

## DISCOURSE ANALYSIS OF FATWA ARGUMENTS IN THE INDONESIAN ULEMA COUNCIL ON AKIDAH AND RELIGIOUS SECTS IN 1975-2017

<sup>1,2\*</sup>Muhammad Ridwan, <sup>2</sup>Syamsul Hadi, <sup>2</sup>Amir Ma'ruf

<sup>1</sup>Arabic Literature Study Program, Faculty of Cultural Sciences, Universitas Sebelas Maret,  
Indonesia

<sup>2</sup>Humanities Study Program, Faculty of Cultural Sciences, Universitas Gadjah Mada,  
Indonesia

\*Corresponding Author Email: [muhammadridwan\\_fib@staff.uns.ac.id](mailto:muhammadridwan_fib@staff.uns.ac.id)

Article Info	Abstract
<b>Article History</b> Received: December 2023 Revised: January 2024 Published: April 2024	<i>Fatwas are a form of persuasive argumentative discourse. This paper aims to describe the superstructure and structure of fatwa arguments regarding Akidah and Religious Traditions. The source of this paper's data is all fatwas of the fatwa commission of the Indonesian ulema council from 1975 to 2017. The method used to collect data and manage data is the document method. Discourse analysis methods are used to analyze data. The discussion of superstructure aspects utilizes Ashqar theory (1976) while Walthon theory (2006) is used to examine the structure of fatwa argumentation. The superstructure aspect of fatwas is realized by the Fatwa Commission of the Indonesian Ulema Council differently. All fatwa texts have presented substantial elements but formal elements are not included. The structure of fatwa argumentation is understood by the format of the text. For fatwas in the format of decrees, premise markers are identified through the vocabulary of "pay attention", "read", "weigh", and "remember" while conclusion markers are presented with the vocabulary of "decide", "establish", and "fatwa". Directly formatted fatwa texts are identified through inference, but some texts lack a premise and inference structure.</i>
<b>Keywords</b> Fatwa; Critical paradigm; Critical argumentatio; Toulmin model; Walton model;	
<b>How to cite:</b> Ridwan, M., Hadi, S., & Ma'ruf. A. (2024). Discourse Analysis of Fatwa Arguments in the Indonesian Ulema Council on Akidah and Religious Sects n 1975-2017. <i>JOLLT Journal of Languages and Language Teaching</i> , 12(2), pp. 594-611. DOI: <a href="https://doi.org/10.33394/joltt.v%vi%i.9900">https://doi.org/10.33394/joltt.v%vi%i.9900</a>	

### INTRODUCTION

Fatwa is a legal product or one of the decrees or official letters issued by an institution or organization relating to the running of an institution or organization (Sholeh 2018, Alnizar 2019, Ansori, 2021). The fatwa format issued by MUI can be in the form of a decree, statement letter, or oral answer directly by not going through the fatwa commission meeting procedure (Mudzhar 1993). In order to standardize or follow applicable regulations, a certain format is needed. The format is in nature as a guideline in correspondence that applies to an institution or organization as stated in the guidebook (MUI 2012).

MUI during its work in the period between 1975-1998 was more functional as a 'semi-government' institution (Alnizar et al, 2019). MUI is likened to a bridge that connects Islamic organizations. At a certain level, MUI often becomes the government's 'mouthpiece' in socializing attitudes (Alnizar et al 2021). The government needs religious legitimacy in justifying its decisions, in this position the MUI often stands. Furthermore, the majority of MUI fatwas refer to books of jurisprudence with little or no further modification or ijtihad in them (Hosen 2004). Such conditions prove that the MUI does not have its own methodology in determining its fatwas.

*"it can be confidently asserted that the MUI has not evolved or elaborated its own methodology for derivation of legal judgement consonant with the spirit and*

*letter of the primary sources, or with legal tradition Islam, and at the same time constructively engaged with the fats-changing realities of the modern world"* (Hosen 2004)

Based on the type, fatwas are divided into three types. First, traditionalist fatwas. The characteristic of traditional fatwas is to make absolutely no mention of the name of the mustafti or the person who asked the question. This means that the identity of the questioner is not shown in the fatwa. This type of fatwa uses Arabic as well as pegon Arabic. The second is referred to as modern fatwas. This type is characterized by the prominence of the identity of the mustafti or questioner. Third, collective fatwas. At this stage the pattern of giving fatwas evolution from the personal as is the case with traditional and modern (i.e. fatwas issued by individuals) switches to the phase of fatwas issued collectively. Three organizations or institutions that issued this type of fatwa were studied by the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), and also Muhammadiyah. All three issue fatwas collectively institutionally, not individually (Kaptein 2004).

Fatwa as a legal product that has been widely used by the state as a draft legal determination (Alfitri, 2020, Rofiq, 2017). With this, the fatwa becomes the text of the law. Legal texts have a specific text structure and use special procedures (Amin et al 2010). As a legal text, fatwas have a specific text structure. This particular structure of legal texts, in discourse analysis, is called superstructure, which is a scheme that is conventionalized or conventionalized into the standard form of a certain type of text as macrostructure (Bussmann 2006, Renkema 2004). Macrostructure is "global semantic and pragmatic structure of a text" or "abstract representation of the global meaning structure that would reflect the gist of the text" (Sanders & Sanders 2006, Mey 2009, Davies, 2023). In short, if the persuasive-argumentative dimension of legal decisions in fatwas is a macrostructure, then the characteristics of the fatwa text are physically superstructured.

Walton (2006), argues that a premise in an argumentative text can be identified by the use of words such as, *since*, *for*, and *because*. A similar opinion is also expressed by Toulmin (2003) that these premises are characterized by the term *since*, or *because*. However, in reality, in the reality of argumentation, often the word that signifies the premises and conclusions does not exist explicitly or can also be replaced by other words. Kahane (Aspeitia 2012) states that indicator words in argumentation can also be expressions such as it has been observed that, in support of this, and the relevant data for premises; and expressions such as the result is, the point of all this, and the implication is for conclusion. Herrick (1995) also mentions that expressions such as *for*, *consider that*, and *is shown by* can be markers of premises or reasons. Then, phrases such as *which leads me to conclude that* and *which shows that* can be considered as markers of conclusion.

The conclusion of an argument can often be identified by expressions such as 'therefore' or 'thus'. Such words are called conclusion indicator words. Several figures have developed the concept of premise and conclusion, including Toulmin (2003) using the terms "data" and "claim", Crusius and Channell (2010) and Herrick (1995, and Fahnestock and Secor (2004) using the terms "reason" and "claim".)

This study examines two problems. The problem is the building of the text structure or superstructure of the fatwa text and the arrangement of fatwa arguments. Based on these problems, this study aims to understand the structure of the fatwa text of the Indonesian ulema council. The structure of this fatwa consists of two forms, namely in the format of a decree and in direct format. Both of these formats contain a distinctive structure. By knowing the structure of the fatwa text, the reader can understand the argumentation building compiled by the text producer, namely the Indonesian ulema council. In addition, this study aims to identify linguistic markers of argumentation with premise and conclusion types. Understanding these

linguistic markers can make it easier for readers to identify aspects of the premise and conclusion of the fatwa text.

The novelty of this research lies in the study of fatwas as argumentative texts. This confirms that fatwas are not only a legal issue but also a linguistic issue. So far, research has focused more on aspects of the validity of fatwa legal sources, the position of fatwa law in the legal system in Indonesia, and sociological aspects of fatwa implementation. Research is expected to be taken into consideration by the Indonesian ulema council when drafting fatwas.

