



DIVERGENT FATWA METHODOLOGIES ON BANK INTEREST: THE MUI FATWA COMMISSION AND THE DSN-MUI

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Abstract :

This article examines why two fatwa bodies operating under the same organisational roof, the Fatwa Commission of the Indonesian Ulama Council (MUI) and the National Sharia Board (DSN-MUI), arrive at substantially different legal formulations when they confront the identical question of riba in financial transactions. The study adopts a qualitative design with a comparative-descriptive approach, drawing on documentary study and content analysis of fatwa texts alongside relevant usul al-fiqh literature. The findings indicate that the MUI Fatwa Commission relies predominantly on a textual-formal mode of reasoning, in which direct qiyas and takhayyur prevail, producing an absolute ruling that bank interest constitutes riba and is therefore unconditionally forbidden. The DSN-MUI, by contrast, follows a contextual-maqasidi path that combines istihsan, istislah, talfiq, and maqasid al-shari'ah, yielding technical rulings tailored to individual Islamic financial products. Three conditions account for this divergence: the differing composition of each body's membership, the varying degree to which practical applicability is required, and the underlying paradigm of muamalah each body adopts. Viewed through comparative usul al-fiqh, the two approaches are better understood as complementary rather than contradictory, together forming a coherent and responsive structure of Islamic law.

Keywords : ijtihaad; fatwa; DSN-MUI; riba; maqasid al-shari'ah

INTRODUCTION

As the country with the world's largest Muslim population, Indonesia continues to face a steady stream of Islamic legal questions generated by social and economic change. The modernisation of financial systems and the accelerating pace of economic globalisation have produced novel problems that demand a response grounded in shari'ah. Among these, riba and bank interest occupy a particularly central position, since they intersect directly with the everyday transactions of millions of Muslims. The issue is not confined to academic debate; it carries broad practical consequences for the economic life of the community as a whole. The presence of fatwa institutions capable of delivering legal certainty on contemporary matters has therefore become an unavoidable necessity, given that modern financial products are increasingly complex and require responses that are rapid, accurate, and firmly evidenced (Sanusi, Nurhasanah, & Surahman, 2020). Without credible fatwa institutions, ordinary Muslims would lose the authoritative reference points they need to navigate their economic activity.

Established in 1975, the Indonesian Ulama Council operates two principal



fatwa bodies whose character and jurisdiction differ: the MUI Fatwa Commission and the National Sharia Board, known as DSN-MUI. The latter was created in 1997 at the fifth MUI National Congress with a specific mandate over Islamic economics and finance. Prior to that, all fatwas, including those on economic matters, were handled by the Fatwa Commission, whose members were drawn largely from ulama trained in the classical Islamic sciences and who did not necessarily command a working knowledge of contemporary financial mechanisms (Izmuddin, 2018). Both commissions hold the authority to issue fatwas, yet their approaches diverge markedly when they address comparable cases. That divergence reflects a shift in the paradigm and the *usul al-fiqh* methodology each body has adopted, which is striking precisely because both sit under the same parent organisation.

The contrast is most visible in how each body has handled bank interest and *riba*. The MUI Fatwa Commission has taken a textual-formal route that yields an absolute ruling: bank interest is *riba* and is categorically forbidden, without exception. The DSN-MUI, on the other hand, has opted for a contextual-maqasidi approach that examines each financial product individually according to its substance and purpose, generating a body of rulings that is more nuanced, more technical, and considerably more varied (Mudzhar, 2014). In 2003, through a dedicated *ijtihad* session, the MUI issued a declaratory fatwa stating that bank interest is absolutely forbidden in all its forms, drawing no distinction between product types, contexts, or mechanisms. The DSN-MUI, by contrast, has issued dozens of product-specific fatwas that stipulate in detail how a financial instrument must be structured in order to remain free of *riba*.

