Benefits and Uses of Fiqh Rules

Fiqh rules are rules that are arranged by para expert in field of fiqh as guidelines for simplify, help and understand problem jurisprudence in determining the law of a case and event (Abbas, 2004). Various expressions of the scholars regarding the benefits and usefulness of knowing these fiqh rules, among others: "With fiqh rules, we can know the nature of fiqh, how to make laws, and the secrets of fiqh, become skilled in understanding fiqh and presenting it (As-Suyuthi, 1990). "In fact, the fiqh rules describe fiqh values, goodness, virtues, and their essence. From the form and description of the principles of fiqh, it can be seen that the mindset of Islamic jurisprudence is very broad and deep and it is also evident from its rational philosophical strength and its ability to collect fiqh and return to its roots (al-Ruki, 1998). Hasbi Ash-Shiddiqi stated that the value of a faqih (an expert in Islamic law) is measured by his deep and shallow knowledge of fiqh rules. Because in the rules of fiqh there are secrets and wisdom of fiqh (Ash-Shiddiqie, 1963).

From this description, it can be concluded that the uses of fiqh rules include the following: *First*, by studying fiqh principles, we will know the general principles of fiqh because these fiqh rules are closely related to a large number of fiqh materials. With the principles of fiqh, we can know the common threads that color fiqh and become the meeting point of fiqh problems. *Second*, by mastering the principles of fiqh, it will be easier for a scholar to determine the law on the problems faced, where they will include or classify these problems according to one of the existing and relevant fiqh rules. *Third*, by taking into account the principles of fiqh, a faqih will be wiser in applying fiqh at different times and places for different circumstances and customs. *Fourth*, by understanding the principles of fiqh, one can provide a way out of various differences of opinion among scholars or at least they can strengthen opinions that are closer to the principles of fiqh. *Fifth*, people who know the rules of fiqh will know the secrets and the spirit of Islamic laws (ruh al-hukm) which are contained in the rules of fiqh. Besides that, a faqih can also know the wisdom of the law and strengthen his opinion in making legal decisions. *Sixth*, people who master the principles of fiqh and also the rules of ushul, then he will have a breadth of knowledge, and the results of his ijthihad will be closer to truth, goodness, accuracy and beauty.

Source Reference Rule Jurisprudence

Based on aspects of referral sources every time i think, divided Becomes two categories, namely :(MUSA, 2015)

1. *Al- Qawaid al -Mansusah*, that is adopted rule _ in a manner direct based on nash syara ' without exists changes , especially in the texts form Hadith. However writer find that the usual hadiths adopted by the fuqaha as rule jurisprudence is hadiths that don't until degrees authentic, will but there are hasan , dhaif , and mursal . However because context in Hadith the compatible and not contrary with law syara ' , then the fuqaha make it as rule jurisprudence for strengthen essence in the hadiths.

2. *Al- Qawaid al -Mustanbatah*, that is arranged rules based on results understanding of fuqaha from gathering arguments and problems law similar fiqh. Amount of rule jurisprudence with this source reference is the most found.

Formation Process Rule Fiqh

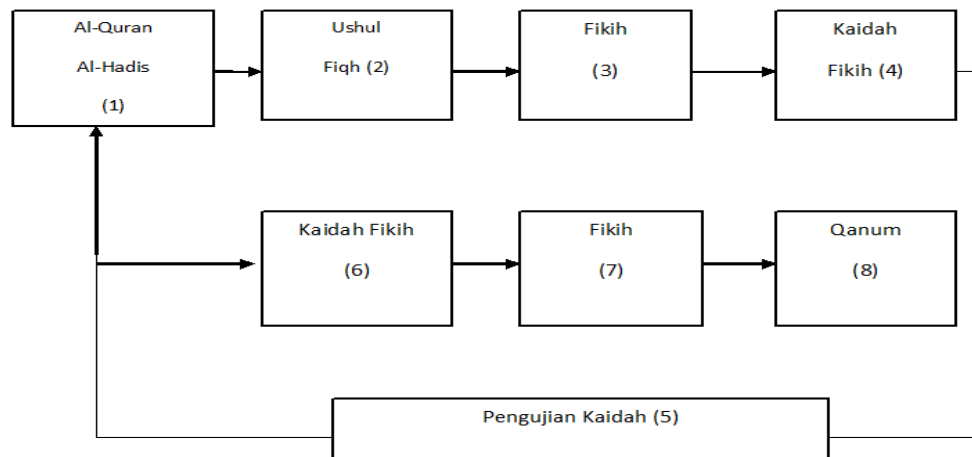


Figure 2 Formation Process Rule Fiqh

From the formation process *qawaidh fiqh* could be concluded that *qawaidh fiqh* is conclusion general from existing rules in later Islamic law (shariah). tested, criticized and discussed among the *fuqaha* (expert Islamic law) as well be measured its accuracy and precision by the verses of the Qur'an and Hadith then set as rule *fiqh* already established later rules jurisprudence this used for solve problems new law arise in accordance with development of the times. (Djazuli, 2002). However because rules this characteristic general, then room scope and coverage must noticed with really to use it right and can separate the problems that exist outside room the scope and scope of which is exception from rule the. (Djazuli, 2006).

DSN-MUI Profile

In order to support the development of Islamic Financial Institutions, Islamic Business Institutions and Islamic Economic Institutions in Indonesia, the support of related parties is needed to provide guidance, supervision and direction that makes it possible to develop these institutions so that they run in a healthy and sustainable manner. One form of support provided by the Indonesian Ulema Council is the existence of the DSN-MUI which was legally formed on February 10, 1999 as an institution that is used as a guideline for sharia economic and financial law in Indonesia (DSN-MUI, 2000).

