
Islamic Legal Policy on the Use of Social Media (Critical Study of MUI Fatwa)

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Abstract. *Technological developments have made it easier to access information from various places. Social media has become an inseparable part of every aspect of modern life, so it is necessary to have legal policies and guidelines in believing through social media. This study aims to find out a critical review of MUI fatwa policies in unravelling laws and guidelines for the use of social media. The research method used is normative legal research with a conceptual approach. The results of the study show that MUI Fatwa Number 24 of 2017 is the right response to ethical challenges that arise due to the use of social media. This fatwa provides clear guidance for Muslims on how to use social media ethically and by Islamic teachings. However, as a fatwa, this regulation does not have binding legal force, coercion and does not have legal sanctions whose settlement is through litigation or still based on laws and regulations, only functions as a moral guideline depending on individual awareness. Without stricter enforcement or appropriate legal regulations, the impact could be limited.*

Keywords: *Legal policy; Islam; Use; Social media.*

INTRODUCTION

Technological advances are so rapid that they make it easier for us to access information from various sources.¹ Social media has now become an integral part of modern life how can we manage it so that privacy is maintained from slander and is not easily accessed by the public. The essence of social media as a means of strengthening friendship seems to need to be further improved so that we can be wiser in expressing opinions and not lose control.²

Islam, as a religion that guides its people to always prioritize goodness in every aspect of life, sets limits for its people in using social media wisely. Islam does not oppose technological advances but supports them as long as it maintains ethics that maintain morals and morals on the right path. Islam supports whilst still paying attention to ethics that guard morals and morals on the right path.³

¹ Muhammad Panji Wahyu Mukti, Wadiyo Wadiyo, and Teguh Supriyanto, "Challenges and Transformation: Revealing the Dynamics of Socio-Cultural Change in the Modern Era," *Jurnal Pakarena* 9, no. 1 (2024): hlm. 106-119, <https://doi.org/10.26858/p.v9i1.53510>.

² Anang Sugeng Cahyono, "Pengaruh Media Sosial Terhadap Perubahan Sosial Masyarakat Di Indonesia," *Publiciana* 9, no. 1 (2022): 140-57, <https://doi.org/10.36563/publiciana.v9i1.79>.

³ Mulyawan Safwandy Nugraha, Didin Kurniadin Maskah, and Ai Rohayani, "Islamic Ethical Concepts Relevant to Digital Technology," *Proceedings of International Conference on Islamic Civilization and*

Social media has now become one of the main tools for disseminating information, communicating, and preaching. However, the ease of accessing and sharing this information also raises new challenges related to ethics and user responsibility. The Indonesian Ulama Council (MUI) has issued Fatwa Number 24 of 2017 concerning the Law and Guidelines for Muamalah Through Social Media as a guide for Muslims in interacting in cyberspace.⁴

This MUI fatwa arose in response to incidents of the use of social media that often cause ethical issues, such as the spread of fake news, hate speech, slander, and content that is contrary to Islamic teachings. Social media allows people to express opinions and share information, but this freedom is often used unproductively or even detrimentally.⁵ Therefore, an in-depth analysis of the role of the MUI fatwa as an Islamic legal policy in social media interaction is needed, namely: how to critically review the MUI fatwa policy in unraveling the law and guidelines for the use of social media.

THEORETICAL FRAMEWORK

Of course, the use of theory as a "knife" must be used in social or legal research to analyze the problem discussed. According to Sudikno Mertokusumo, a theory is an opinion that is put forward as an explanation of an event or occurrence. Legal theory and social theory can be the general foundation for science and can be used to solve certain fundamental legal problems.⁶

The theory used in this study is the Development Policy Evaluation Theory from Peter H. Rossi and Howard E. Freeman as an applied theory. Policy evaluation states that evaluation is related to the conceptualization, design, implementation, and utilization of social intervention programs carried out by the government as a public policy. In making policy evaluations, objectives and criteria are important. Objectives formulate goals to be achieved in a policy, both

Humanities 1 (2023): 106–23,
<https://doi.org/https://proceedings.uinsa.ac.id/index.php/iconfahum/article/view/1335>.

⁴ Subehan Khalik, "Studi Kritis Terhadap Respon Majelis Ulama Indonesia (MUI) Tentang Pemanfaatan Media Sosial Dalam Bermuamalah," *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan* 7, no. 1 (2018): 39–50, <https://doi.org/10.24252/ad.v7i1.5463>.

⁵ Athoillah Islamy, "Fatwa About Social Interaction on Social Media in the Paradigm of Islamic Legal Philosophy," *Al-Mishbah: Jurnal Ilmu Dakwah Dan Komunikasi* 15, no. 2 (2020): hlm. 163-174, <https://doi.org/10.24239/al-mishbah.vol15.iss2.159>.