## RESEARCH METHOD

This paper includes research with a qualitative approach. The source of this fatwa data comes from fatwas from the Fatwa Commission of the Indonesian Ulema Council on Akidah and Religious Sects in 1975-2017. Theimence of fatwa structure is examined with Al-Asyqar theory (1976) and MUI Fatwa Format theory (2018) while fatwa argumentation building is studied with Stephen Toulmin's critical argumentation theory (2003) and Douglas Walton's critical argumentation theory (2002). The analysis model of this paper is a critical paradigm model.

This research was conducted through three consecutive stages of strategic efforts, namely data provision, data analysis, and data analysis presentation (Sudaryanto, 2015). The data that supports this research are taken from various MUI fatwas on religious beliefs. For the sake of analysis, the data contained in the Fatwa Association of the Indonesian Ulema Council since 1975 are further categorized. In this process, the data is further categorised based on three things: first, the issues discussed in the fatwa text more specifically; second, the format of drafting the text of the fatwa, whether in a complete format by including the words pay attention, consider, and fatwakan (or decide) or in a simpler form that directly states the legal decision; and third, the complexity of the argument is the completeness of the building blocks of argumentation, namely whether a fatwa lists few or many sources of legal determination and how complete the source of legal determination is contained in the text of the fatwa.

### Research Design

This research uses a qualitative approach. The method used in this study is to explain the data and interpret it descriptively. This is done by exploring the data in depth so that researchers are able to find all forms of changes or symptoms of changes that occur in the object under study (Givem 2008). There are several characteristics of research with a qualitative approach (Gorman & Clayton, 2006). First, use a natural background. Second, researchers are positioned as well as acting as the main or key instrument. Third, the data used is descriptive.

For the first characteristic, namely the use of natural background in this study is reflected in the data used. The data used in this study are linguistic data in the form of words, grammar, discourse sourced from MUI fatwa texts on religious understanding. Data retrieval derived from the text is carried out naturally using documentation methods. Second, researchers analyze the data and interpret the results of the analysis. The position of the researcher becomes very important in research using this qualitative approach. As for the third, the data in the study is descriptive.

### Research Participants

There were two types of data used in this study, linguistic data in the form of text structure building and argumentation, consideration, and dictum in the text of the MUI fatwa on religious understanding. The text of the fatwa was ratified from 1975 to 2017. The data examined in this study are fatwas of the Fatwa Commission of the Indonesian Ulema Council from 1975 to 2011 which have been recorded in the Fatwa Association of the Indonesian Ulema Council since 1975. The book of the Fatwa Association of the Indonesian Ulema Council since 1975 consists of three parts. The first part is an introduction. This introductory section consists

of four subsections, namely (1) guidelines and procedures for determining fatwas of the Indonesian Ulema Council; (2) the system and procedure for determining fatwas on halal products of the Indonesian Ulema Council; (3) the composition of the Management of the Indonesian Ulema Council for the 2010-2015 period; and (4) the composition of the Fatwa omission management of the Indonesian Ulema Council for the 2010-2015 period. The second part of this book is a collection of MUI fatwas from 1975 to 2010 arranged not chronologically, but thematically. This section is classified according to the family of issues related to fatwas specifically, namely (1) fields religious creeds and sects; (2) the field of worship; (3) social and cultural fields; and (4) the fields of food, medicine, science, and technology. The third part is a collection of decisions of Ijtima Ulama Fatwa Commission throughout Indonesia in 2003, 2006, and 2009.

### **Instruments**

The data that supports this research are taken from various MUI fatwas on religious beliefs. The provision of data is carried out by the listen method, namely by listening to the use of language in writing with basic techniques in the form of tapping techniques. This means that the tanning carried out is realized by tapping (Mahsun, 2012). Equalization with this tapping technique is followed by a recording technique as an advanced technique. The data recorded is in the form of text structure and premises as well as conclusions in fatwas about religious beliefs. All collected data is then analyzed to be classified in order to identify its forms.

### **Data Analysis Technique**

In research, data analysis serves as a crucial step in deriving meaningful insights from collected information. Typically, descriptive analytical methods are employed, involving a meticulous examination of available research data. This process entails a comprehensive review and scrutiny of the data to identify patterns, trends, and relationships relevant to the research objectives. Moreover, the presentation of the analysis results often adopts informal methods, primarily in the form of descriptive narratives. This approach aims to convey the findings in a clear and accessible manner, facilitating understanding among stakeholders and readers. In qualitative research, data analysis is typically conducted using interactive models, as advocated by scholars like Miles and Huberman (2017). According to their framework, qualitative data analysis is an iterative process that progresses interactively until completion. This iterative nature ensures a thorough exploration and understanding of the data. The analysis process typically comprises three main steps: data reduction, data presentation, and verification or conclusion. Firstly, data reduction involves condensing and organizing the raw data to extract the most relevant information. Secondly, data presentation entails the communication of the analyzed data through various means, such as narratives, tables, or visualizations. Finally, verification or conclusion involves validating the findings and drawing meaningful insights or conclusions based on the analysis outcomes.

## **RESEARCH FINDINGS AND DISCUSSION**

### **Research Findings**

Van Dijk (2009) revealed that a common problem that discourse researchers must face is uniformity in the superstructure. Although many types of discourse have conventional forms of schemes, that does not mean that every discourse has a fixed superstructure. Conventions can be formed only for certain types of discourse that occur frequently and require effective production and understanding of established schematics. The superstructure expressed by Van Dijk (2009) is a conventional scheme that presents the overall form of the macro-content of the discourse structure. The entire content in the macro structure includes the opening, core, and closing.

Superstructure refers to the framework of a discourse or schematic, such as the prevalence of conversation or writing that starts from the introduction, continues with the main

content, followed by the conclusion, and ends with the closing (Kasni dkk, 2023). In the superstructure, what is observed is how an opinion is structured and assembled. Superstructure (schematic) is a strategy of text producers to support a common meaning by providing a number of supporting reasons that are composed. The superstructure expressed by Van Dijk (2009) is a conventional scheme that presents the overall form of the macro-content of the discourse structure.

The entire content of the macro structure includes the opening, core, and closing that makes a text said to be perfect in its systematics of composition. First, the opening part of the MUI fatwa text in the field of Aqidah and Religious Sects. According to MUI (2018: 306) in the Organizational Regulation of the Indonesian Ulema Council concerning "Standard Operating Procedure (SOP) for Assessment and Research on Cults" in Chapter V on "the format of determining Cults" it is stated that the opening part of the format includes the title and number of fatwas. In other guidelines of the Indonesian Ulema Council, it is also stated that the format of the fatwa in the introduction is the number and theme of the fatwa and the basmalah sentence (MUI, 2018: 275). The format of this fatwa on Aqidah and Religious Sects is as table 1 below

Table 1  
Preamble to Fatwa Text

No.	Fatwa Name	Disclosure		
		Number	Title	Basmalah
1.	Problems of Jama'ah, Caliph, Bai'at	–	√	√
2.	Islamic Jama'ah	–	√	√
3.	Ahmadiyya Qadiyan	–	√	√
4.	Superficial Religion and the Abuse of Propositions	–	√	√
5.	Mixed Marriage	–	√	√
6.	Shi'a	–	√	√
7.	The School of Rejecting Sunnah / Hadith Rosul	–	√	√
8.	Darul Arqam	–	√	√
9.	Angel Gabriel Leaves Humanity	–	√	√
10.	Terrorism	√	√	√
11.	Shamanism and Divination	√	√	√
12.	Pluralism, Liberalism, Secularism, Religion	√	√	√
13.	Ahmadiyya sect	√	√	√
14.	Qiyadah Islamiyah School	√	√	√
15.	Gafatar	√	√	√
16.	The Law Doubts the Perfection of the Qur'an	√	√	√
17.	The Law Believes in the Infallibility of Priests	√	√	√

Table 1 above describes the completeness of the introductory part of the fatwa format on Aqidah and Religious Sects of the Indonesian Ulema Council. Fatwas in nos. 1 to 9 list the theme and sentences of *the basmalah* while the numbering of letters is not listed. This is in contrast to fatwas 10 to 17 which list all the introductory parts. Judging from the year of issuance of the fatwa, the 1st fatwa to the 9th fatwa was ratified from 1978 to 1997 while the 10th fatwa to the 17th fatwa was ratified from 2004 to 2017. This confirms that the fatwa form

of the Indonesian Ulema Council in the introduction began to be complete since 2004 and previous years have not been complete.