DSN-MUI stands for the National Sharia Council – Indonesian Ulema Council. DSN-MUI formed in framework absorb and create aspirations Muslims regarding problem economy and drive application deep Islamic principles field

economy. DSN-MUI is later manifestation of the jama'i (collective) mode of ijihad from the product of ijihad recommended in the form of a fatwa that has its capacity as taujih (*guidance*) and tabyin (explanation) (DSN-MUI, 2000).

The DSN-MUI was formed to carry out the duties of the MUI in establishing fatwas and supervising their implementation in order to grow and develop businesses in the fields of sharia finance, business and economics in Indonesia. The formation of the DSN-MUI is a measure of efficiency and coordination of the ulama in responding to issues related to dynamic economic or financial problems in Indonesia in order to encourage the application of Islamic teachings in life. Various problems or cases that require a fatwa will be accommodated and discussed together in order to obtain a common view in handling them by each Sharia Supervisory Board (DPS) in Islamic financial institutions. The number of DSN-MUI Fatwas as of February 2022 is 141 fatwas consisting of fatwas in the Islamic banking sector, the IKNB (Sharia Non-Bank Financial Industry) sector, the Islamic capital market sector, the Islamic industry and business sector as well as general fatwas. (DSN-MUI, 2000).

DSN-MUI has a vision, which is to popularize sharia economics and socialize the people's economy. While its mission is to grow and develop Islamic economics and Islamic financial/business institutions for the welfare of the people and the nation. The board of DSN-MUI consists of experts with backgrounds in Islamic economics and fiqh disciplines, as well as LKS practitioners and representatives of regulators (DSN-MUI, 2000).

One the duties and functions of the DSN-MUI are issued a fatwa about Islamic economics for made guidelines for practitioners and regulators. Besides In addition, the DSN-MUI is also on duty for publish recommendation, certification, and sharia *approval* for institution Islamic finance and business. With tasks and functions such, then the DSN has authority for issuing fatwas that bind the sharia supervisory board in each institution Islamic finance (DSN-MUI, 2000).

The role of the DSN-MUI

DSN-MUI has three roles. First, in its position as an authority recognized by law, the DSN-MUI plays a role in protecting Indonesia from Islamic financial practices that are implemented in other countries but are not suitable for implementation in Indonesia. The second role of the DSN-MUI is to protect the Indonesian people who want to move to the sharia economic and financial industry. Because found there are some people who do not understand the map and knowledge extensively, so they say that Islamic banks are the same as conventional ones. Furthermore, the third role of the DSN-MUI is as a catalyst that encourages and stimulates the development of the Islamic economic and financial industry in Indonesia (Andika, Aldi, Adel, 2020) .

Position of the National Sharia Council

Despite the existence of the Sharia banking law, the DSN-MUI fatwa also has a foothold. This happened because the Sharia Banking Law states that details

regarding sharia principles are contained in the DSN-MUI fatwa, which is then attempted to become a Bank Indonesia Regulation (PBI) after going through maturation in the Sharia Banking Committee formed by Bank Indonesia, as stated in article 26 of the Law. Sharia Banking that (Hasan, 2009):

1. Sharia Banking business activities and/or sharia products and services must comply with Sharia Principles ;
2. MUI issued a fatwa on the Sharia principles ;
3. The MUI fatwa is contained in the PBI ;
4. In the context of preparing PBIs, Bank Indonesia established a Sharia Banking Committee (Hasan, 2009).

With these provisions, the DSN fatwa has an important role in efforts to develop Islamic financial institution products, both banks and non-banks. The position of the DSN fatwa occupies a very strategic position for the progress of the economy and Islamic financial institutions. In order for the DSN-MUI fatwa to have more binding legal force, it needs to be formally adopted and ratified in the form of statutory regulations.

Result and Discussion

Data Recapitulation of the Qawaidh Fiqh applications on the DSN-MUI Fatwa (2017-2021)

The following data is recapitulation of fiqh principles in the DSN-MUI (2017-2021) along with an analysis of their classification and frequency of repetition:

Table 1 Fiqh Rules in DSN-MUI (2017-2021), Classification and Frequency of Repetition

No	Rule Fiqh	Classification	X
1.	الأصل في المعاملات الإباحة إلا أن يدل دليل على تحريمها Basically, all form muamalah can be conducted except there is argument against it	Specific (Muamalah)	32
2.	يَتِمَّا وَجِدَتْ الْمَصْلَحَةُ فَمَنْ حَكَمَ اللَّهُ Where is there good luck, there will God's law	General	13
3.	الضرر يزال All mudharat (danger) must omitted.	Fundamental	12
4.	الضرر يدفع بقدر الإمكان All harm must avoided as much as possible maybe .	General	10
5.	تَصَرَّفَ الْإِمَامُ عَلَى الرَّعِيَّةِ مَنْوُطٌ بِالْمَصْلَحَةِ Actions of the Priest (holder authority) against people must follow maslahat	Specific (Siyasah)	10
6.	درء المفسد مقدم على جلب المصالح Avoid damage (loss) must be take precedence over bring beneficence	General	9
7.	الثابت بالعرف كالثابت بالشرع Something happened based on custom habit same with something happened	General	6

