

The Analysis of Fatwa of Indonesian Ulema Council in West Java Province on Marketing Product for Ecco Racing

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Abstract

This study emerged from the concern of the Muslim community regarding the circulation of businesses that use a multi-level marketing system in the form of multi-level marketing for Eco Racing products. This research aims to analyze the istinbat method by the Indonesian Ulema Council (Majelis Ulama Indonesia=MUI) to reduce disputes among the people in their worship and muamalah. This qualitative research uses a literature approach: the MUI fatwa decision using several fiqh literature and scientific articles related to the MUI distinct method. The research results show that the decision of MUI in West Java Province needs a complete review of the Eco Racing marketing system and the Islamic concept of muamalah. It is due to two things, including the imperfect explanation from PT BEST management to the MUI fatwa commission in West Java Province regarding the mechanism for regulating the Eco Racing product sales and bonus system and the limited number of experts in the MUI fatwa commission by existing knowledge. It is needed to respond to the dynamic development of sharia economics in Indonesia, especially in West Java.

Keywords: *istinbat; Islamic law; fatwa MUI; eco racing*

Analisis Fatwa Majelis Ulama Indonesia Provinsi Jawa Barat terhadap Produk Pemasaran Eco Racing

Abstrak

Penelitian ini dilatarbelakangi oleh adanya keresahan masyarakat muslim atas beredarnya bisnis yang menggunakan sistem pemasaran berjenjang yang berupa multilevel marketing produk Eco Racing. Tujuan penelitian ini dimaksudkan untuk menganalisis cara istinbat hukum yang dilakukan oleh Majelis Ulama Indonesia sehingga bisa mengurangi perselisihan umat dalam menjalankan ibadah dan muamalahnya. Penelitian ini bersifat kualitatif, dengan pendekatan kepustakaan, yakni menganalisis keputusan fatwa MUI itu dengan sejumlah literatur kitab-kitab fikih dan artikel-artikel ilmiah yang berkaitan dengan metode istinbat hukum MUI. Hasil penelitian menunjukkan bahwa Keputusan MUI Provinsi Jawa Barat perlu ditinjau kembali agar ada kesesuaian antara sistem pemasaran Eco Racing dengan konsep muamalah secara syar'i. hal ini karena dua hal, yakni penjelasan yang belum sempurna dari pihak manajemen PT BEST kepada komisi fatwa MUI Provinsi Jawa Barat tentang mekanisme pengaturan sistem penjualan dan bonus produk Eco Racing dan terbatasnya para ahli yang ada di komisi fatwa MUI Provinsi Jawa Barat sesuai dengan keilmuan yang dibutuhkan untuk merespons dinamisnya perkembangan ekonomi syariah di Indonesia khususnya di Jawa Barat.

Kata Kunci: *istinbat; hukum Islam; fatwa MUI; eco racing.*

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A. Introduction

Every food, drink, cosmetic, and medicine product must obtain halal legality from the Indonesian Ulema Council (MUI).¹ The importance of halal legality from the MUI for every food, beverage, cosmetic, and medicine product is not only related to religious aspects but also reflects the manufacturer's commitment to ensuring the products produced are safe and by religious norms. The process of obtaining halal certification from the MUI includes a thorough inspection of the ingredients used and the production process, ensuring that there are no elements that conflict with the principles of Islam.² With halal legality, consumers can confidently consume or use these products without worrying about violating their religious values. Apart from that, halal certification also provides a competitive advantage for producers because more and more consumers are prioritizing products that are guaranteed to be halal.³ Therefore, cooperation between producers and the MUI in ensuring halal legality is an essential key to meeting the needs of consumers who are increasingly aware of the halal aspects of the products they consume.

In marketing food, drink, and medicine products in Indonesia, for instance, obtaining legality from the MUI Fatwa is very necessary. The MUI fatwa is an Islamic legal guideline issued by the Indonesian ulama and has a significant impact, especially in the context of halal consumer products. The process of obtaining legality involves a series of halal tests and checks by Islamic Sharia principles. MUI will evaluate the ingredient composition, production process, and use of additional ingredients used in the product.⁴ After obtaining approval from the MUI, producers can legally market their products on the Indonesian market. Apart from that, this legality also gives consumers confidence that the product meets the halal

¹ Sulistyo Prabowo et al., "Revealing Factors Hindering Halal Certification in East Kalimantan Indonesia," *Journal of Islamic Marketing* 6, no. 2 (June 8, 2015): 268–91, <https://doi.org/10.1108/JIMA-05-2014-0040>.

² Devi Septiani and Ahmad Ajib Ridlwan, "The Effects of Halal Certification and Halal Awareness on Purchase Intention of Halal Food Products in Indonesia," *Indonesian Journal of Halal Research* 2, no. 2 (August 31, 2020): 55–60, <https://doi.org/10.15575/ijhar.v2i2.6657>.

