



J-HES

Jurnal Hukum Ekonomi Syariah

Volume 9 | Issue 1 | June 20025
p-ISSN: 2549-4872 | e-ISSN: 2654-4970

Buying and Selling Boycott Products and Maslahah Mursalah An Analysis of MUI Fatwa No. 83 of 2023

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Abstract

The issuance of Fatwa No. 83 of 2023 by the Indonesian Ulema Council (MUI), which calls on Muslims to avoid products affiliated with Israel, has triggered a wide social, economic and religious discourse in Indonesia. The fatwa is not merely a moral call, but rather a normative directive in Islamic law rooted in the principle of *maslahah mursalah* - a consideration of the public good that is not explicitly mentioned in sacred texts, but is in line with the objectives of sharia. This study analyzes the fatwa through the perspective of contemporary Islamic fiqh and assesses its broader socio-economic implications. The research uses a descriptive qualitative method with a normative-theological approach, relying on literature study as the main technique of data collection, and supported by content analysis and critical review. The results show that this fatwa is based on strong theological foundations and strengthens the collective solidarity of Muslims towards the Palestinian cause. It introduces a model of non-violent resistance through economic jihad, encouraging Muslim consumers to practice ethical consumption. However, its implementation faces challenges, including limited access to information regarding product affiliations, consumer dependence on global brands, and economic risks for small businesses. This fatwa reflects a dynamic form of contemporary *ijtihad*, demonstrating the active engagement of scholars in responding to global injustices. Although not legally binding, these fatwas have strong normative authority in shaping Muslim consciousness towards justice, humanity and public good. This study emphasizes the importance of policy synchronization and public education to increase the practical impact of this fatwa in Indonesia's pluralistic society.

Keywords: MUI Fatwa, Boycott, Maslahah Mursalah, Economic Jihad, Contemporary Islamic Law

Jual Beli Produk Boikot dan Masalah Mursalah Telaah terhadap Fatwa MUI No 83 Tahun 2023**Abstrak**

Terbitnya Fatwa No. 83 Tahun 2023 oleh Majelis Ulama Indonesia (MUI), yang menyerukan umat Islam untuk menghindari produk yang terafiliasi dengan Israel, telah memicu diskursus sosial, ekonomi, dan keagamaan yang luas di Indonesia. Fatwa ini bukan sekadar seruan moral, melainkan merupakan arahan normatif dalam hukum Islam yang berakar pada prinsip masalah mursalah pertimbangan kemaslahatan umum yang tidak disebutkan secara eksplisit dalam teks suci, namun sejalan dengan tujuan syariat. Studi ini menganalisis fatwa tersebut melalui perspektif fikih Islam kontemporer dan menilai implikasi sosial-ekonomi yang lebih luas. Penelitian ini menggunakan metode deskriptif kualitatif dengan pendekatan normatif-teologis, mengandalkan studi pustaka sebagai teknik utama pengumpulan data, serta didukung oleh analisis isi dan telaah kritis. Hasil penelitian menunjukkan bahwa fatwa ini didasarkan pada fondasi teologis yang kuat dan memperkuat solidaritas kolektif umat Islam terhadap perjuangan Palestina. Fatwa ini memperkenalkan model perlawanan non-kekerasan melalui jihad ekonomi, mendorong konsumen Muslim untuk menerapkan konsumsi yang etis. Namun, implementasinya menghadapi tantangan, antara lain keterbatasan akses informasi terkait afiliasi produk, ketergantungan konsumen pada merek global, dan risiko ekonomi bagi pelaku usaha kecil. Fatwa ini mencerminkan bentuk ijtihad kontemporer yang dinamis, menunjukkan keterlibatan aktif ulama dalam merespons ketidakadilan global. Meskipun tidak bersifat mengikat secara hukum, fatwa ini memiliki otoritas normatif yang kuat dalam membentuk kesadaran Muslim menuju keadilan, kemanusiaan, dan kemaslahatan publik. Studi ini menekankan pentingnya sinkronisasi kebijakan dan edukasi masyarakat guna meningkatkan dampak praktis fatwa ini di masyarakat Indonesia yang pluralistik.

Kata Kunci: Fatwa MUI, Boikot, Masalah Mursalah, Jihad Ekonomi, Hukum Islam Kontemporer.

INTRODUCTION

In the face of the complexities of globalization, Muslims are faced with moral, spiritual and economic challenges that intersect with each other. One tangible response to contemporary world conditions is the issuance of the Indonesian Ulema Council (MUI) Fatwa No. 83 of 2023, which urges Muslims to avoid products affiliated with entities supporting Israel's military aggression against Palestine. This fatwa emphasizes that the struggle of Muslims does not only take place in physical form, but also

through moral and economic solidarity as a form of non-violent jihad. In the context of Indonesia as the world's largest Muslim country, this call creates social, legal and economic dynamics that require more systematic academic study.