⁶ Sudikno Mertokusumo, *Teori Hukum* (Yogyakarta: Cahaya Atma Pustaka, 2012). 4.

in numerical and verbal forms, while criteria ensure that the goals that have been set can be achieved and met properly.⁷

RESEARCH METHODS

This research is descriptive analytical, with normative legal research methods.⁸ Primary, secondary, and non-legal legal materials are the sources of legal materials used. To explain the conclusions, the study uses a deductive approach, which means analysing general events and then generating specific conclusions or generalisations that are elaborated into concrete examples or facts. The deductive method departs from a theory which is then proven by a search for facts.⁹

RESULTS AND DISCUSSION

Islamic Law Policy refers to the rules and guidelines that govern the lives of Muslims based on sharia principles. In this case, Islamic law involves all areas of life, ranging from worship, social and economic relations (muamalah), to manners and morality regulated by sharia. Usually, Islamic legal policies are drafted and implemented by religious authorities and governments, both in countries that officially implement Islamic law and in Muslim societies in general.¹⁰

In the context of Islamic law, social media is considered a means of transaction that must comply with sharia principles. In this context, the role of MUI has stipulated that interaction in the use of social media must comply with the principles of honesty, responsibility, and maintaining the good name of others. This concept is in line with the teachings of the Qur'an and hadith, which emphasise the importance of maintaining honour, avoiding gossip, and not spreading lies.¹¹

Countless human activities must be governed by legal principles of justice, truth and morality. Social media as a virtual interaction space for the community has opened many doors for various types of interactions, both positive and negative. From an Islamic perspective, the ethical aspects

⁷ Wirawan, *Evaluasi: Teori, Model, Metodologi, Standar, Aplikasi Dan Profesi* (Jakarta: Rajawali Pers, 2011). 15-16.

⁸ Nanda Dwi Rizkia and Hardi Fardiansyah, *Metode Penelitian Hukum (Normatif Dan Empiris)* (Bandung: Widina Media Utama, 2023). 120.

⁹ Zainal Asikin and Amiruddin, *Pengantar Metode Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2016). 109.

¹⁰ Ridwan, Kurniati, and Misbahuddin, "Relevansi Fungsi Dan Tujuan Hukum Islam Dalam Era Modern," *Al Mutsala: Jurnal Ilmu-Ilmu Keislaman Dan Kemasyarakatan* 5, no. 2 (2023): hlm. 390-404, <https://doi.org/10.46870/jstain.v5i2.838>.

¹¹ Wahidin and Safaruddin, "Pemberian Imbalan Via Aplikasi TikTok Perspektif Hukum Ekonomi Syariah: Analisis Terhadap Program TikTok Affiliate," *Taqnin: Jurnal Syariah Dan Hukum* 6, no. 1 (2024): 1-18, <https://doi.org/10.30821/taqnin.v6i01.20730>.

of the use of social media include the prohibition of gossip, namely spreading negative news about others, slander and hoaxes, namely people are prohibited from harming others. The concept of business ethics can affect every interaction, both virtual and real, media reporting must be honest and moral.¹²

Fatwa Number 24 of 2017 concerning Laws and Guidelines for Muamalah Through Social Media formed by the MUI in encouraging the process of *tabayyun* or clarification before disseminating information.¹³ This is one of the important principles in Islam, which aims to avoid slander and the spread of fake news. In this case, MUI also emphasised the importance of social media users to ensure the truth of every information that is being disseminated, so as not to harm others or cause division.¹⁴

MUI assesses that in the use of social media, people often do not have an attitude of responsibility, so they are easily provoked by false information, slander, *ghibah*, and so on, fights, gossip, distortion of facts, hate speech, hostility, and noise become negative narratives on social media. This fatwa contains the meaning that in muamalah, every Muslim is required to maintain faith, piety and virtue, brotherhood, remind each other of the truth and invite and prevent evil.¹⁵

The use of legal policies issued by the MUI provides clear guidance for Muslims on how to use social media ethically and in accordance with Islamic teachings, it also has a critical analysis as in the Development Policy Evaluation Theory of Peter H. Rossi and Howard E. Freeman views a policy objective to be achieved in terms of covering substance, implementation, and impact.¹⁶ However, in terms of discussing legal policies from the MUI fatwa Number 24 of 2017, the focus of the analysis knife is in the *sollen* area, which is the policy area in substance belied as part of the products of the National Sharia Council (DSN).

¹² Husnah. Z, "Etika Penggunaan Media Sosial Dalam Al-Qur'an Sebagai Alat Komunikasi Di Era Digitalisasi," *Al Mutsala: Jurnal Ilmu-Ilmu Keislaman Dan Kemasyarakatan* 1, no. 2 (2020): hlm. 149-162, <https://doi.org/10.46870/jstain.v1i2.14>.