No	Rule Fiqh	Classification	X
	based on Shara' (during no contrary with Shari'a)		
8.	العادة المحكمة Customs could be considered in set law	Fundamental	5
9.	كل فرض جر منفعة فهو ربا إذا كان مشروطا أو متعارفا به Every debt that brings benefits (for those owed, muqridh) is usury. if required (in the beginning) and already Becomes habit	Specific (Muamalah)	5
10.	الحكم يدور مع العلة وجودا وعدمها Decree law depending on there no god	General	4
11.	دَرْءُ الْمَفَاسِدِ أَوْلَى مِنْ جَلْبِ الْمَصَالِحِ Prevent mafsadah (damage) more take precedence than take benefit	General	3
12.	الحاجة قد تنزل منزلة الضرورة necessity could occupy position emergency	General	3
13.	مَا آدَى إِلَى الْحَرَامِ فَهُوَ حَرَامٌ What just be intermediary (media) against unlawful act , also unlawful .	General	3
14.	إن لزمان حصة من الثمن Indeed time have portion price	Specific (Muamalah)	3
15.	لأكثر حكم الكل Dominant law punished like the whole	General	3
16.	كل فرض جر منفعة فهو ربا Every debt that brings benefits (for those owed , muqridh) is usury	Specific (Muamalah)	2
17.	الخراج بالضمنان Income comparable with readiness bear burden	Specific (Muamalah)	2
18.	الربح على ما شرطا والوضيعة على قدر المالين Profit shared based on what is required (agreed on) by both parties and losses borne based on capital	Specific (Muamalah)	2
19.	إذا دار الشيء بين الغالب والنادر فإنه يلحق بالغالب If something range between something common occur with rare happened, then attached to something common occur	General	2
20.	من شرط على نفسه طائعا غير مكره فهو عليه Who just a burden something to himself in a manner volunteer without coercion, then, something that becomes his obligations	General	2
21.	الأصل إلحاق الفرد بالأعم الأغلب دون النادر Basically, law something followed by law something that which is common and dominant , not in something that is not dominant	General	2
22.	من التزم معروفا لزمه General	General	2

No	Rule Fiqh	Classification	X
	Who is committed doing something goodness , then he Required fulfill it		
23.	المشقة تجلب التيسير Difficulty could interesting convenience	Fundamental	2
24.	التابع تابع Follower will Keep going follow	General	2
25.	المعروف عرفا كالمشروط شرطا Something that is known (applicable) on a regular basis custom (based on habits) are the same status with something set as condition	General	2
26.	الغرم بالغرم Profit comparable with readiness bear loss	Specific (Muamalah)	2
27.	المعروف بين التجار كالمشروط بينهم Something that is known (applicable) on a regular basis customs among merchants , its legal status same with something that set as terms between they	Special (Muamalah)	1
28.	لا يجوز لأحد أن يتصرف في ملك الغير بلا إذنه Not can for somebody to do deed law on belonging to others without permission .	Specific (Muamalah)	1
29.	أن الأحكام المترتبة على العوائد تدور معها كيفما دارت, وتبطل معها إذا بطلت كالفقود في المعاملات Laws based on custom (customs) apply together custom such and cancel (no apply) with him when custom that void, like inside currency muamalat	General	1
30.	كل حكم مرتب على عرف أو عادة يبطل عند زوال تلك العادة, فإذا تغير تغير الحكم Every law based on a 'urf (tradition) or custom (custom society) be void (no valid) when custom the lost. Because if custom changed, then the law has changed	General	1
Total			152

*X : The number of repetitions of the Rule

The following table is a recapitulation of fatwa data contained in the DSN-MUI (2017-2021) along with the number of fiqh rules used according to the table previously presented along with the number of fiqh rules used in each fatwa:

Table 2 DSN-MUI Fatwas (2017-2021) and Total Rule Fiqh that is used

Fatwa Number	About	Rule	Y
141/DSN-MUI/VIII/2021	Guidelines Establishment and Operations Sharia Cooperative	1, 2, 3, 4, 5, 7, 8, 10, 18	9
140/DSN-MUI/VIII/2021	Offer Sharia Securities Through Crowdfunding Based - Technology Information Based on Sharia Principles (1, 2, 3, 4, 5, 7, 8, 10	8

Fatwa Number	About	Rule	Y
	<i>Islamic Securities Crowdfunding</i>)		
139/DSN-MUI/VIII/2021	Marketing Product Insurance Based on Sharia Principles	1	1
138/DSN-MUI/V/2020	Application Sharia Principles in Mechanism Clearing, and Guarantee Completion Exchange Transactions above Effect characteristic Equity on the Stock Exchange	1, 25	2
137/DSN-MUI/IX/2020	Sukuk	1, 2, 6, 17, 26	5
135/DSN-MUI/V/2020	Stock	1, 3, 4, 5, 11, 13, 15, 17, 18, 24, 25, 26, 27, 28	14
134/DSN-MUI/II/2020	Cost Riii As Consequence Bill Rescheduling _	1, 3, 4, 5, 6, 13, 24	7
133/DSN-MUI/X/2019	Al- Musharakah Al-Muntakiyah Bi al - Tamlik	1	1
132/DSN-MUI/X/2019	Encounter Receivables (Muqashshah) Based on Sharia Principles	1, 2, 3, 23	4
131/DSN-MUI/X/2019	Waqf Sukuk	1, 2, 6	3
130/DSN-MUI/X/2019	Guidelines for Guarantee Agency Savings in Implementation Handling or Settlement of Experiencing Sharia Banks Problems Solvability	1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 23	11
129/DSN-MUI/VII/2019	Cost Real as Ta'widh Consequence Default (at-Takalif al- Fi'liyyah an-Nasyi'ah 'an an- Nukul)	1, 3	2
128/DSN-MUI/VII/2019	Conducting Brokerage Business Insurance and Brokerage Business reinsurance Based on Sharia Principles	1	1
127/DSN-MUI/VII/2019	Sukuk Wakalah bi al - Istitsmar	1, 6	2
126/DSN-MUI/VII/2019	Contract Wakalah bi al - Istitsmar	1, 2, 6, 9	4
125/DSN-MUI/XI/2018	Contract Investation Collective-Effect backed Assets (KIK EBA) Based Sharia Principles	1, 2, 9, 15, 19, 21	6
124/DSN-MUI/XI/2018	Application Sharia Principles in Implementation Storage	1, 3, 4, 5, 6, 13	6