Existing scholarship has approached these institutions largely in isolation. Izmuddin (2018) maps the DSN-MUI's fatwa methodology in Islamic economics without setting it against the Fatwa Commission's reasoning, while Mudzhar (2014) traces the revitalisation of *maqasid* in DSN-MUI fatwas issued between 2000 and 2006 along a single institutional axis. Siswanto (2022) reads MUI family-law fatwas through a *maqasid* lens, and Sanusi et al. (2020) reconstruct the legal maxims underpinning DSN-MUI economic fatwas. Valuable as these studies are, none places the two bodies side by side on the same legal question in order to isolate the methodological variables that generate their divergent outputs. This is the gap the present study addresses.

It is at this juncture that the methodological gap between the two commissions becomes clearest. The MUI Fatwa Commission employs a relatively straightforward form of direct *qiyas*: *riba* is prohibited by the texts; bank interest shares the characteristics of *riba*; therefore bank interest is likewise absolutely prohibited. The DSN-MUI instead brings *qiyas*, *istihsan*, *istislah*, *talfiq*, and *maqasid al-shari'ah* together within a single analytical framework that is more comprehensive and multidimensional (Maulidi, 2014). These methodological differences ultimately produce two distinct types of fatwa, even though both address the same subject, namely the ruling on *riba* in financial transactions.

Accordingly, this study pursues three objectives: to describe the method of *ijtihad* the MUI Fatwa Commission employs in ruling on *riba* in bank interest;

to trace the DSN-MUI's method of *ijtihad* across the range of Islamic financial products now in circulation; and to compare the two from the standpoint of comparative *usul al-fiqh* in order to identify the factors underlying their divergence (Purba & Afandi, 2022). Theoretically, the study contributes to comparative *usul al-fiqh* by demonstrating that classical principles such as *qiyas*, *istihsan*, *istislah*, and *maqasid al-shari'ah* remain operative within modern institutional fatwa practice. Practically, it clarifies why MUI fatwas on financial questions carry different nuances depending on which commission issues them (Purba, 2020), making the dynamics of institutional *ijtihad* more legible to practitioners and to the wider public.

A brief conceptual note frames the analysis. *Ijtihad*, as al-Amidi defines it in *Al-Ihkam fi Usul al-Ahkam*, is the exertion of a jurist's entire capacity to reach a strong presumption concerning a practical *shari'ah* ruling drawn from detailed evidence; al-Ghazali's formulation in *Al-Mustashfa* is substantially similar. Because its outcome is presumptive rather than certain, *ijtihad* opens space for a plurality of opinion (Habibullah, 2024). In the modern period it has assumed a collective institutional form, *ijtihad jama'i*, in which a ruling is settled by a body of *ulama* rather than an individual jurist — a rational response to problems too complex for any single scholar to resolve alone (Maulidi, 2014). *Riba* itself, an increment stipulated in the exchange of like property without a *shari'ah*-recognised counter-value, is prohibited on *qat'i* grounds by Q. al-Baqarah [2]: 275-279 and Q. Al 'Imran [3]: 130. What remains disputed is not its impermissibility but its scope, and specifically whether modern bank interest falls within *riba al-nasi'ah* (Purba, 2022).

RESEARCH METHOD

This is qualitative research employing a comparative-descriptive approach, selected as the design best suited to the character of the problem under study. A qualitative method was chosen because the study seeks an in-depth understanding of a complex and context-bound process of *ijtihad* that cannot be reduced to statistical figures or quantitative variables. The comparative dimension serves to contrast the *ijtihad* methods of the two fatwa institutions, while the descriptive dimension sets out each institution's process in detail before any systematic comparison is drawn. More specifically, the study uses qualitative content analysis to identify methodological patterns in the fatwa texts issued by the two commissions (Purba, 2022), allowing the researcher to probe the meaning and context behind the texts without sacrificing analytical precision.