¹³ Aprian Zakaria and Khoirun Nasik, "Tinjauan Hukum Islam Dalam Bermuamalah Melalui Media Sosial Berdasarkan Prinsip Syariah Dalam Fatwa Dsn-Mui Nomor 24 Tahun 2017," *UNES Law Review* 7, no. 1 (2024): hlm. 128-133, <https://doi.org/10.31933/unesrev.v7i1.2229>.

¹⁴ Wenang Purbaningrat, "Terapkan Konsep 'Tabayyun' Dalam Bermedia Sosial: Cek Kebenaran Saat Terima Informasi," *Https://Aptika.Kominfo.Go.Id/2023/08/Terapkan-Konsep-Tabayyun-Dalam-Bermedia-Sosial-Cek-Kebenaran-Saat-Terima-Informasi/*, August 28, 2023.

¹⁵ Danil Putra Arisandy, Asmuni, and Muhammad Syukri Albani Nasution, "The Majelis Ulama's Fatwa on Freedom of Expression On Social Media: The Perspective of Maqashid Sharia," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): hlm. 467-486, <https://doi.org/10.29240/jhi.v7i2.5235>.

¹⁶ Muh. Firyal Akbar and Widya Kurniati Mohi, *Studi Evaluasi Kebijakan (Evaluasi Beberapa Kebijakan Di Indonesia)*, Cet. I (Gorontalo: Ideas Publishing, 2018). 37-44.

The MUI fatwa on the law and guidelines for muamalah through social media is an appropriate response to the ethical challenges that arise due to the use of social media. This fatwa provides clear guidance for Muslims on how to use social media ethically and in accordance with Islamic teachings. However, as a fatwa, this regulation does not have binding legal force, is coercive and does not have legal sanctions whose settlement is through litigation or still based on laws and regulations, only serves as a moral guideline that depends on individual awareness. Without stricter enforcement or appropriate legal regulations, the impact could be limited.

Regulations that provide guidelines for behaviour in social media allow for a great deal of change in the way people use social media if used effectively. However, it cannot be said that *ius constitutum* which is coercive and has an independent legal authority is only limited to regulations as a guide and legal guide to the use of social media. However, if Muslims can follow the instructions contained in this fatwa, so that social media can be used more safely and morally. Therefore, cooperation from various parties, such as the government, religious institutions, and the general public, is urgently needed to ensure the comprehensive implementation of the values mandated in the fatwa.¹⁷

The epistemological construction of Islamic law in the MUI Fatwa combines the paradigm of idealism and realism in Islamic law, so that it can be identified from the various elements that are the basis of its epistemological construction. First, universal moral and ethical values taken from religious texts. Second, the application of Islamic legal principles that focus on the principle of prevention and public benefit. Third, referring to the opinion of classical scholars. Fourth, include the views of relevant scientists and experts related to the use of social media.¹⁸

Actually, the MUI by issuing a special fatwa related to the law and guidelines for muamalah (social interaction) through social media which substantially supports the provisions in the ITE Law. This fatwa clearly details the prohibition of certain behaviours on social media, including regulations in the creation and dissemination of content. By referring to the concept of legal force in society that must be in line with the juridical, sociological, and philosophical framework, this

¹⁷ Muhammad Shuhufi et al., "Islamic Law and Social Media: Analyzing the Fatwa of Indonesian Ulama Council Regarding Interaction on Digital Platforms," *Samarah* 6, no. 2 (2022): hlm. 823-843, <https://doi.org/10.22373/sjhc.v6i2.15011>.

¹⁸ Qurrota A'yun and Nurul Istiani, "Epistemologi Fikih Di Media Sosial (Konstruksi Epistemologis Fatwa Majelis Ulama Indonesia Tentang Bermuamalah)," *Risalah, Jurnal Pendidikan Dan Studi Islam* 7, no. 2 (2021): hlm. 279-294, https://doi.org/10.31943/jurnal_risalah.v7i2.181.

fatwa affirms the acceptance of the Muslim community in Indonesia for the control of internet content in accordance with Islamic philosophical values.¹⁹

CONCLUSION

MUI Fatwa Number 24 of 2017 is an appropriate response to ethical challenges that arise due to the use of social media. This fatwa provides clear guidance for Muslims on how to use social media ethically and in accordance with Islamic teachings. However, as a fatwa, this regulation does not have binding legal force, or coercion and does not have legal sanctions whose settlement is through litigation or still based on laws and regulations, only functions as a moral guideline depending on individual awareness. Without stricter enforcement or appropriate legal regulations, the impact could be limited.

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¹⁹ Norman Edwin Elnizar, "Fatwa MUI Tentang Medsos Selaras Dengan UU ITE," <https://www.hukumonline.com/berita/a/fatwa-mui-tentang-medsos-selaras-dengan-uu-ite-lt593a03f74bef7/>, 2017. Diakses tanggal 9 Oktober 2024

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