This fatwa was drafted in response to the ongoing humanitarian tragedy in Palestine, especially in the Gaza Strip, and contains four main points: support for Palestinian independence, the recommendation to give infaq, zakat, and sadaqah, the permissibility of distributing zakat

outside the region in emergency conditions, and the prohibition of providing direct or indirect support to parties that support Israel (Nugraha, 2023). One of the main points that stole the show was the call to avoid transactions and the use of products affiliated with Israel and Zionism. This call is a clear reflection of efforts to uphold the principles of global justice and humanitarian solidarity through the approach of Islamic law.

Fatwas in the Islamic tradition are normative instruments that aim to guide the ummah in dealing with contemporary issues that are not explicitly mentioned in the nash. Fatwas are flexible, contextual and adaptive, so they are able to respond to changing times. However, its effectiveness is highly dependent on public acceptance and contextual support. Therefore, an in-depth understanding of the theological, epistemological and normative purposes of fatwas is crucial in assessing the extent to which fatwas can shape the collective consciousness of Muslims (Ma'mur, 2018; Febriadi et al., 2020).

In the context of the fatwa to boycott Israeli products, one of the Islamic legal approaches used is *maslahah mursalah*. This concept refers to the consideration of public benefits that are not explicitly mentioned in the nash sharia, but do not contradict the basic principles of Islam. *Maslahah mursalah* becomes one of the important footholds in determining the law on new issues that arise in society. In the view of Imam Malik, *maslahah mursalah* can be used as a basis for law as long as it does not conflict with existing evidence. Meanwhile, Imam Al-Ghazali provides

strict conditions for its use, such as the need for rational *maslahat*, in accordance with sharia objectives, and does not conflict with explicit evidence (Syamsuddini, 2022). Thus, MUI fatwa No. 83 is a concrete representation of the contemporary *ijtihad* process based on *maslahah mursalah*.

This research aims to analyze MUI Fatwa No. 83 of 2023 from the perspective of contemporary Islamic law and evaluate the effectiveness of its implementation in the socio-religious context of Indonesian society today. Various studies have shown that fatwas have a significant role in directing people's collective awareness of global justice issues (Thoyyibah et al., 2023). In this context, the fatwa becomes an instrument of economic jihad, a non-violent strategy that relies on consumer preferences as pressure on entities supporting Zionism.

However, the implementation of this fatwa faces a number of structural and practical challenges. Consumers experience dependence on multinational products, while product affiliation information is not openly available. MSME players are also economically impacted by sudden changes in preferences (Husna et al., 2023; Syahputra, 2024). On the other hand, fatwas do not have the force of positive law, so their enforceability depends on the collective moral consciousness of Muslims (Antomi et al., 2024).

Furthermore, this fatwa approach also raises polemics in terms of the relationship between religious authority and state authority. The principle of *at-ta'awun* (mutual help) and obedience to the leader become important considerations, especially in a

democratic country like Indonesia that has a plurality of legal and social authorities. Without harmonization between religious fatwas and state policies, people may experience confusion in determining their attitudes (Syahputra, 2024). Therefore, it is important to see this fatwa not as a single entity, but as part of the contemporary fiqh discourse that continues to develop and dialogue with global socio-political dynamics.

As a strategic effort, the boycott fatwa also has positive implications for strengthening the domestic halal industry. If the Muslim community at large is implementing a boycott of foreign products that support Zionism, then there should be a policy push that supports the development of local products as an alternative. In some cases, as shown by Nurhaliza et al. (2024), buying interest in local products increased after the issuance of the fatwa. However, domestic products still face challenges in terms of quality, distribution and consumer trust. This suggests that the implementation of the fatwa requires structural support from the economic sector and state policy to become not only a symbol of resistance, but also a sustainable economic force.

Considering these complexities, this study aims to analyze MUI Fatwa No. 83 of 2023 as a product of contemporary ijtihad based on the principle of *maslahah mursalah*. It also evaluates the fatwa's socio-economic impact and identifies implementation challenges in modern society. Methodologically, a normative-theological approach, literature study, and content analysis that is strengthened by critical review are used.

The novelty of this research lies in its focus on the relationship between

Islamic legal products and the increasingly complex dynamics of global society. By combining legal, theological, economic, and public policy analysis, this article is expected to make a meaningful scientific contribution to contemporary Islamic legal studies and enrich the discourse on the role of fatwas in shaping consumption ethics and Muslim resistance strategies against global injustice.