Fatwa Number	About	Rule	Y
	and Settlement Services _ Transaction Securities and Management Infrastructure Investation Integrated		
123/DSN-MUI/XI/2018	Inappropriate Use of Funds Can Recognized As Income For Islamic Financial Institutions , Islamic Business Institutions , and Islamic Economic Institutions	1, 2, 9	3
122/DSN-MUI/II/2018	Management of Special BPIH and BPIH Funds Based on Sharia Principles	1, 2, 5	3
121/DSN-MUI/II/2018	EBA-SP Based Sharia Principles	1, 6, 9	3
120/DSN-MUI/II/2018	Securitization Shaped Effect backed Asset Based on Sharia Principles	1, 6, 9	3
119/DSN-MUI/II/2018	Ultra Micro Financing Based on Sharia Principles	1, 2, 14, 15, 19, 21	6
118/DSN-MUI/II/2018	Guidelines Guarantee Savings Sharia Bank Customers	1, 3, 4, 5, 6, 7, 8, 12, 16, 20, 22	11
117/DSN-MUI/II/2018	Service Financing based Technology Information Based on Sharia Principles	1, 2, 3, 4, 5, 7, 8, 10	8
116/DSN-MUI/IX/2017	Sharia Electronic Money	1, 2, 3, 4, 5, 7, 29, 30	8
115/DSN-MUI/IX/2017	Contract Mudharabah	1	1
114/DSN-MUI/IX/2017	Contract Shirkah	1	1
113/DSN-MUI/IX/2017	Contract <i>Wakalah bi Al- Ujrah</i>	1	1
112/DSN-MUI/IX/2017	Ijarah contract	1	1
111/DSN-MUI/IX/2017	Contract Sell Buy <i>Murabahah</i>	1	1
110/DSN-MUI/IX/2017	Contract Sell Buy	1, 14	2
109/DSN-MUI/II/2017	Financing Liquidity Period Short Sharia	1, 3, 4, 5, 6, 12, 16, 20, 22	9

*Y: Amount rule fiqh on every fatwa

From the recapitulation of the table above, the authors found that there were 32 fatwas issued by the DSN-MUI in the period 2017-2021. With details as following :

Table 3 Number of DSN-MUI Fatwas (2017-2021)

Year	Number of Fatwas
2017	8 fatwa
2018	9 fatwa
2019	8 fatwa
2020	4 fatwa
2021	3 fatwa
Total	32 Fatwas

4.2. Implementation of the Use of *Qawaid Fiqh* there is a DSN- MUI Fatwa (2017-2021)

The application of fiqh rules ideally serves to strengthen the reasons for establishing law and clarify the general legal basis for determining whether or not a transaction is permissible. This is one of the roles and urgency of fiqh rules in a fatwa (Amin Awal Amarudin S.Psi. S, 2016). But how far the role is implemented in the DSN-MUI fatwas , this is one aspect that will be analyzed in this study.

Progressivity shows enhancement application of fiqh rules to internal fatwas range analyzed time, indicators progressivity is measured based on right results study previously discussed about application *qawaid fiqh* on the DSN-MUI fatwas of the years before.

In the 2017-2021 period, it was found that there were 152 fiqh principles used by the DSN-MUI in formulating fatwas as a source of *ijtihad*. However , out of the 152 rules, in fact, only there are 30 rules of jurisprudence different used. Each rule will be repeated several times as before presented in the table above. Only there are 4 rules fiqh that is not repeated same once.

From 30 rules jurisprudence, 10 new rules DSN-MUI applied to its fatwas were not yet once used before. On the other hand, there are 20 rules the previous fiqh has mentioned DSN-MUI in its fatwas, however not mentioned again in his fatwas during the period 2017-2022. So that if in total, then the DSN-MUI has issued 50 rules fiqh in the fatwa from 2000-2021.

Of the 10 new rules, 5 of them appeared in 2018, 2 rules in 2020, and 3 rules in 2017. On the other hand, 4 rules fiqh among them is rule specific field *muamalah*, while 6 of them is rule general . The details of the fiqh principles are as follows:

Table 4 Rule The New Fiqhiyah Implemented DSN-MUI Period (2017-2018)

No	Fiqh rules	Classification	Year
1	الربح على ما شرطاً والوضيعة على قدر المالكين	Specific	2020
2	الخراج بالضمان	Specific	2020
3	للاكثر حكم الكل	General	2018
4	الحكم يدور مع العلة وجوداً وعدمها	General	2018
5	كل قرض جر منفعة فهو ربا إذا كان مشروطاً أو متعارفاً به	Specific	2018
6	إذا دار الشيء بين الغالب والناذر فإنه يلحق بالغالب	General	2018
7	الأصل إلحاق الفرد بالأعم الأغلب دون النادر	General	2018
8	من شرط على نفسه طائعا غير مكره فهو عليه	General	2017
9	من التزم معروفاً لزمه	General	2017
10	إن لزمان حصة من الثمن	Specific	2017

From this it can be concluded together that in 2018, the DSN-MUI not only issued a greater number of fatwas than other years, but this year the DSN-MUI also applied more new fiqh principles that had never been applied in previous years. previously. This indicates that there was significant progress in 2018.