The research object comprises the fatwa texts of the two institutions rather than human subjects, so data were gathered through documentary and library study rather than fieldwork. Primary data comprise the official MUI Fatwa Commission rulings on bank interest, particularly the output of the 2003 *Ijtihad* Session, together with DSN-MUI fatwas including Fatwa No. 01/DSN-MUI/IV/2000 on current accounts and Fatwa No. 04/DSN-MUI/IV/2000 on *murabahah*. Secondary data include classical works of *usul al-fiqh* such as al-Shafi'i's *Al-Risalah*, al-Ghazali's *Al-Mustashfa*, al-Shatibi's *Al-Muwafaqat*, and

al-Amidi's *Al-Ihkam*, supplemented by scholarly journals and contemporary Islamic economics literature (Purba, 2020). Collection proceeded systematically to ensure that no significant source was overlooked, and data validity was maintained through source triangulation and cross-checking across the literature.

Analysis followed content analysis with a comparative orientation, conducted in three sequential stages. The first is data reduction, in which the material most relevant to the research questions is sifted so that only significant information proceeds to further analysis. The second is data display, in which the material is organised into structured patterns that make principal themes and their interrelations easier to identify. The third is conclusion drawing and verification, comprising comparative analysis across five dimensions: sources of law, method of *istinbat*, hermeneutical approach, use of *maqasid al-shari'ah*, and the character of the resulting fatwa (Purba & Afandi, 2022). These five dimensions were derived deductively from the *usul al-fiqh* framework and applied uniformly to both institutions, ensuring that the conclusions drawn are firmly rooted in the data.

FINDINGS AND DISCUSSION

The MUI Fatwa Commission's Method of *Ijtihad* on Riba and Bank Interest

The MUI Fatwa Commission has taken up the question of bank interest in numerous sessions over the course of its history, but the most consequential moment came with the *Ijtihad* Session that produced the ruling that bank interest is *riba* and is therefore forbidden. Several methodological features can be identified in that process, and collectively they point to the dominance of a textual-formal tradition within the Commission's frame of reference. The composition of its membership, drawn largely from traditional *pesantren* education with a Shafi'i orientation, strongly shapes the character of the resulting fatwas, in which the principle of precaution, *ihtiyat*, is treated as the leading priority (Habibullah, 2024). Such an approach is characteristic of the Shafi'i tradition, known for its high regard for textual fidelity.

First, the bayani-textual approach occupies a dominant position in the Commission's process of *ijtihad*. The Commission examines the Qur'anic texts on *riba* directly and literally, treating Q. al-Baqarah [2]: 275-279 as an unequivocal prohibition that leaves no room for alternative interpretation, invoking prophetic traditions to reinforce the prohibition on increments in lending, and citing scholarly consensus to confirm agreement on the impermissibility of *riba*. From this textual premise the Commission proceeds by direct *qiyas* along a relatively simple line of reasoning: bank interest is analogised to *riba* on the basis of a shared '*illah*', namely a predetermined increment on a loan with deferred repayment. The analogy is neither staged nor especially intricate; it moves straight to its conclusion (Izmuddin, 2018). This linear reasoning is a hallmark of the bayani method.

Second, the Commission employs *takhayyur* in a manner that tends to privilege the most restrictive of the available opinions. Classical and

contemporary fiqh discourse offers a considerable gradation of views on bank interest: some prohibit interest in every form, some distinguish exploitative from compensatory interest, and others distinguish pre-Islamic riba from modern bank interest. The Commission selects the strictest position on the basis of precaution in matters of prohibition, a principle characteristic of the Shafi'i tradition so influential in Indonesia (Maulidi, 2014). Third, the Commission invokes sadd al-dhari'ah as a reinforcing argument, on the reasoning that permitting bank interest on any ground risks opening the way to other and more damaging forms of riba. The door to further debate is thereby closed, leaving no room for nuance.