³ Marin Neio Demirci, Jan Mei Soon, and Carol A. Wallace, "Positioning Food Safety in Halal Assurance," *Food Control* 70 (December 1, 2016): 257–70, <https://doi.org/10.1016/j.foodcont.2016.05.059>.

⁴ Annisa Fitri Siregar et al., "Dampak Pengalihan Label Halal Terhadap Kinerja dan Kepengurusan Majelis Ulama Indonesia Kabupaten Deli Serdang," *Reslaj: Religion Education Social Laa Roiba Journal* 4, no. 3 (January 17, 2022): 718–23, <https://doi.org/10.47467/reslaj.v4i3.790>.

standards set by Islamic authorities.⁵ Therefore, the involvement of the MUI Fatwa in the regulation of food, beverage, and drug products in Indonesia not only creates a clear legal framework but also guarantees consumer protection and maintains the integrity and trust of the public in these products.

Multilevel marketing products must be in line with halal principles in Islamic law before they can be traded in Indonesia.⁶ In this case, halal studies cover not only the physical product aspects but also the business model and compensation schemes used by MLM companies.⁷ The MUI fatwa plays a vital role in determining whether an MLM product can be considered halal or not. In general, MLMs that are involved in selling products or services that do not comply with Sharia principles, such as products that contain alcohol or other haram ingredients, can be considered non-halal.⁸

The payment structure in MLM must be checked to ensure that there are no elements of usury or elements that are contrary to Islamic teachings.⁹ MUI fatwas can guide the validity of compensation schemes in the context of sharia, so MLM companies must ensure that their business models comply with these rules. By paying attention to the halal aspects of the product and its business model, MLM can build a better standing in the eyes of Muslim consumers. It can also help maintain public trust in the MLM industry as a whole. Therefore, to avoid controversy and ensure business continuity, MLM companies are expected to actively collaborate with religious institutions and obtain halal approval from competent authorities in the context of Islamic sharia in Indonesia.

⁵ Lembaga Pengkajian Pangan Obat-Obatan Dan MAJELIS ULAMA INDONESIA, "Panduan Umum Sistem Jaminan Halal LPPOM-MUI," Jakarta: LPPOM-MUI, 2008, <https://www.academia.edu/download/58145239/sjh-indonesia.pdf>.

⁶ Eva Johan, "NEW CHALLENGES IN ASEAN REGIONAL MARKET: INTERNATIONAL TRADE FRAMEWORK ON HALAL STANDARD," *Jurnal Dinamika Hukum* 18, no. 1 (January 31, 2018): 93, <https://doi.org/10.20884/1.jdh.2018.18.1.809>.

⁷ Mufti Afif and Richa Angkita Mulyawisdawati, "Tinjauan Analitik dan Kritik: Konsep dan Praktik Multi Level Marketing (MLM) Syari'ah di Indonesia," *Cakrawala: Jurnal Studi Islam* 13, no. 2 (December 28, 2018): 134-48, <https://doi.org/10.31603/cakrawala.v13i2.2330>.

⁸ Abdul Hamid, Muhammad Said, and Endah Meiria, "Potency and Prospect of Halal Market in Global Industry: An Empirical Analysis of Indonesia and United Kingdom," *Business and Management Studies* 5, no. 2 (April 25, 2019): 54, <https://doi.org/10.11114/bms.v5i2.4167>.

⁹ A. Z. Abdul Aziz and M. U. Mariyah Ulfah, "Kapita Selekta Ekonomi Islam Kontemporer" (CV. Alfabeta, 2010), <http://repository.syekh Nurjati.ac.id/id/eprint/4591>.

Among the *muamalah* problems in West Java, one that has emerged is public unrest regarding the rampant sales of MLM products known as Eco Racing. Several public complaints indicate that the pattern of selling this product allegedly does not comply with Sharia rules, and there are concerns that there are elements of injustice in the method. The public is concerned that the compensation scheme or business model implemented by Eco Racing may involve elements of usury or practices that are contrary to Islamic values. This concern highlights the need for further attention to business practices that may be detrimental to society, especially in the context of the Sharia economy. Authorities, religious institutions, and consumer organizations are expected to work together to investigate and assess the legality of Eco Racing within the framework of Islamic law. Preventive and educational actions can also be taken to provide the public with an understanding of the risks and responsibilities associated with MLM products, as well as guide how to choose products that comply with Sharia principles.

The West Java Province MUI has issued a fatwa regarding the Eco Racing MLM product business. However, for scientific studies, the fatwa needs to be analyzed academically to look for substantive information related to the method, legal basis, and beneficial impacts arising from the fatwa decision. For this reason, researching the MUI Fatwa regarding MLM products such as Eco Racing is a critical step in upholding justice and product validity in the context of the Sharia economy in Indonesia.