From the data presented above, it can also be seen that of the 5 universal principles of jurisprudence that are known together, only three of them are mentioned in the DSN-MUI fatwa for the 2017-2021 period. Namely the rules " المشقة تجلب التيسير " , " الضرر يزال " , and " العادة العادة " where each rule repeats 2 times, 12 times, and 5 times. However, even though the DSN-MUI does not include the fundamental principles of " لا يقيّن لا والأُمورُ بمقاصدِها "

يُزال بِالشَّكِّ, the DSN-MUI uses several general and specific rules which are branches of the two fundamental rules which are not listed as their legal basis. Like the rule *الأصل في المعاملات الإباحة* (Basically, all forms of muamalah are permissible unless there is an argument that forbids it) which is a specific fiqh rule regarding muamalah which is also a derivative of the basic fiqh rule *الأيقين لا يزال بالشك* and the rules of *من التزم معروفًا لزمه* (Who is committed to carrying out a goodness, then he is obliged to fulfill it) which is a general fiqh rule derived from or a branch of the fundamental principle of *الأمر بمقاصدها*.

In addition, during the 2017-2021 period, the DSN-MUI has never separated from using fiqh rules as *istidlal*. At least use 1 rule of fiqh and use at most 14 rules in each fatwa. This number has greatly increased when compared to fatwas that have been issued in previous years, where the maximum number uses 9 fiqh principles in fatwa number 84/DSN-MUI/XII/2012 concerning the Method of Recognizing Profits *Tamwil bi al- Murabahah* (Murabaha Financing) in Islamic Financial Institutions. Meanwhile, the fatwa that uses 14 fiqh principles is fatwa number 135/DSN-MUI/V/2020 concerning **stocks**. But even so, the authors find that there is 3 pairs of fiqh principles used in the fatwa regarding share which has the same meaning but a different editorial. The rules of fiqh in question are:

- a. *الضرر يُدفع بقدر الإمكان* (All harm (harm, loss) must be avoided whenever possible) and *الضرر يُزال* (All madharat (harm, loss) must be removed). Where one is a branch rule of the basic rules mentioned.
- b. *المعروف عرفا كالمشروط شرطا* (Something that is known (applies) by custom, its legal status is the same as something that is determined as a condition) and *المعروف بين التجار كالمشروط بينهم* (Something that is known (is) habitually among merchants, its legal status is the same as something that set as a condition between them). Where the second is a rule that is more specific than the first rule, but both of them are derived rules from the fifth basic rule (العادة المحكمة).
- c. *الغنم بالغرم* (Profit is proportional to readiness to bear the loss) and *الحراج بالضمنان* (Income is proportional to the readiness to bear the burden). Where both of them are special rules about muamalah.

In addition to the 3 pairs of similar fiqh rules that have been previously mentioned in the fatwa regarding stocks, there are two more pairs of fiqh rules used in the DSN-MUI fatwas for the 2017-2021 period which have the same meaning but slightly different pronunciation. The fiqh rules are:

- a. "Avoiding damage (loss) must take precedence (priority) over bringing benefit." (*درء (المفاسد مقدم على جلب المصالح*) with "Preventing mafsadah (damage) takes precedence over taking benefit." (*دَرْءُ الْمَفَاسِدِ أَوْلَى مِنْ جَلْبِ الْمَصَالِحِ*).
- b. "Laws based on adat (customs) are in force with said adat and void (not valid) with it when the custom is invalidated, like the currency in muamalat. *وتبطل معها إذا بطلت كالتفود* " and "Any law based on an 'urf (tradition) or adat (customs of the people) becomes void (not applicable) when the custom is lost. Therefore, if customs change, then the law **changes** . "

The most widely used fiqh principles in the DSN-MUI fatwas as instruments in the formulation of laws are: the rule " *الأصل في المعاملات الإباحة إلا أن يدل دليل على تحريمها* ". This principle shows a very broad coverage in the field of muamalah. Where in every fatwa in the 2017-2021 period it always includes these fiqh principles without except (32 fatwas). Unfortunately, this

rule is still too general and not specific. In fact, 8 of the fatwas (25%) only used one *prima donna* fiqh rule regarding this muamalah without using other fiqh rules. 5 of them were issued in 2017, and the rest were issued in 2019 and 2021. The fatwas are:

1. 139/DSN-MUI/VIII/2021 Marketing Product Insurance Based on Sharia Principles
2. 133/DSN-MUI/X/2019 Al- Musyarakah Al- Mutahiyah Bi al- Tamlik
3. 128/DSN-MUI/VII/2019 Brokerage Business Implementation Insurance and Brokerage Business reinsurance Based on Sharia Principles
4. 115/DSN-MUI/IX/2017 Akad Mudharabah
5. 114/DSN-MUI/IX/2017 Akad Shirkah
6. 113/DSN-MUI/IX/2017 Akad Wakalah bi Al- Ujrah
7. 112/DSN-MUI/IX/2017 Ijarah contract
8. 111/DSN-MUI/IX/2017 Akad Sell Buy *Murabahah*

Whereas in previous years, there were 30 fatwas that only used 1 fiqh rule out of 108 DSN-MUI fatwas that had been issued (28%). Even though it is thin, there is a decrease in the percentage of fatwas that only use one *prima donna* rule indicating that there is progress towards the application of *qawaid fiqh* to DSN-MUI fatwas.