Second, the Consideration section. The consideration section according to the book "Guidelines for the Organization of the Indonesian Ulema Council" consists of "weighing", "remembering" and "paying attention" (MUI, 2018). Consideration is the basis or legal basis for the preparation of the decision. In this section, it is common to use a lot of weighing words. remember, pay attention, read, or hear. Considerations contain considerations in making decision letters (Ekatjahjana, 2021). It generally contains previous laws, proposals, regulations, and decisions relating to the subject matter.

The consideration section is understood as one that includes items weighing, remembering, and paying attention (MUI, 2018). Weighing is a part of consideration that contains reasons or interests for the need to make a decision. Considering that it contains laws and regulations which are the legal basis for decision making. Paying attention is a part that contains the latest facts of the situation that prompted the birth of the decision. Hearing is part of the proposals and suggestions that have been submitted in the preparation of the decision letter. This consideration section is used by the Ulema Council as table 2 below

Table 2  
Fatwa Text Considerations

No.	Fatwa Name	Considerations		
		Weigh	Remember	Watch
1.	Problems of Jama'ah, Caliph, Bai'at	√	—	—
2.	Islamic Jama'ah	—	—	√
3.	Ahmadiyya Qadiyan	√	—	—
4.	Superficial Religion and the Abuse of Propositions	—	—	—
5.	Mixed Marriage	—	√	—
6.	Shi'a	—	√	—
7.	The School of Rejecting Sunnah / Hadith Rosul	√	√	√
8.	Darul Arqam	√	√	√
9.	Angel Gabriel Leaves Humanity	√	√	√
10.	Terrorism	√	√	√
11.	Shamanism and Divination	√	√	√
12.	Pluralism, Liberalism, Secularism, Religion	√	√	√
13.	Ahmadiyya sect	√	√	√
14.	Qiyadah Islamiyah School	√	√	√
15.	Gafatar	√	√	√
16.	The Law Doubts the Perfection of the Qur'an	√	√	√
17.	The Law Believes in the Infallibility of Priests	√	√	√

Table 2 above illustrates that the fatwa structure of the Indonesian Ulema Council, bisang aqidah and religious sects in terms of consideration are diverse. First, the fatwa structure does not contain as many considerations as one fatwa text. Second, the fatwa structure which only contains considerations regarding weighing as many as two fatwa texts. Third, fatwas with a text structure that only contains considerations about remembering as many as 2 fatwa texts.

Fourth, the structure of the fatwa format which only contains considerations regarding paying attention to as much as 1 fatwa text. Fifth, the fatwa structure which contains considerations regarding weighing, remembering, and paying attention to as many as 11 fatwa texts.

Third, the dictum part. The dictum is part of the content of the decree. This section begins with the word decide. A dictum is a part of a decree that contains the details of the decree. The dictum is the core content of a decree. Whatever the decision maker will say, everything is collected in dictums. The series of dictums is preceded by a deciding subtopic placed in the center of the paper (centering). Subtopic deciding should always be followed by the word set which is a marker to enter the content of the dictum. The word "marker" is set not placed in the center, but in the left margin. After that, then write the contents of the dictum. When the contents of the dictum are to be detailed, the items are sequence-coded. therefore, the dictum is understood as the part that contains the substance of the determination of the heresy of a school / group and recommendations and / or solutions from the Assessment and Research Commission. This part of the dictum is included by the ulama council in the text of the fatwa on Aqidah and Aliran Keagamaan as table 3 below.

Table 3  
Fatwa Text Dictum

No.	Fatwa Name	Dictum		
		General Terms	Legal Provisions	Recommendations
1.	Problems of Jama'ah, Caliph, Bai'at	√	–	–
2.	Islamic Jama'ah	–	√	√
3.	Ahmadiyya Qadiyan	–	–	√
4.	Superficial Religion and the Abuse of Propositions	–	√	–
5.	Mixed Marriage	–	√	–
6.	Shi'a	–	–	√
7.	The School of Rejecting Sunnah / Hadith Rosul	–	√	√
8.	Darul Arqam	–	√	√
9.	Angel Gabriel Leaves Humanity	–	√	√
10.	Terrorism	√	√	–
11.	Shamanism and Divination	–	√	–
12.	Pluralism, Liberalism, Secularism, Religion	√	√	–
13.	Ahmadiyya sect	–	√	√
14.	Qiyadah Islamiyah School	√	√	√
15.	Gafatar	√	√	√
16.	The Law Doubts the Perfection of the Qur'an	√	√	√
17.	The Law Believes in the Infallibility of Priests	√	√	√

Table 3 above illustrates that fatwas illustrate various characteristics based on the inclusion of "dictum" in the fatwa text. First, a fatwa that only includes a dictum regarding general provisions as much as one fatwa title. Second, the fatwa only includes the dictum of recommendation as many as two fatwa titles. Third, fatwas that only include the dictum of legal provisions as many as three fatwa titles. Fourth, fatwas that include dictum items regarding legal provisions and recommendations, namely the five fatwa titles. Fifth, fatwas that include

dictum items regarding general provisions and legal provisions as many as 2 fatwa titles. Sixth, fatwas that include dictum items of general provisions, legal provisions, and recommendations, namely six fatwa titles.

## DISCUSSION

### Structure of the Fatwa Text

The structure of the argumentation structure of the fatwa text of the Ulema Council is examined based on the theory of Ad-Dimasyqi and Al-Ashqar (1976) and MUI Fatwa Format theory (2018). Building the structure of the fatwa argumentation among others. This subsection study includes analysis of text structure, points of emphasis, and the form of the text. The discussion about text structure is aimed at looking at the parts that are the focus in a text (Kasni, 2023). Surface structures may express and convey special operations or strategies. For instance, special stress or volume or large printed type may strategically be used to emphasize or attract attention to specific meanings, as is the case when shouting at people or in screaming newspaper headlines (Van Dijk, 2009).

Judging from the form of birth and text structure, MUI fatwas in 1975-1984 in the field of aqidah and religious traditions were written in a concise structure with two main points, namely the chronology of fatwa determination and the points of fatwa legal provisions. However, since 1994-2017, the Indonesian ulema council has used a text format resembling a decree. That is, the format of the fatwa text has included the opening points, considerations, dictum, and closing. The graphic structure of MUI's fatwas in 1975-1984 is concise without including considerations for decision-making considerations as well as aqli and naqli propositions that are arguments for fatwas. Historically, it can be explained that in the early years of the MUI's establishment, fatwas issued were more concise. The summary of MUI fatwas in 1975-1984 is shown in the fatwa format which directly contains decision points without including other consideration components such as argumentation or consideration.

The text of the fatwa of the Indonesian Ulema Council opens with a title written in capital letters. Capital letter writing with the technique of thickening the writing of letters in this case was chosen to attract the reader's focus. The titles of all fatwas issued by the MUI are always written in capital letters. The fatwa was delivered substantially in straightforward language. This condition is because there is no standard fatwa format in determining fatwas issued by the MUI, so that fatwas issued in the early years of the establishment of the MUI (between 1975-1984) did not have a uniform and standard format.