Fourth, and this is what most distinguishes the Fatwa Commission from the DSN-MUI, maqasidi considerations and economic analysis feature only minimally in its process of ijtihad. The Commission does not examine in depth how the modern economic system operates, why bank interest exists and what economic function it performs, or what an absolute prohibition would mean for national financial stability. The resulting fatwa is purely normative and declaratory: bank interest is riba, and riba is forbidden, with no substantive account of the concrete alternatives available to the public or of any realistic transitional mechanism. The outcome is a fatwa that is admirably clear and firm, yet limited in practical applicability (Mudzhar, 2014). It answers the question of permissibility decisively, but leaves the follow-on question of what should actually be done unaddressed.

The clearest consequence of the Commission's approach is a fatwa that stands alone as moral and normative guidance for the general public, without detailed operational specification. Such a fatwa succeeds in delivering the legal clarity the public needs regarding the basic status of bank interest, but it does not go far enough in guiding financial industry practitioners who face the complexity of modern products. For this reason, MUI Fatwa Commission rulings function largely as an ideological reference point for the Islamic economic movement at large, while DSN-MUI fatwas function as technical standards by which Islamic financial institutions design and operate their products (Siswanto, 2022). These two functions are in fact complementary, notwithstanding the apparent divergence at surface level.

The DSN-MUI's Method of Ijtihad on Riba in Financial Products

The DSN-MUI confronts the same question as the Fatwa Commission, the ruling on riba in financial transactions, but does so through a markedly different methodology that yields fatwas of a different character. The difference is not one of style or linguistic preference; it reflects a fundamental divergence in how the principles of *usul al-fiqh* are understood and applied. Rather than a single absolute ruling, the DSN-MUI has issued dozens of specific and technical fatwas covering each type of financial product that has emerged in the Islamic finance industry. Its interdisciplinary membership, combining scholars of *muamalah fiqh* with specialists in economics and banking, enables a productive dialogue that produces more multidimensional analysis than a process drawing on a single discipline could achieve (Sanusi et al., 2020).

First, an explicit and systematic maqasidi approach underpins all DSN-MUI fatwas on modern financial products. The Board treats maqasid al-shari'ah, and hifz al-mal, the protection of property, in particular, as the primary analytical framework for assessing each product it encounters. On this view, the prohibition of riba is not a self-standing end but an instrument for protecting the community's wealth and upholding economic justice. Framed in this way, the question posed is not merely whether riba is present, but whether the product fulfils the objectives of the shari'ah in protecting property and securing economic justice. This reframing generates analysis that is considerably deeper and more contextual than a purely textual approach allows (Mudzhar, 2014), making it possible to distinguish substance from mere transactional form.

Second, an integrative substantive-formal approach characterises the DSN-MUI's evaluation of Islamic financial products. The Board attends not only to the formal structure of a contract but also to the substance and the actual mechanics of the transaction in practice. In Fatwa No. 04/DSN-MUI/IV/2000 on murabahah, for example, the Board stipulates technical conditions that must be satisfied: the bank must genuinely purchase the goods before selling them to the customer; the price, including the profit margin, must be transparent; and no penalty may be added to the principal in the event of late payment. Third, the Board consistently applies the principle that the default ruling in muamalah is permissibility, placing the burden of proof on the party asserting impermissibility (Izmuddin, 2018). This principle affords wide scope for innovation so long as no evidence prohibits it.

Fourth, the DSN-MUI makes intensive use of talfiq, the combination of opinions across schools, in designing products suited to the needs of modern industry. In the Musharakah Mutanaqisah fatwa, for instance, it combines the concept of shirkah from Hanafi fiqh, ijarah from Shafi'i fiqh, and al-bay' bi al-taqsit from Maliki fiqh to construct a product structure that satisfies shari'ah requirements while remaining workable in modern banking. This use of talfiq gives the Board considerable latitude to respond to industry needs without compromising shari'ah compliance. Without it, many modern Islamic financial products could not be accommodated, since no single school offers a complete solution to the problem at hand (Maulidi, 2014). Talfiq is therefore a strategically important instrument of ijtihad for the Board.