RESEARCH METHODS

This type of research is descriptive qualitative research that focuses on in-depth analysis of text and library data. This method emphasizes natural data collection without manipulation, as explained by Sugiyono (Sugiyono, 2010).

The research was analyzed using a normative-theological approach, which is the basic framework in understanding and practicing Islamic teachings. This approach is based on the source of revelation, namely the Qur'an and Hadith (Ariani, et al., 2024). The focus of the analysis is directed to examine MUI Fatwa No. 83 of 2023 from the perspective of Islamic law and examine its suitability with the principle of *maslahah mursalah*.

The data collection method was carried out through *library research*, which is a data collection technique by accessing written sources, both print and electronic (Arcanita, et al., 2023). The data reviewed includes: MUI Fatwa No. 83 of 2023 (official text), classical and contemporary literature on

masalah mursalah, works of fiqh muamalah, as well as academic journals and scholars' opinions on buying and selling, boycotts, and consumption ethics in Islam.

The data analysis method uses *content analysis* and *critical analysis*. This technique allows researchers to identify themes, patterns of argumentation, and normative values in the text (Kriyantono, 2006). The analysis process involves three main stages: (1) analyzing the substance of MUI Fatwa No. 83/2023, (2) comparing the fatwa with fiqh rules and masalah mursalah principles, and (3) evaluating the strengths and weaknesses of the fatwa in terms of theoretical and applicative aspects.

The data validity technique used is source triangulation, namely by comparing various literature references and scientific perspectives to obtain a thorough and in-depth understanding (Zamili, 2015). This process helps to verify the consistency of information and strengthen the validity of the legal arguments presented.

RESULTS AND DISCUSSION

An Examination of the Contents of MUI Fatwa Number 83 of 2023

The Indonesian Ulama Council (MUI) Fatwa Number 83 of 2023, issued on November 8, 2023, is a response to the escalation of Israeli military aggression against Palestinian civilians, particularly in the Gaza Strip. This fatwa contains four main points:

(1) the obligation to support Palestinian independence, (2) the recommendation to distribute infaq, zakat, and sadaqah, (3) the permissibility of distributing zakat across regions in emergency conditions, and (4) the prohibition of providing direct or indirect support to those who side with Israel (Nugraha, 2023) .

The central point of this fatwa lies in the "call for Muslims to avoid as much as possible transactions and the use of products affiliated with Israel or supporting Zionism". This appeal has strong theological, social, and political dimensions, and should therefore be reviewed through the lens of Islamic law, consumption ethics, ummah solidarity, and non-violent resistance strategies in the face of global injustice.

The phrase "*Muslims are advised*" indicates that this fatwa is a taujihyiyah or moral directive, not an absolute prohibition (haram), but has high normative value. In the context of sharia, the appeal of scholars can have strong legal weight if it is related to the benefit of the people. In this case, avoiding such transactions can be interpreted as fardhu kifayah as a form of collective solidarity with the struggle of the Palestinian people.

The use of the phrase "*as much as possible*" reflects the MUI's realistic attitude that in the era of economic globalization, tracking product affiliation to Zionist entities is not always easy and certain. This fatwa does not demand absolutism, but rather invites awareness and caution from

Muslim consumers in their transactions. In the context of Indonesian positive law, this fatwa is not juridically binding because it does not have the power of formal legal sanctions, but it is morally and religiously binding for Muslims who recognize the authority of MUI (Antomi, et al., 2024).

The fatwa highlights two main aspects: the transaction and use of the products, reflecting both the economic and social dimensions. Restrictions include direct purchase, use in public contexts, and redistribution of products affiliated with pro-Israel entities. In the Islamic view, economic activity should be subject to moral values. Thus, staying away from these transactions is an effort to maintain the ethical integrity of the Islamic Ummah and keep them away from indirect involvement in a system of oppression.

The terms "*affiliated with Israel*" and "*supporting Zionism*" encompass various forms of linkages: direct business, financial/political support, and ideological affiliation. By boycotting these products, Muslims collectively withdraw support from the political-economic structures that sustain aggression against Palestine.

Boycott as a Form of Economic Jihad

Jihad in practice can be classified into three main dimensions: (1) individual jihad, which is a struggle against lust and increasing spiritual obedience (Benua, 2017); (2) social jihad, which is in the form of da'wah and maintenance of Islamic values in the

community (Shihab, 1996); and (3) political or state jihad, which aims to maintain the integrity of the nation and the sovereignty of the people (Pamungkas, 2012).