Chronologically, MUI fatwas in 1975-1984 have a more concise structure compared to other MUI fatwas in 1994-2017 relating to deviations from creed and have not followed the standard pattern of fatwa formulation as outlined in MUI decree number: U-596 / MUI / X / 1997 concerning Guidelines for Determining Fatwas of the Indonesian Ulema Council issued in 1997 and also MUI decree number: Special / VII / 2012 concerning Guidelines for Fatwa Determination of the Indonesian Ulema Council. The guidelines issued in 2012 are an amended edition of the guidelines issued in 1997. Many additional articles and rules were included, one of which concerned the structure of the fatwa. In the 2012 fatwa writing guidelines, the procedure for writing titles is not explicitly regulated. In these guidelines, in Chapter V on Fatwa Format Article 13 only mentions the fatwa component which contains the number and theme of the fatwa, the five basmalahs, considerations consisting of points of weighing, remembering and paying attention and dictum in the form of general provisions, ukum provisions and also recommendations (Indonesian Ulema Council, 2018; Indonesian Ulema Council, 1997).

In the MUI fatwas of 1975-1984, the text opens with basmalah readings written in Arabic script of the khat diwani type. After that, the text of the fatwa continued with an introduction containing an introduction explaining that the fatwa was the result of the decision of the



National Deliberation or national working meeting. The fatwa decision contains two points written directly after the introductory paragraph. Two fatwa points are written using numeralia.

### **The Clarity of Writing and the Readability of a Text**

Clarity of writing describes technical matters about writing rules such as choice of Latin and Arabic fonts, font size, spacing, spacing between chapters and subbab. The usefulness of this writing rule makes it easier for readers to understand the text. Furthermore, the readability of this text relates to the identity of the fatwa. This shows that a fatwa text must contain a clear identity of the fatwa submitted. The identity of this fatwa in the guidebook issued by MUI regarding guidelines for determining MUI fatwas article 13 consists of the title, number and theme of the fatwa, as well as *the sentence basmalah*.

In general, all fatwa texts issued by the MUI meet the criteria for clarity and readability of a text. The text of this fatwa based on its readability can be grouped into two, namely fatwas that include the number and theme of the fatwa, and fatwas that do not include the number and theme of the fatwa. Fatwas decided by the MUI from 1978-1997 include fatwa groups that do not include the number and theme of fatwas while fatwas issued by the MUI since 2004-2017 have used the identity of fatwas completely.

Based on the investigations conducted, fatwas set by the MUI began to use fatwa numbers and themes since 2000, for example the MUI fatwa in the field of Worship concerning the Implementation of Friday Prayer 2 (two) Waves. The fatwa has used the numbering and theme of the fatwa, namely Number: 5/MUNAS/VI/MUI/2000 concerning the Implementation of Friday Prayer 2 (two) Waves. In fact, fatwa numbering can be used to find out the sequence number of fatwas, activities or events of fatwa commission meetings, institutions that issue fatwas, and the year the fatwa was issued. Forexample, fatwa on Pluralism, Liberalism, and Secularism with Number: 7/MUNAS VII/MUI/11/2005, and MUI fatwa on Terrorism with Number: 3 of 2004. The two numberings differ in terms of the MUI Fatwa Commission meeting.

The identity of this fatwa, namely the title, number, and theme, will make it easier for readers or parties who request fatwas the main content of this text by reading the identity of the fatwa text. Readers of the fatwa text will easily understand the official forum organized by the MUI Fatwa Commission in an effort to determine the fatwa, the year the fatwa was issued, and the main content of the fatwa. The main content of this fatwa can be felt through the reading of the theme and title of the fatwa. In other words, this section has the function of showing the identity of the Fatwa.

### **The Background, Reason, and Urgency of the Fatwa Determination**

These three points in the MUI Fatwa Determination Guidebook are grouped into consideration. The consideration that contains the three points is the weighing subsection. Considering is an initial examination effort carried out by the MUI Fatwa Commission in order to fully understand the object of the problem. This sub-chapter will describe who asked for the fatwa, the deeds, activities, or understandings/teachings/traditions that are the subject matter, and the impact that accompanies the existence of the object.

This consideration section is carried out by the MUI Fatwa Commission before deciding and determining a fatwa. The MUI Fatwa Commission conducts a comprehensive study first in order to obtain a complete description of the object of study, problem formulation. The formulation of this problem also includes the socio-religious impacts caused and critical points derived from various sharia norms related to the object of study.

Comprehensive studies as described above can be carried out by calling and inviting parties who are the object of study either directly related to the object of study, such as leaders or founders, followers, surrounding communities, books that become reading and reference materials for tabayun or by forming a team through the assignment of making papers to

members of the Fatwa Commission or an expert who is competent in the object of study to be fatwa.

The inclusion of these "weighing" considerations can be grouped into four parts. First, there are three fatwa texts that do not include these considerations, namely the fatwa of the MUI Fatwa Commission on Superficial Religion and Abuse of Propositions, Mixed Marriage, and Shia Understanding. Secondly, the fatwa on the Subject of Jamaat, Khilafah, and Baiat, and the fatwa on the Sect rejecting the Sunnah/Hadith of the Messenger only include considerations considering part of the reason. Third, the fatwa on Jamaat Islam includes considerations considering the Background and Reason sections. Fourth, eleven fatwas of the MUI Fatwa Commission which include the three points of consideration weighing.

In the text lettering and implying considerations of weighing are found as well. This consideration is meant without mention of the word "menimbang" or "weighing" and the implicit is the inclusion of the word "weighing" in the text of the fatwa. The text of the MUI Fatwa Commission on tentang "Islam Jama'ah" and the Fatwa on "Aliran Menolak Sunah/Hadist Rasul", as well as the fatwa on "Malaikat Jibril Mendampingi Manusia" considerations containing the background, reasons, and urgency of the issuance of fatwas are marked with the word "memperhatikan" or "pay attention". For the text of the fatwa on "Pendangkalan Agama and Penyalahgunaan Dalil", "Perkawinan Campuran", dan "Faham Syiah", considerations are not included. In addition, the text of the fatwa on "Masalah Jemaah, Khalifah, dan Baiat", "Ahmadiyah Qadiyan", "Darul Arqam" does not include the word marker or in other words the explanation of the points in the consideration "menimbang" is explained widely in the text of the fatwa. This thoughtful correspondence makes it difficult for readers of the text to understand the ins and outs on which certain religious sects must be fatwa determined by the MUI Fatwa Commission. This is different from the text of fatwas other than those mentioned above, the reader will more clearly understand the problem of a certain religious statement must be determined fatwa because it has included "weighing" considerations.

The explanation mentioned above does not mean that the text of the fatwa that has been issued is legally weak, but the text of the fatwa has weaknesses on the part of the MUI Fatwa Commission. This weakness shows that the MUI Fatwa Commission in determining and deciding, as well as determining Fatwas on a certain religious stream is carried out unilaterally. This one-sided view can make people's understanding of a fatwa issued become blurred and less guaranteed credibility.

### **The Inclusion of Legal Sources or Subsections Remembering**

Article 3 of the MUI Fatwa Determination Guidebook states that the determination of fatwas is based on the Qur'an, Hadith, Ijma', Qiyas, and postulates that are understood jointly or *mu'tabar*. This subsection contains legal sources, legal illat, and wisdom. The sources of law listed include the Qur'an, Hadith, Ijma', fiqyah rules, and Qiyas (Jamaa, 2018, Mudzhar, 2022, Al-Maliki & Jahar, 2020). The legal basis in the fatwa text can be identified in consideration, especially "mengingat" or the remembering section, but the word "mengingat" or "remember" in the text of the seventh fatwa on the Sect that Rejects the Apostle's Sunnah/Hadith is replaced with "weighing". The consideration section considering that the MUI fatwa preparation guidelines are sections that list the legal bases that are used as the basis or basis for fatwa making. For more details as the table below.