Fifth, the DSN-MUI conducts highly specific product-by-product analysis, issuing separate fatwas for Islamic current accounts, mudarabah deposits, murabahah, musharakah, ijarah, sukuk, Islamic mutual funds, and dozens of other products that continue to multiply. Each fatwa contains detailed fiqh analysis, the conditions to be met, the provisions to be avoided, and the supervisory mechanisms Islamic financial institutions must apply. Sixth, interdisciplinary dialogue between ulama and economists enriches the process of ijtihad substantially, producing fatwas that are comprehensive and implementable in the field (Habibullah, 2024). The outcome is a series of fatwas that do not merely pronounce on permissibility in general terms but specify in detail how a product must be structured to satisfy shari'ah principles, which is

why the Financial Services Authority and Bank Indonesia treat them as a primary reference.

Comparative Analysis

Drawing on the foregoing account of each commission's method, the comparative analysis below is organised according to the five analytical dimensions established at the outset of the study, summarised in Table 1, with the aim of showing clearly where the two converge and diverge from the standpoint of comparative *usul al-fiqh*.

Table : 1 Comparison of Ijtihad Methods of the MUI Fatwa Commission and the DSN-MUI

Dimension	MUI Fatwa Commission	DSN-MUI
Sources of law	Emphasises qat'i evidence and majority opinion	Also draws on zanni evidence, minority opinions, and AAOIFI standards
Method of <i>istinbat</i>	Direct <i>qiyas</i> and <i>takhayyur</i>	<i>Istihsan</i> , <i>istislah</i> , <i>talfiq</i> , and <i>maqasid</i> combined
Hermeneutics	<i>Zahir al-nass</i> (apparent meaning)	<i>Maqasid al-nass</i> (underlying purpose)
Use of <i>maqasid</i>	Implicit and secondary	Explicit, systematic, primary framework
Character of fatwa	General, declaratory, absolute	Specific, prescriptive, conditional

On the dimension of legal sources, both commissions fundamentally rely on the same materials, namely the Qur'an, the Sunnah, consensus, and *qiyas*, the four principal sources of Sunni *usul al-fiqh*. The MUI Fatwa Commission, however, places greater weight on qat'i evidence and majority opinion, whereas the DSN-MUI more frequently draws on zanni evidence and minority opinions from various schools deemed relevant to the modern economic context, including references to the rulings of international bodies such as AAOIFI (Siswanto, 2022). These differing inclinations shape the character of the fatwas each produces.

On the dimension of the dominant method of *istinbat*, the contrast between the two is pronounced and constitutes the principal source of divergence in their fatwas. The MUI Fatwa Commission relies on direct *qiyas* and *takhayyur* as its principal methods, while the DSN-MUI combines *istihsan*, *istislah*, *talfiq*, and *maqasid al-shari'ah* within a more complex analytical framework. This reflects a difference in scholarly tradition: the Fatwa Commission stands closer to the Shafi'i tradition, which rejects *istihsan* and privileges *qiyas*, whereas the DSN-MUI is more eclectic and more open to methods drawn from across the schools. On the hermeneutical dimension, the Fatwa Commission foregrounds *zahir al-nass*, the apparent meaning of the text, while the DSN-MUI emphasises *maqasid al-nass*, its underlying purpose (Sanusi et al., 2020). The practical implications are considerable: the Commission's fatwas tend towards the categorical, while the Board's are nuanced and hedged with conditions.

On the dimension of fatwa character, the contrast is at its most visible. MUI Fatwa Commission rulings are general, declaratory, and absolute, applying a single verdict of unconditional prohibition to every form of interest without distinguishing type or transactional context. DSN-MUI fatwas, by contrast, are specific, prescriptive, and conditional, setting out contractual detail, the conditions to be satisfied, the provisions to be avoided, and the supervisory mechanisms to be applied. This difference in character in fact reflects a difference in function: Fatwa Commission rulings serve as general normative guidance for the public, while DSN-MUI rulings serve as technical standards with which Islamic financial institutions must comply (Mudzhar, 2014). Because their functions differ, any direct comparison must be framed contextually; absent such a frame, the comparison will yield misleading conclusions.