In Islam, supporting injustice—both directly and indirectly—is forbidden. QS. Hud:113 emphasizes the prohibition of tending to the unjust. Economic participation in the Zionist entity is classified as *tawalli al-zhalimin* (loyalty to the oppressor). Therefore, boycotting is a moral obligation that is also rooted in sharia principles. Boycott is a non-violent strategy that has also been used in the history of the struggle. In the Palestinian context, *boycotts* are part of the international BDS (*Boycott, Divestment, Sanctions*) campaign that demands the severing of economic and cultural ties with Israel (Verianty, 2024). Economic jihad, in this case, is a form of actualization of non-physical jihad-conscious efforts to regulate consumption and production so as not to support oppression.

Selective calls for product consumption have a positive impact on the political awareness of the Ummah, as well as strengthening economic independence. It can encourage increased demand for local products and MSMEs, as well as expand awareness of consumption ethics in Islam. Boycotts can also be a tool of market diplomacy that pressures entities supporting Israel to change policies through consumer pressure.

Buying and Selling Boycott Products in the Perspective of MUI Fatwa Number 83 of 2023 and its Relationship with *Maslahah Mursalah*

Maslahah mursalah is an ushul fiqh concept that is used to determine the law on new issues based on benefit, as long as it does not conflict with the sharia texts. In the context of boycotting Israeli products, this principle provides shar'i legitimacy for the collective actions of the ummah aimed at suppressing the aggressor's economy and supporting the Palestinian cause.

MUI's Fatwa Number 83 of 2023 that calls on Muslims to boycott products affiliated with Israel can be analyzed using the principle of *maslahah mursalah*, which is the consideration of benefits that are not explicitly mentioned in the *nash* (text of the Qur'an or hadith), but do not contradict it. MUI Fatwa Number 83 of 2023 can be analyzed through the requirements of *maslahah mursalah* from the comparison between Imam Malik and Imam Al-Ghazali in the inclusive study carried by Imam Al-Ghazali. These requirements include several important things: first, the result of the *maslahat* must be in accordance with the postulates of Islamic law; second, *al-maslahat al-mursalah* must not conflict with the existing *nash*; third, the *maslahat* must be rational and provide definite benefits; and fourth, the *maslahat* must not conflict with the existing postulates, and must be based on clear and legitimate objectives in the

context of Islamic law (Syamsuddini, 2022).

The analysis of the principle of *maslahah mursalah* based on Imam Al-Ghazali's views shows that the boycott of Israeli products can be justified by Shariah. This is because: (1) the goal is to uphold justice and reject injustice, (2) it does not contradict the text, (3) it is rational and has a real impact, and (4) it is done for the benefit of the people.

Challenges and Obstacles in the Implementation of MUI Fatwa Number 83 of 2023

The implementation of boycott fatwas faces a number of structural and psychosocial challenges. Factors affecting its success include lack of consumer literacy, lack of corporate transparency, consumption dependency and market logistics. The following explanation further elaborates on these challenges:

The first challenge is economic risk, especially for small businesses and consumers. Dependence on certain products and fear of price increases create resistance. Research also shows a split in public response, with some seeing the fatwa as moral solidarity, while others are concerned about the economic impact (Wibowo, et al., 2024).

The second challenge is consumers' psychological and practical dependence on certain products. Long-term preferences and perceptions of quality make it difficult for consumers to switch, especially towards dominant

global brands. This factor makes it difficult to internalize boycott appeals (Syahputra, 2024) .

The third challenge is related to the logistics and distribution of goods, especially old stocks still held by merchants. Removing affiliated products is difficult to do instantly due to financial and supply chain reasons. Merchants are also concerned that their reputation will be tainted if they continue to sell such goods, even if the stock was purchased before the fatwa came into effect (Syahputra, 2024) .

CONCLUSION

MUI Fatwa Number 83 of 2023 is a religious response to Israel's military aggression against Palestine, emphasizing the importance of Muslim support for the Palestinian people through various forms of solidarity, including economic aspects. This fatwa calls on Muslims to avoid products affiliated with Israel or supporting Zionism, in the form of a moral call that leads to collective responsibility (*fardhu kifayah*), and has strong ethical weight and theological basis in the framework of Islamic law.

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This fatwa is normatively based on the principle of *maslahah mursalah*, emphasizing the value of benefit, justice, and rejection of all forms of oppression. The boycott is positioned as a legitimate economic jihad according to Sharia, and as a non-violent strategy that is relevant to the current condition of the ummah. However, its implementation is faced with structural and social challenges, such as lack of product information, consumption dependence, economic risks for MSMEs, and old stocks still circulating in the market.

Thus, MUI Fatwa No. 83 of 2023 is not only symbolic, but is a concrete effort to build political, moral, and economic awareness of the ummah. This fatwa strengthens global solidarity with the Palestinian freedom struggle through a contextual and applicable sharia approach, and opens space for strengthening halal products and national policies as a sustainable response.

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