The fatwas illustrates that the legal bases referred to by the MI as a draft for the collection and determination of fatwas are the Qur'an, hadith, ijma', fiqh rules, Pancasila and the 1945 Constitution, and the MUI fatwa collection manual. However, of the seven fatwas that have been issued, the legal bases mentioned have been varied. Therefore, the fatwas can be grouped into five. First, fatwas that make the Qur'an, hadith, ijma', and fiqyah rules as legal basis, for example F15. Second, fatwas that include the Qur'an, hadith, and fiqyah rules, for example F10, F11, F16. Third, fatwas that authorize the Qur'an, hadith, and ijma', for example,

F7. Fourth, fatwas based on the Qur'an and hadith, for example F5, F9, F12, F13, F14, F17. Sixth, fatwas that make Pancasila, the 1945 Constitution, and the MUI fatwa collection guidelines as the basis for hukum, for example F8. Seventh, fatwas that do not include legal foundations, such as F1, F2, F3, F4, F6.

MUI's fatwa on "Gafatar" is the only fatwa that uses four types of legal basis, namely the Qur'an, hadith, ijma', and fiqyah rules as the basis for policy making. This is in contrast to fatwas on "Masalah Jamaah", "Khalifah dan Baiat", "Islam Jamaah", "Ahmadiyah Qadiyan", "Pendangkalan Agama dan Penyalahgunaan Dalil", dan "Faham Syiah" which do not at all include the basis of law. The majority of MUI's fatwas on Aqidah and religious sects only include the Qur'an and Hadith, such as fatwas on "Perkawinan Campuran", "Malaikat Jibril Mendampingi Manusia", "Pluralisme, Liberalism, dan Sekularisme Agama", "Aliran Ahmadiyah", "Aliran Al-Qiyadah Al-Islamiyah", and "Menyakini Adanya Kema'shuman Imam". In addition, there are fatwas that make three legal bases as the basis of law, namely the Qur'an, Hadith, and Qaidah Fiqiyah, as in fatwas on "Terorisme", "Perdukunan (kahanah) dan Peramalan ('iraafah)", and "Hukum Meragukan tentang Keaslian Al-Quran", and the Qur'an, Hadith, and Ijma' as legal bases such as the MUI fatwa on "Aliran yang Menolak SUNah/Hadis Rosul".

The key word used to identify the legal basis in the text of the MUI fatwa is the word "mengingat" or "Remember". However, there are fatwa texts that use other keywords to mark this basic part of the law, "menimbang" or "weighing" as the fatwa describing "the Aliran yang Menolak Sunah/Hadis Rasul". Generally, the text of these fatwas groups the foundations of this law into a single entity and is labeled with the naming of their respective subchapters.

In conclusion, based on the fatwa guidelines issued by the MUI regarding the guidelines for making MUI fatwas, all MUI fatwa texts have legal sources. However, in fact, is not the case. Most fatwas issued by the MUI Fatwa Commission do not include a legal basis, and even considering that they are not raised. Based on these guidelines, the text of the fatwa does not meet the requirements directed by Ad-Dimasyqi and Al-Ashqar, and does not describe compliance with the implementation of self-decided drafting guidelines.

### **Qur'anic Verses and Hadiths Related to the Legal Issue**

Include Qur'anic verses and hadiths related to the legal issue being discussed. This issue is more or less the same as before. MUI fatwas that list the source of legal determination always begin with Quranic verses and hadith related to the legal issue to be determined (Al-Maliki & Jahar, 2020). However, many MUI fatwas do not include these two things. That is, from this side, the fatwa of the MUI Fatwa Commission contains weaknesses.

There is an important point to emphasize related to the inclusion of legal foundations, Quranic verses, and hadith in the fatwa text, namely the relationship of these three things with the fatwa argumentation building which is the purpose of this study. Although Ad-Dimasyqi (t.t.), Al-Asyqar (1976), and the MUI Fatwa Commission (2010) consider such inclusion as part of the characteristics of a physical superstructure, as can be seen in the subsequent argumentation analysis, the argumentation building of fatwa texts depends heavily on the existence of one or possibly all three things. That is, the inclusion of these three things as a characteristic of the superstructure of the fatwa text has a serious impact on the argumentation building of the fatwa text as its macrostructure.

### **The Mention of Allah's Asthma**

That is, a fatwa text says lafad ta'wud, basmalah, tahmid, shalawat, and QS Thaha verse 22, and *wallahu 'a'lam*. The fatwa text of the MUI Fatwa Commission on Akidah and Religious Sects and other fields always includes lafad "basmalah" while the other lafad mentioned earlier (ta'awudz, tahmid, shalawat, and QS Thaha verse 22, and *wallallahu 'a'lam*) are not quoted.

In terms of layout or order of appearance of the text, the representation of lafad "basmalah" is arranged variously. First, in the first fatwa on "Jemaah, Khalifah, dan Baiat" issued in 1978 until the fatwa on "Aliran Al-Qiyadah Al-Islamiah" which was fatwa in 2007, the MUI Fatwa Commission wrote lafad "basmalah" in the second order after the title or theme of the fatwa. Second, the text of the fatwa of the MUI Fatwa Commission issued on "Aliran Gerakan Fajar Nusantara" (Gafatar) in 2016 and the fatwa issued in 2017 concerning "Hukum Meragukan tentang Keaslian Al-Quran" and "Menyakini adanya Kema'shuman Imam ('Ismatul Imam)" are compiled after numbering and mentioning the title/theme. Although the fatwas on Akidah and Religious Sects established by the MUI Fatwa Commission from 2004 to 2007 (fatwas on Terrorism to Al-qiyadah Al-islamiyah Sect) include the number and theme of the fatwa, the lafad "basmalah" is still written after the title of the fatwa.

The interesting thing about the text of this fatwa related to the mention of religion-based lafad is the writing of several lafad or sentences including "Dengan bertawakkal kepada Allah SWT" "By believing in Allah SWT", "Dengan memohon taufik dan hidayah kepada Allah SWT" or "By asking for taufik and hidayah to Allah SWT", and "Dengan memohon ridho Allah SWT" or "By asking for the pleasure of Allah SWT" before writing the Dictum or especially the word "memutuskan" or "decide". These pronunciations can be found in the text of the eighth fatwa to the seventeenth fatwa text. The fatwa text of the MUI Fatwa Commission began to include the pronunciation beginning with the text of the eighth fatwa to the seventeenth fatwa text. The inclusion of the pronunciation "By believing in Allah SWT" can be found in the text of the eighth fatwa, ninth fatwa, eleventh fatwa, twelfth fatwa, thirteenth fatwa, fifteenth fatwa, sixteenth fatwa, and seventeenth fatwa, while for the inclusion of the pronunciation "By asking for taufik and hidayah to Allah SWT" only in the ninth fatwa, and the inclusion of the pronunciation "By asking for the pleasure of Allah SWT" is found in the text of the tenth fatwa and fourteenth fatwa. The use of these pronunciations as an illustration of resignation and reliance shown by the MUI Fatwa Commission.

The inclusion and non-inclusion of these lafads is not a weak point of the fatwa issued by the MUI Fatwa Commission. Although Ad-dimasyqi (t.t.) and Al-Ashqar (1976) require the writing of these lafads but this provision is limited to the characteristics of a fatwa text rather than the content of the fatwa, the lafad does not affect the arguments related to the subject of fatwa study. In addition, the inclusion of these proverbs is culturally related to fatwas issued by other muftis and not to the MUI Fatwa Commission.