Three structural conditions account for this divergence. The first is membership composition: the Board's interdisciplinary makeup enables dialogue between jurists and economists that the Commission's more homogeneous pesantren-trained membership does not. The second is the degree of practical applicability demanded, since DSN-MUI fatwas must be implemented directly by Islamic financial institutions in daily operations and are further shaped by regulatory pressure and international standardisation. The third is the underlying paradigm of muamalah, with the Commission applying the principle of precaution and the Board applying the principle that the default in muamalah is permissibility (Purba & Kamaluddin, 2019). These conditions are mutually reinforcing rather than independent.

Viewed through comparative *usul al-fiqh*, the divergence between the two commissions manifests a classical discourse on the relationship between text and context, between legal certainty and flexibility, and between textual and rational approaches, a discourse that has continued within the *usul* tradition for centuries. The Fatwa Commission represents the textual tradition, which stresses literal fidelity to the texts, while the DSN-MUI represents the rational tradition, which stresses comprehension of the purposes lying behind them. Both traditions hold strong legitimacy within the Islamic legal heritage and in fact complement one another in producing a body of law that is comprehensive and balanced. The Commission's fatwas furnish the legal clarity the general public requires, while the Board's furnish the technical guidance Islamic finance practitioners need (Purba & Afandi, 2022). The difference between them is therefore not opposition but a division of roles that is mutually reinforcing.

CONCLUSION

The two fatwa bodies of the Indonesian Ulama Council employ significantly different methods of *ijtihad* when addressing the same question, namely the ruling on *riba* in modern financial transactions. The MUI Fatwa Commission pursues a textual-formal approach dominated by direct *qiyas* and *takhayyur*, producing a single absolute ruling that bank interest is *riba* and is unconditionally forbidden. The DSN-MUI pursues a contextual-*maqasidi* approach that combines *istihsan*, *istislah*, *talfiq*, and *maqasid al-shari'ah*

simultaneously, producing dozens of specific, technical, and applicable fatwas for individual Islamic financial products (Izmuddin, 2018). This divergence is not a matter of style but reflects a fundamental difference in *usul al-fiqh* paradigm, traceable across all five analytical dimensions examined: the Commission emphasises *qat'i* evidence, direct *qiyas*, and *zahir al-nass*, while the Board draws on *zanni* evidence, combines multiple methods, and gives priority to *maqasid al-nass*.

These differences did not arise in a vacuum but were shaped by three mutually reinforcing conditions: the Board's more interdisciplinary membership, the higher degree of practical applicability demanded of its fatwas, and a differing understanding of the basic principle of *muamalah*, with the Commission applying precaution and the Board applying the presumption of permissibility (Mudzhar, 2014). Each approach carries strengths and limitations that in fact complement one another. The Commission's approach excels in clarity and firmness, supplying the certainty the general public requires and guarding the authority of the religious texts; the Board's excels in flexibility and applicability, supplying the technical guidance practitioners require and responding to the complexity of modern economic reality. Both remain within the bounds of Islamic *usul al-fiqh*, and the divergence itself testifies to the methodological richness of that tradition (Siswanto, 2022).

Several implications follow. Both commissions would benefit from codifying and publishing a more formal and transparent set of methodological guidelines, so that the process of *ijtihad* can be understood, critiqued, and evaluated more openly. A more formal coordinating mechanism between the two bodies for cross-domain issues would help ensure coherence and avoid potential confusion among the public. This study is limited to a single legal question and to documentary sources; future research might extend the comparison to other domains of *muamalah*, or proceed along empirical lines that evaluate the actual impact and effectiveness of these fatwas on the community's economic life (Sanusi et al., 2020).

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