DSN-MUI always uses the fiqh rules *إلا أن يدلّ دليلٌ على تحريمها* as one of the foundations for almost all of its fatwas because this principle is the reason for the existence of 4 (four) fiqh solutions which are used as the basis for establishing DSN-MUI fatwas; namely *At-Taysir Al-Manhaji*, *Tafriq Al-Halal 'An Al-Haram*, *I'adah Al-Nadzar*, and *Tahqiq Al-Manath*. So that Thing this could open wide opportunity to make breakthroughs and new innovations in the formulation of laws related Islam sharia economy (Andziri, 2018).

- a. *Al-Taysir al-Manhaji*, namely choosing a light opinion but still according to the rules. Step operational is to find a solution the fiqh in a manner theorem more strong at a time more bring benefit. However, if Thing it is not can or difficult conducted, so which come first is consideration benefit, while the strength of the argument is used consideration afterwards. It means, fatwa DSN-MUI will give Street go out with give solution best as long as it does not conflict with sharia.
- b. *A t-Tafriq baina Al-Halal wal haram*, namely the separation between halal and property non-halal. This theory used by fatwa DSN-MUI by ~~creating~~ that activity economy sharia in Indonesia yet can released fully from system economy conventional usury, at least from the aspect of capital. The theory of *At-Tafriq baina Al-Halal wal haram* is the answer on the comments of the parties involved doubt halal product units Effort Sharia because the capital for its formation comes from conventional business units. Theory this applied by identifying all the money that belongs to conventional banks so that it is known which is interest and which is capital or income derived from non-based products on flowers. Income derived from interest is set aside first first, then the rest is used as capital for establishing a Sharia Business Unit because believed to be lawful.
- c. *I'adah An-Nazhar*, namely a review of opinions former scholars. This can be done if the opinion of previous scholars considered no longer suitable for application at this time because it is difficult implemented. One way is with test return opinion which was previously made backup taking into account the prevailing legal opinion this is seen as weak, because of opinions the considered more bring a to benefit, then the opinion is used as a guide in establishing the current law. This theory is a middle way

between thinking too loose in apply principles law economy sharia (up to economy Islam is stuck in *labeling*) with classical fiqh thinking which is difficult to apply back in the era now .

- d. *Tahqiq Al-Manath* , that is analysis for knowing exists reason law or other Illat in a case. An example of its application is in the Gold Murabaha, in where In Islamic history, gold served as a medium of exchange. Therefore, if gold wants traded, it must be done in cash to avoid occurrence of usury *nasa'* (usury due to the exchange of ribawi goods of the same kind not made in cash) (Amin, 2017).

If it is classified based on the reference source of fiqh rules, of the 30 fiqh rules contained in the DSN-MUI fatwas (2017-2021), there are rules which are *Al-Qawaid al-Mansusah* , namely rules taken directly based on the syara' texts without any changes (MUSA, 2015). Among the fiqh rules are:

- a. **الخارج بالضمان** (Earnings are proportional to readiness to bear burden), this rule comes from the Hadith narrated by Aisyah ra, (History of Abu Dawud no. 3510, An Nasai no. 4490, Tirmidzi no. 1285, Ibnu Majah no. 2243 and Ahmad 6: 237. Shaykh Al Albani says that the Hadith this is hasan, But Ibnul Qayyim stated that the degree of this Hadith is daif) (Al-Baahits Al-Haditsi Application, 2021).
- b. **كل قرض جر منفعة فهو ربا** (Every debt that brings benefits (for those who debt, muqridh) is usury), this rule comes from the Hadith narrated by Ali bin Abi Talib ra, but Imam As-Suyuthi, Al Bani, Ibn Baz, and Ibn Utsaimin stated that the degree of this Hadith is dhaif. Ibn Hajar said that none of the Hadith with this lafadz is authentic from the Prophet SAW, but Hajar Al-Haitami stated that the meaning of this Hadith is strengthened by its authentic meaning (Dr. Erwandi Tarmizi, 2017).

If classified based on the scope of coverage, the application of *qawaid fiqh* to the DSN-MUI (2017-2021) is follows:

Classification Rule	Amount	Repetition
<i>Qawaid Al- Asasiyah</i> (The Fundamental Principles)	3	19
<i>Qawaid Al - 'Ammah</i> (The general Pinciples)	17	73
<i>Qawaid Al- Khassah</i> (The Specific Principles)	10	60
Total	30	152

Table 5. Number of Classifications of Fiqh Rules in DSN-MUI Fatwas (2017-2021)

From the data above, it can be concluded together that the DSN-MUI has used the rules in stages in determining its fatwas, but the use of *qawaid fiqh al-'ammah* in the DSN-MUI fatwas (2017-2021) is more frequent than the use of *qawaid fiqh al-khassah* with ratio 17:10. And in *qawaid al-khassah* , DSN-MUI does not only use spcific rules about muamalah, but there is also a special rule about siyasah as its basis which reads **تَصَرَّفُ الْإِمَامُ عَلَى الرَّعِيَّةِ مَنْوُطٌ بِالْمَصْنُوحَةِ** (the actions of the Imam (holder of authority) towards the people must follow mashlahat) , this is because the DSN-MUI has the power or authority to serve as a standard for determining law in the field of Islamic economics in Indonesia.