### **The Use of Sighah which is Commonly and Commonly Used in the Field of Fatwas**

Fatwas are one part of the field of law. Characteristically speaking, fatwas also use legal language and terms commonly used in making fatwa texts or texts. Terms in the field of law used by the MUI Fatwa Commission include, session, limited session, determined, calling, reporting, paying attention, stating, fatwa, recommending, calling, remembering, deciding, weighing, determining, paying attention again, listening, appealing, general provisions, legal provisions, recommendations, closing provisions, haram, bathil, wrong, dhalal, heretical, kafir, apostasy, heretical misleading, obligatory, out of Islam, and outside Islam.

The specific terms above can be grouped based on the location or position where the term appears. First, terms in the field of consideration, including paying attention, remembering, weighing, paying attention again, listening, second, terms in the field of dictum for example, decide, declare, call, fatwa, establish, appeal, legal provisions, general provisions, recommendations, and closing provisions. third, the legal term of fatwaan is outside Islam, heretical and misleading, contrary to Islamic teachings, haram, outside the Islamic religion, deviating from Islamic aqedah, obligatory, being outside Islam, apostasy, infidels, wrong (bathil), and *dhalal* (heresy).

In addition to the use of specific terms in the field of fatwas, the text of fatwas must use concise and easy-to-understand language in deciding an object of fatwa study, for example may

or may not be, legal or bathal, haram or obligatory, heretical or straight, infidel or Muslim, apostate or not. The sentences used by the MUI Fatwa Commission in fatwa include outside Islam, heretical and misleading, contrary to Islamic teachings, haram, outside Islam, deviating from Islamic aqedah, obligatory, being outside Islam, apostate, infidels, wrong (bathil), and *dhalal* (heresy).

In fact, the language of determination used by the MUI Fatwa Commission is also complicated. That is, readers have not been able to take a stand on the results of the decision decreed by the MUI fatwa commission or still have to look for other literature to better understand the purpose of the fatwa decision. For example, fatwas issued by the MUI Fatwa mission in the field of "“Pendangkalan Agama dan Penyalahgunaan Dalil ” fall into this category. The decree was “merusak kemurnian dan kemantapan hidup beragama” or "undermining the purity and stability of religious life" and the fatwa on "Shi'ism" reads ".....menghimbau.....agar meningkatkan kewaspadaan terhadap kemungkinan masuknya paham yang didasarkan atas ajaran Syi'ah” or “..... Appealed..... In order to increase vigilance against the possibility of the entry of ideas based on Shi'a teachings. The use of unclear language indicates that the legal authority convicted or imposed is less clear and firm.

### A Dictum Section

The MUI Fatwa Commission has explained as contained in the Guidelines and Procedures for Fatwa Determination of the Indonesian Ulema Council Chapter V Article 13 explaining that the dictum contains general provisions, legal provisions, recommendations. These general provisions include the definition and limitations of the understanding of issues related to the fatwa, while the legal provisions consist of the legal substance of the fatwa. Of the three components, only the provisions are mandatory and the others are present if necessary.

This dictum section in the fatwa text of the MUI Fatwa Commission in the field of Akidah and Religious Sects can be identified using keywords, including “mengimbau” “appealing”, “ketentuan umum” or “general provisions”, “ketentuan hukum” or “legal provisions”, “rekomendasi” or “recommendations”, “ketentuan penutup” or “closing provisions”. However, the majority of fatwa texts do not utilize or use the term to mark parts of the dictum.

Fatwas should be written in one unit and as much as possible not written in separate sheets. Several fatwas of the MUI Fatwa Commission are written on one page only. However, most fatwas written in this way, as we can see in this later analysis, do not have good persuasive power. The argument building of the MUI Fatwa Commission fatwa that is written in just one page is usually bad, because it does not include an adequate legal basis to support the legal decisions it makes. In some cases, MUI Fatwa Commission fatwas that are written on only one page even do not include a legal basis at all. Such fatwas are not argumentative texts, and therefore are not persuasive.

Most fatwas of the MUI Fatwa Commission are written on more than one page. In fact, some of them are very long up to a dozen pages. This seems to be due to the inclusion of a considerable legal basis, the purpose of which is to make fatwas more acceptable and persuasive power better. Almost all fatwas are written in a separate unity between one fatwa and another. This is in accordance with the fatwa preparation guidelines of the MUI Fatwa Commission (2010) that each fatwa is given its own fatwa number and title. However, there are some fatwas that are written without numbers, separated only by the title of the fatwa. These fatwas are contained in the Ijtima Ulama Decree of the MUI Fatwa Commission throughout Indonesia.

There is the inclusion and consideration of similar fatwas whether they have been fatwa before either directly or indirectly. As can be seen in the book of the MUI Fatwa Association since 1975, most fatwas include previous opinions in verifiable citations. There are even some fatwas that include opinions that differ from the legal rulings decided by the MUI Fatwa Commission. However, there are also some fatwas that do not include previous opinions or

fatwas, even if they only include opinions that strengthen the legal decisions contained in the fatwa.

If the mufti does not understand exactly what is being asked, then he must write it down when giving the fatwa. This is not contained at all in the book of the MUI Fatwa Association since 1975. What happens to some fatwas with less common problems is the inclusion of other expert opinions as additional explanations. This, for me, can be considered as another form of what was put forward by Ad-Dimasyqi (t.t.).

## **PREMISE MARKERS AND CONCLUSIONS OF FATWA TEXT**

Analysis with a critical argumentation approach is to identify, analyze, and evaluate the structure of arguments. The structure of this argument is a statement that is built to strengthen and base a conclusion (Al-Khatib et al, 2016). The structure of this argument consists of premises and conclusions. A premise is a statement that offers a reason to support a conclusion. A conclusion is a statement that expresses a claim made by one party in dialogue in response to doubts about a claim made by the other party or in other words a statement that is utilized to hint at a claim (Hasanah & Dawud, 2017).

### **Premise Markers**

There are two divisions regarding the presence and absence of premises used by the MUI Fatwa Commission in determining and fatwizing a fatwa based on the format of the fatwa text, namely including the basic premises of the fatwa and not including the premises on which the fatwa is based. The realization of the premises and conclusions in the text of the MUI Fatwa Commission is suspected by special terms in the field of law that can be described by words that become markers as mentioned above (Alnizar, 2021). In the MUI fatwa in the form of a decree, the word that marks the premise is the words Pay Attention, Read, and Weigh.

First, the text of fatwas in the form of affidavits on average do not present premises in the fatwa text. The text of the fatwa includes the text of the fatwa on tentang “Masalah Jemaah, Khalifah, dan Baiat”, “Ahmadiyah Qadiyan”, “Pendangkalan Agama dan Penyalahgunaan Dalil”. Second, the text of the fatwa is in the form of a statement letter but contains the premises that support the declaration of a fatwa, including the fatwa text of the MUI fatwa commission on Shia “Paham Syiah”. Third, the text of the fatwa in the form of a decree but does not mention the premises as the basis for the fatwa to be decided, including the text of the fatwa on “Perkawinan Campuran”. Fourth, the fatwa text is in the form of a decree by including premises as the basis for fatwa, among others, the fatwa text on “Jamaah Islam”, the fatwa text on the “Sect that Rejects the Sunnah / Hadith of the Apostle”, “Darul Arqam”, “the Angel Gabriel Accompanying Humans”, “Terrorism”, “Shamanism (kahanah) and Divination (Irafah)”, “Pluralism, Liberalism, and Religious Secularism”, “the Ahmadiyya Sect”, “Al-Qiyadah al-Islamiyah Sect”, “the Fajar Nusantara Movement Stream (Gafatar)”, “the Law of Maximizing the Perfection of the Qur'an”, “Believing in the existence of Imam Kema'shuman (ishmatul Imam)”.

The above division can be used as a basis for classifying the imposition of fatwa premises based on the keywords used in the fatwa text (Alnizar, 2021). Key words used include, “memperhatikan” “Paying Attention” to the text about “Jamaah Islam”, “Aliran (Aliran), Rejecting the Sunnah/Hadith of the Messenger”, word “perbedaan” “Differences” in the fatwa text on “Shia”, word “menimbang” “Weighing” on the fatwa text about “Angel Gabriel Accompanying Humans”, “Terrorism”, “Shamanism (kahanah) and Divination (Irafah)”, “Pluralism, Liberalism, Religious Secularism”, “Ahmadiyya Sect”, “Al-Qiyadah al-Islamiyah Sect”, “the Fajar Nusantara Movement School (Gafatar)”, “Law Promoting the Perfection of the Qur'an”, and “Believing in the existence of Kema'shuman Imam (ishmatul Imam)”.

The specific term used as a marker of premises by the MUI Fatwa Commission is “memperhatikan, perbedaan, dan menimbang”. However, there is one fatwa that is about “the

School that Rejects the Sunnah/Hadith of the Messenger" using the term "menimbang" "weighing" but that section contains the postulates of the Qur'an and hadith. In addition, the term "weighing" contained in the text of the fatwa on "Darul Arqam" does not contain premises but contains the decisions of several Majelis Ulama Daerah Tingkat I (Level I Regional Ulama Committees) and Decisions of the Attorney General of the Republic of Indonesia, and the Instructions of the Attorney General of the Republic of Indonesia.

Likewise, there is a fatwa text that uses the term "memperhatikan" "pay attention" but the section contains the decisions of the Regional Indonesian Ulama Council, the Decision of the Fatwa Commission of the Indonesian Ulama Council, the National Friendship Agreement of the Indonesian Ulama Council, the Decree of the Attorney General of the Republic of Indonesia, the Instructions of the Attorney General of the Republic of Indonesia. Based on the "Guidelines and Procedures for the Fatwa of the Indonesian Ulama Council", these premises are usually marked with the term "menimbang" "weighing" while the term "memperhatikan" "paying attention" contains the opinions of scholars, meeting participants, experts, and other matters that support the determination of fatwas (Muhammad, 2020).

Based on the explanation above, it can be concluded that the text of the fatwa by the MUI Fatwa Commission can be grouped into argumentative, semiargumentative, and non-argumentative texts. First, there are some fatwa texts by the MUI Fatwa Commission that do not include premises. The text of this first model of fatwa, by not including its premises, cannot be classified as an argumentative and unpersuasive text. Second, there are several fatwa texts by the MUI Fatwa Commission that contain premises but do not use specific terms such as "pay attention, difference, weigh" as premise markers. The premises in this second type of fatwa text exist but the linguistic markers are not listed. This results in an understanding of the text of the fatwa requiring more effort or reading or in other words requiring the reader to require great effort in understanding the text.

### Conclusion Markers

The conclusion is an important part of a text. This conclusion contains answers to questions from an argumentation building (Dorothy, 2021). These answers provide the text reviewer or reader of the text to understand and know the final result of an argument. Walton (2006), conclusions in an argumentative text can be characterized by the use of the words, *therefore, thus, hence, consequently, and so, .* While according to Toulmin (2003) states that the conclusion is usually labeled with words such as, *so, warrant, and backing.*

The conclusion of the fatwa text as stated in the Guidelines and Procedures for Fatwa Determination of the Indonesian Ulama Council states that this part of the conclusion is implied in the dictum section (MUI, 2018, Sholeh, 2016). The dictum in the fatwa text format contains three things, namely general provisions, legal provisions, and recommendations. Items in the dictum section that contain conclusions are contained in the dictum of the legal provisions section (MUI, 2017). Fatwas issued by the MUI Fatwa Commission have used the term as a marker of conclusion. These conclusion markers generally use the terms "berkesimpulan" "conclude", "memutuskan and menetapkan" "decide and declare", "menfatwakan" "fatwa", "merekomendasikan" "recommend", "memutuskan and menfatwakan" "decide and fatwa", "menghimbau" "appeal", and "memutuskan and menetapkan" "decide and determine"

The conclusion markers above can be used to group fatwa texts based on conclusion markers (Subuki, 2018). First, the conclusion is "concluding" on the text of the fatwa on "The Problem of the Congregation, the Caliph, and the Baiat". Secondly, the indicator of the conclusion "decide and declare" on the text of the fatwa on "Islam Jamaat". Third, the terms "fatwa" and "recommend" the text of the fatwa on "Ahmadiyya Qadiyan". Fourth, the term marker conclusion "decide and fatwa" in the fatwa text on "Religious Superficiality and Abuse of Propositions", "Mixed Marriage", "appeal" in the fatwa text on "Shi'a", "Angel Gabriel Accompanying Man", "decide and determine" is found in fatwas on "the sect that rejects the

Sunnah/Hadith of the Apostle”, “Darul Arqam”, “Terrorism”, “Shamanism (Kahanah) and Divination ('Irafah)”, “Plularism, Libelarism, Religious Secularism”, “Ahmadiyya School”, “Al-Qiyadah Al-Islamiyah School”, “Fajar Nusantara Movement School (Gafatar)”, “Law Doubting the Perfection of the Quran”, and “Believing in the existence of Kema'shuman Imam ('Ishmatul Imam)”. This picture shows that the fatwa text of the MUI Fatwa Commission uses various markers of conclusion, although in the end most fatwa texts consistently use the term “decide and determine”.

Based on the text format issued by the fatwa commission, the conclusion marker will be easy to observe and find when the text format is in the form of a decree because the term conclusion marker is directly raised and placed in a certain section and written in capital letters. This is different from the text of a fatwa in the form of a statement letter. The conclusion marker in the fatwa text in the form of a statement cannot be found immediately and requires prior reading of the text (Subuki, 2018). For example, in the text of a statement format that uses the term conclude as the expression used is “..... guna membahas tentang Jama'ah, Khalifah, dan Bai'at berkesimpulan.....” “..... to discuss the Jama'ah, the Caliph, and the Bai'at concluded...” on the text of the fatwa on “The Problem of the Congregation, the Caliphate, and the Baiat”.

## CONCLUSION

The argument in the fatwa as a macrostructure is realized by the Fatwa Commission of the Indonesian Ulema Council in different superstructures. The substantial element seems to have largely been tried to be fulfilled, namely the inclusion of Qur'anic and hadith propositions, as well as other expert opinions in favor of the establishment of fatwas. However, formal elements such as *tāāwuẓ*, *hamdalah*, and verse 22 of QS Thaha, are not included. In terms of format, there are two kinds of fatwa text formats, namely those in the format of decrees and those in direct format. The premise markers in fatwas in the form of decrees are usually words such as *Paying Attention*, *Reading*, and *Weighing*. The conclusion marker in the fatwa in the format of a decree is the word *Decide* followed by the word *Establish* or *Fatwakan*.

In a directly formatted fatwa, identification is done through inference to the content of information contained in the fatwa text. The linguistic markers of premises in fatwas in direct format differ, among which are the phrases Basic Law or Basis for Legal Determination. Linguistic markers for conclusions in direct fatwas also vary, among which is the phrase Legal Provisions. In addition, in this stage of analysis, it was also found that some fatwas did not have a concluding premise structure. More precisely, the identification of premises and inferences cannot be carried out due to insufficient linguistic clues. Fatwas with this last characteristic cannot be analyzed further.