More use of *qawaid fiqh al-khassah* in a fatwa, indicates that there is a more optimal indication than if you use too much *qawaid fiqh al-ammah* because the more specific

a fiqh rule is, the easier it is for readers to digest the meaning of the rule, conversely the more general it is. a fiqh rule, it will be more difficult for the reader to understand the meaning of the fiqh rule. This can be proven by example, if a fatwa is included with *qawaid fiqh al-amma* لَا ضَرَرَ وَلَا ضِرَارَ (May not be harmful and may not be harmful), the reader may feel confused about what harm is meant. However, if the fatwa includes the principles of fiqh al-khassah such as لَا يَجُوزُ لِأَحَدٍ أَنْ يَتَصَرَّفَ فِي مَلِكِ الْغَيْرِ بِلَا إِذْنِهِ (It is not permissible for someone to take legal action on belonging to someone else without permission), then it will be easier for the reader to understand what he means. However, the author feels that it would be better if the fatwa could include both so that the reader can better understand the essence of these fiqh rules where in this example, taking legal action on (property) belonging to another person is an action that contains harm that must be abandoned.

Based on the results of an interview with a DSN-MUI practitioner, there is a gap in the application of *qawaid fiqh* among the fatwas due to the extent to which the dictum and content of the fatwa have relevance or relationship with existing fiqh rules. Apart from that, changing the structure or arrangement of members of the DSN-MUI plenary which is different every time they formulate a fatwa is also one of the underlying factors, because it is very likely that a DSN-MUI member knows while the others don't. In other words, each plenary member has different knowledge and understanding of fiqh rules. On the other hand, the use of fiqh rules that are common and tend to be monotonous in the DSN-MUI fatwa is due to the fact that there are not many special fiqh rules for muamalah, sometimes there are differences in the pronunciation, but the meaning is the same (Mughni, 2022).

4.3. Proposal Fiqh principles on One of the Selected DSN-MUI Fatwas (2017-2021).

In part on this case, the author chooses fatwa number 133/DSN-MUI/X/2019 concerning *Al-Musyarakah Al-Muntakiyah Bi al- Tamlik*. Broadly defined, *Al-Musyarakah Al-Muntakiyah Bi al-Tamlik* contract is a musyarakah contract where one of the *syarik* promises to sell or donate his *hishah* to another *syarik*, then the other *syarik* also promises that he will buy the *hishah* at the end of the contract period. The author chooses this contract to be explained further because this fatwa is one of the DSN-MUI fatwas which only apply one rule of *prima donna* fiqh is written “ الْأَصْلُ فِي الْمَعَامَلَاتِ الْإِبَاحَةُ إِلَّا أَنْ يَدُلَّ دَلِيلٌ جَلَا عَلَيْهِ عَلَيْهِ ” In addition, the fatwa regarding *Musyarakah Al-Muntakiyah Bi al-Tamlik* contains several contracts, such as; musyarakah, bai', grants, and also wa'd which separate these contracts, so the author feels that this fatwa requires more and more comprehensive application of fiqh rules. The following table are the fiqh rules that the author intends along with a description of their relevance:

Table 6 Fiqh Rules

No	Rule Fiqh	Information Relevance
1	الأصل رضی والمتعاقدين ونتيجته هي ما التزامه بالتعاقد The original law of the contract is pleasure both parties entering into the contract, and what results are mutually beneficial by the convention. (<i>Sharia Resolution Islamic Finance, Malaysia</i>)	In general, the contract of Al-Musyarakah Al-Muntakiyah Bi al-Tamlik will occur if the parties make the agreement or association are pleased with each other, and from this contract there will be obligations for each party reciprocally.
2	الأصل في المشاركة الإباحة	This rule is a more specific rule than the rule

No	Rule Fiqh	Information Relevance
	Basically, musyarakah contracts are permissible.	الأصل في المعاملات الإباحة إلا أن يدل دليل على تحريمها
3	الأصل في المنافع الحلو والمضار الحرمة بأدلة شرعية Basically everything that is useful is halal and what harmful is unlawful with hari'a guideline.. (HA Djazuli, 2006. <i>Principles of Jurisprudence</i> , Jakarta)	<i>Al-Musyarakah Al-Muntakiyah Bi al-Tamlik</i> can be useful as one alternative financing in Islamic banking so that this contract is permissible. However, this contract becomes prohibited if it turns out that the parties to the consultation are dishonest because it will harm the other parties.
4	الربح على ما شرطوا والوضيعة على قدر المالين Profit are divided based on what is required (agreed on) by both parties and losses are borne based on capital	Contract <i>Al-Musyarakah Al-Muntakiyah Bi al-Tamlik</i> uses type of <i>Syirkah al-'Inan</i> . Where on this contract have provision that the profits from results cooperation shared in accordance with ratio or percentage agreed by both split party. Whereas if experience loss then percentage loss the shared in accordance based on their capital assets remove. For example A provides 7 million in capital, and B provides 3 million in capital. Then both of them agreed that if they get profit, each A and B will get percentages 50% : 50% because B runs their bussiness more than A. However if they lossed, the percentage division based on capital, namely 70% : 30%. B apart get loss form property, he also loses the time and energy that was spent he take it out before.
5	الغنم بالغرم Profit is comparable with readiness bear loss. (<i>Sharia Resolution Islamic Finance</i> , Malaysia)	These three rules have different text however same meaning. A famous <i>statement</i> heard in economic field and appropriate with these rules is "high risk-high return, low risk - low return". Where are the rules and <i>statements</i> are in accordance with the principle of the <i>musyarakah</i> contracts at the beginning from the contract of <i>Al-Musyarakah Al-Muntakiyah Bi al-Tamlik</i>
6	النعمة بقدر النعمة Profits are obtained according to sacrifice (<i>Majalla Al-Ahkam Al-Adliyyah</i> , Turkey)	
7	الخراج بالضمان The right to get the results as compensation for lossing (which are borne) (<i>Majalla Al-Ahkam Al-Adliyyah</i> , Turkey)	
8	الشركات مبناه على الوكالة والأمانة Contracts syirkah built on base wakalah and trust.	If there are two people or more who are unionized or partnered to build a business, indirectly they have used the trust and wakalah system. For example, A and B build a business by providing capital of 10 million each. When A gives capital to B, it means that A entrusts his capital assets to B. Then B will represent A to rotate the capital assets. Then B is free to rotate the assets,