## ACKNOWLEDGEMENT

The author would like to thank all those who have helped during his doctoral studies in Humanities Sciences, Faculty of Cultural Sciences, Gadjah Mada University. In particular, the author would like to express his thanks to my research supervisors who has guided and provided motivation. Apart from that, the author would like to thank the research and community service institute at Universitas Sebelas Maret Surakarta which has given the author the opportunity to participate in the 2020-2021 doctoral dissertation grant.



## REFERENCES

- Alfitri. (2020). Bureaucratizing Fatwāin Indonesia: The Council of Indonesian Ulama and Its Quasi-Legislative Power. *Ulumuna*, 24(2), 367-397. DOI:10.20414/ujis.v24i2.412
- Al-Asyqar, Muhammad Sulaiman Abdullah. (1976). *Al-Futyā waMa'Yāhij al-Iftā*. Kuwait: Dār al-Ma'Yār Al-Islāwīyah.
- Al-Dimasyqi, Abu Zakariya Yahya bin Syaraf An-Nawawi. (t.t.). *Adab al-Fatwa, wa al-Mufti, wa al-Mustafti* (edisi tahqiq Bassam Abdul Wahhab Al-Jabi). Damaskus: Dar Al-Fikr.
- Al-Khatib et al. (2016). A News Editorial Corpus for Mining Argumentation Strategies. *Proceedings of COLING 2016, the 26th International Conference on Computational Linguistics: Technical Papers*, 3433–3443.
- Al-Maliki, Muhammad Alwi & Asep Saepudin Jahar. (2020). Dinamika Hukum Akad Nikah Via Teleconference di Indonesia. *Jurnal Kajian Interdisipliner Islam Indonesia*, 10(2), 136-151. DOI:10.15408/idi.v10i2.17523.
- Alnizar, F. (2019). Pretext for Religious Violence in Indonesia: An Anthropolinguistic Analysis of Fatwas on Ahmadiyya. *Studia Islamika*, 26(3), 417–444. <https://doi.org/DOI:10.36712/sdi.v26i3.8719>
- Alnizar, F., Ma'ruf, A., & Manshur, F. M. (2019). Perceptions and Reactions of Ahmadiyya To Fatwa Indonesian Ulama Council (MUI): an Antrophological Lingusitics Approach. *Heritage of Nusantara: International Journal of Religious Literature and Heritage*, 8(2), 208–242. <https://doi.org/10.31291/hn.v8i2.553>
- Alnizar, F., Ma'ruf, A., & Manshur, F. M. (2021). The language of fatwa: Understanding linguistic violence in the Indonesian ulama council's fatwa on Ahmadiyah. *Ahkam: Jurnal Ilmu Syariah*, 21(1), 1–24. <https://doi.org/10.15408/ajis.v21i1.20218>
- Amin, KH. Māruf, et al (ed.). (2010). *Himpunan Fatwa Majelis Ulama Indonesia*. Jakarta: Sekretariat Majelis Ulama Indonesia.
- Ansori. (2022). Position of fatwa in Islamic law: the effectiveness of MUI, NU, and Muhammadiyah fatwas. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 22(1), 53-71. doi:10.18326/ijtihad.v22i1.53-71
- Busmann, Hadumod. (2006). *Routledge Dictionary of Language and Linguistics* (Lexikon der Sprachwissenschaft 2nd oleh Lee Forester et al.). London/New York: Routledge.
- Crusius, Timothy W., dan Carolyn E. Channel. (2010) *The Aims of Argument: A Brief Guide*. New York: Mc Graw Hill.
- Davies, A., dan Catherine Elder (ed.). (2023). *The Handbook of Applied Linguistics*. London: Blackwell Publishing.
- Dorothy U. Seyler. (2021). *Read, Reason, Write An Argument Text and Reader*. New York: McGraw-Hill.
- Fahnestock, Jeanne, dan Marie Secor. (2004). *A Rhetoric of Argument* (Third Edition). New York: Mc Graaw Hill.
- Hassan, S. A., & Khairuldin, W. M. K. F. W. (2020). Research design based on fatwa making process: An exploratory study. *International Journal of Higher Education*, 9(6), 241–246. <https://doi.org/10.5430/ijhe.v9n6p241>
- Herrick, James. (1995). *Argumentation: Understanding and Shaping Arguments*. Boston: Pearson Custom Publishing.
- Jamaa, La. (2018). Fatwas of the Indonesian council of ulama and its contributions to the development of contemporary Islamic law in Indonesia. *Indonesian Journal of Islam and Muslim Societies*. 8(1), 29-56. doi :10.18326/ijims.v8i1. 29-56
- Kahane, Howard. (1998). *Logic and Contemporary Logic: The Use of Reason in Everyday Life*. California: Wadsworth Publishing Company.

- Kaptein, N. J. G. (2004). The voice of the "Ulamā": Fatwas and religious authority in Indonesia. *Archives de Sciences Sociales Des Religions*, 125(1), 115–130. <https://doi.org/10.4000/assr.1038>
- Kasni, NW, dkk. (2023). Superstructure of Food Product Advertisement Discourse on Television. *Proceedings of the 2nd International Student Conference on Linguistics (ISCL 2022)*, 311-321. DOI 10.2991/978-2-38476-014-5\_28
- Majelis Ulama Indonesia. (2017). *Pedoman Penetapan Fatwa Komisi Fatwa Majelis Ulama Indonesia* (6th ed.). Jakarta: Majelis Ulama Indonesia.
- Mudzhar, M. A. (1993). *Fatwas of the Council of Indonesian Ulama: A Study of Islamic Legal Thought in Indonesia 1975-1988*. Jakarta: INIS.
- Mudzhar, M. A. (2022). The Use of Legal Maxims in the Fatwas of Indonesian Ulama Council. *Jurnal Kajian Interdisipliner Islam Indonesia*, 12(1), 1-11. DOI:10.15408/jii.v12i1.24343.
- Mun'im, Zainul. (2021). Argumen Fatwa MUI tentang Pluralisme Agamadalam Perspektif Hak Asasi Manusia. *Asy-SYari'ah*, 23(2), 205-228. DOI: 10.15575/as.v23i2.13817
- Renkema, Jan. (2004). *Introduction to Discourse Studies*. Amsterdam/Philadelphia: John Benjamin Publishing Company.
- Rofiq, Ahmad Choirul. (2017). Fenomena Kelompok Sempalan Islam di Indonesia. *Ulumuna*, 11(2). DOI:0.20414/ujis.v11i2.400
- Sanders, T, dan J Sanders. (2006). Text and Text Analysis. in Mey, Jacob L. 2009. *Concise Encyclopedia of Pragmatics* (Second Edition). Amsterdam: Elsevier.
- Sholeh, A. N. (2016). *Metodologi Penetapan Fatwa Majelis Ulama Indonesia*. Jakarta: Erlangga.
- Subuki, Makyun. (2018). *Argumentasi Fatwa Majelis Ulama Indonesia: Sebuah Kajian Wacana*. Jakarta: UIN Syarif Hidayatullah.
- Toulmin, Stephen. (2003). *The Uses of Argument*. Cambridge/New York: Cambridge University Press.
- Walton, Douglas. (2002). *Legal Argumentation and Evidence*. Pennsylvania: The Pennsylvania State University Press.
- Walton, Douglas. (2006). *Fundamentals of Critical Argumentation: Critical Reasoning and Argumentation*. Cambridge/New York: Cambridge University Press.
- Van Dijk, T. (2009). *Society and Discourse; How Social Contexts Influence Text and Talk*. Cambridge University Press.
- Zulkifli, Z. (2013). The ulama in Indonesia: Between religious authority and symbolic power. *MIQOT: Jurnal Ilmu-Ilmu Keislaman*, 37(1), 180–197. <https://doi.org/10.30821/miqot.v37i1.79>