No	Rule Fiqh	Information Relevance
		B does not need to always ask permission from A in every decision to manage these capital assets because B's position is the same as A's who represents him.
9	المواعيد باكتساب صور التعاليف تكون لازمة Anyone who burdens himself with something voluntarily without coercion, then it becomes his obligation. (Promises must be fulfilled) . (<i>Majalla Al- Ahkam Al- Adliyyah , Turkey</i>)	In the contract of Al-Musyarakah Al Muntakiyah Bi al-Tamlik, one partner promised to buy hishoh belonging to other syarik, while syarik others also promised to sell his hishoh to his partner at the end of the union term.
10	من التزم معروفا لزمه Who is committed doing something goodness, then he Required fulfill it	Both of syarik should be fulfill / keep promises / commitment to the burden that has been voluntarily assigned to each of them

Conclusion

From the results discussion above, then writer conclude that conclusion from results this paper are as following :

1. Of the 32 fatwas issued by the DSN-MUI in the 2017-2021 period, there were 152 fiqh principles that were applied by the DSN-MUI in formulating fatwas as a source of ijihad. However, out of 152 rules, only there are 30 rules jurisprudence different used. Each rule repeated several times, only 4 rules fiqh among which are not repeated .
2. In terms of progress, the application of qawaidh *fiqh* in the 2017-2021 DSN-MUI fatwa has indicated a better improvement compared to previous years. This is evidenced by the percentage decrease of 3% in the number of fatwas which only used 1 fiqh rule as the basis for each fatwa from previous years. In addition, there are 10 new rules that have never been used as the basis for DSN-MUI fatwas. This is also evidence indicating that the application of *qawaid fiqh* on DSN-MUI fatwas is more varied. However , on the other hand, there is still more use of *qawaid fiqh al-'ammah* in DSN-MUI fatwas (2017-2021) compared to the use of *qawaid fiqh al-khassah* with a ratio of 17:10. In addition, there is still a gap in the number of *qawaid fiqh* applied between fatwas, where some fatwas only use 1 (one) rule, but on the other hand there are fatwas that use up to 14 rules.
3. DSN-MUI always uses the fiqh rules *الأصل في المعاملات الإباحة إلا أن يدل دليل على تحريمها* as one of the foundations for almost all of its fatwas because this principle is the reason for the existence of 4 (four) fiqh solutions which are used as the basis for establishing DSN-MUI fatwas; namely *At-Taysir Al-Manhaji, Tafriq Al-Halal 'An Al-Haram, I'adah Al-Nadzar, and Tahqiq Al-Manath*. So that could open wide opportunity to make breakthroughs and new innovations in the formulation of laws related Islam sharia economy. But on the other side, it implies that DSN MUI is less productive in applying fiqh rules.
4. There is a gap in the application of *qawaid fiqh* among existing fatwas due to the extent of dictum and content of the fatwa have relevance or relationship with existing fiqh rules. Apart from that, changing the structure or arrangement of members of the DSN-MUI plenary when they formulate in the different fatwa is also one of the underlying factors, because it is possible that each plenary member has different knowledge and

understanding of fiqh rules. On the other hand, using too many common fiqh rules and tend to be monotonous in the DSN-MUI fatwas is due to the fact that there are not many special fiqh rules for muamalah, sometimes there are differences in the pronunciation, but the meaning is the same. But sometimes it will make the readers can not understand well about the fatwa.

Acknowledgment and Limitation

For The Next Researchers

1. Need for broader research for the Indonesian people to find out more deeply whether the use of more optimal fiqh rules both in terms of quality and quantity in DSN-MUI fatwas really has an influence on their level of trust and interest in Financial Institution products Sharia (LKS).
2. The need for broader field research on several Islamic financial institutions (LKS) to find out more deeply whether the use of more optimal fiqh rules both in terms of quality and quantity in a fatwa has a better influence on the implementation of the contents of a fatwa when compared to the implementation the contents of the fatwa using fiqh rules that are less than optimal.
3. There is a need for similar follow-up research for periods after 2021 to find out whether the progress of the application of qawaid fiqh in the DSN-MUI fatwa is static or is progressing in terms of both quality and quantity.

For DSN-MUI

By looking at the vast treasury of fiqh rules that have been codified by scholars, and considering the vital role of fiqh rules as a support and reinforcement of existing arguments in establishing laws in order to produce stronger and better quality fatwas, DSN-MUI should select fiqh rules with more directly targeting the details of the theme of the problem so that it can be understood more clearly. Or at least the DSN-MUI can provide a little explanation on general rules so they can be clearer and easier to understand. This is to anticipate the potential for errors in the application of contract mechanisms in the field, as well as legal loopholes that can be abused.

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