B. Research Method

This study is qualitative research with a literature research approach. The object studied is the outcome of the West Java Province MUI Fatwa decision regarding the PT Bandung Eco Sinergi Teknologi business for marketing Eco Racing products. In conducting this research, the literature research approach was chosen as a qualitative method that can provide in-depth insight regarding the results of the West Java Province MUI Fatwa decision. This method allows researchers to detail and evaluate information from various appropriate literature, including previous fatawa, legal arguments, and views contained in related

literature.¹⁰ This approach focuses not only on primary data collection but also on the synthesis and interpretation of existing literature. In the context of this research, literature research provides a robust framework for exploring the West Java Province MUI Fatwa decision regarding the business of PT Bandung Eco Sinergi Teknologi, which markets Eco Racing products.

The object of this study is the fatwa decision issued by the West Java Province MUI related to the business of PT Bandung Eco Sinergi Teknologi and the Eco Racing products marketed by that company. Through analysis of research literature, this study aims to understand the legal basis, religious norms, and other considerations that form the basis of the fatwa decision. Apart from that, this research will also examine how the fatwa decision can influence society and business practices in the region.

Data collection involves analysis of fatwa texts, Islamic legal literature, as well as related theoretical approaches to form a more holistic understanding. The results of this research can contribute to an in-depth understanding of legal and religious controversies or issues involving these businesses in society and the views of the West Java Province MUI.

C. Result and Discussion

Review of PT Bandung Eco Sinergi Teknologi

PT Bandung Eco Sinergi Teknologi (PT BEST) is a direct sales company or multilevel marketing company that markets quality products that are needed by the community. One of the products is a fuel saver under the ECO Racing brand. PT BEST has had complete legal status from the Ministry of Trade of the Republic of Indonesia since December 2019 with NIB 8120001861974.¹¹ It has been registered as a member of the Indonesian Direct Sales Companies Association. One of PT BEST's commitments is to implement marketing methods

¹⁰ Hannah Snyder, "Literature Review as a Research Methodology: An Overview and Guidelines," *Journal of Business Research* 104 (November 1, 2019): 333–39, <https://doi.org/10.1016/j.jbusres.2019.07.039>.

¹¹ "BEST Corporation Syariah | LinkedIn," 2019, <https://id.linkedin.com/company/best-corporation-syariah>.

using a Sharia system by DSN MUI Fatwa Number 75/DSN-MUI/VII/2009 concerning Guidelines for Sharia Tiered Direct Sales (PLBS).¹²

Eco Racing products have been marketed in Indonesia since 2018 through a multilevel marketing system. This product aims to provide benefits for drivers or owners of motorized vehicles such as cars or motorbikes to save more fuel consumption with the Eco Racing mixture. The sales jargon for this product is "Go Berkah No Riba." The hope is that in running their business, as Luetge revealed, everyone involved in the business process will receive blessings and always distance themselves from the concept of usury, which Sharia prohibits.¹³

In carrying out its marketing pattern, PT BEST designed a multilevel marketing system by dividing it into five membership classes: primary, sub-agent, agent, master agent, and stockist. Each level provides a different bonus and benefits system. Every purchase will get membership license facilities, flipcharts, a fun pay agency, a virtual officer, workshops & training, and product price discounts. All these facilities apply to all types of membership classes.

Public anxiety is focused on the pattern of distributing bonuses to members from marketing Eco Racing products, whose multilevel strategy has been determined by PT BEST management by providing two types of bonuses, namely direct sales bonuses and development bonuses. The distribution of bonus schemes is shown in the following table.

Table 1: Direct sales bonus with the following scheme:

No	Type of Membership	IDR	Bonus 10%
1	Basic	1,500,000	150,000
2	Sub Agen	500,000	450,000
3	Agen	10,500,000	1,050,000
4	Master Agen	22,500,000	2,250,000
5	Stokis	46,500,000	4,650,000

¹² "FATWA DEWAN SYARIAH NASIONAL No: 75/DSN MUI/VII/2009," Google Docs, 2009, https://drive.google.com/file/u/0/d/0BxTl-INihFyzckhwc3B3U0l6WVU/view?usp=sharing&resourcekey=0-13xSwOyI-ff8tiP2dpnvaw&pli=1&usp=embed_facebook.

¹³ Christoph Luetge, ed., *Handbook of the Philosophical Foundations of Business Ethics* (Dordrecht: Springer Netherlands, 2013), <https://doi.org/10.1007/978-94-007-1494-6>.

For development bonuses, if the membership is the primary type, the development bonus amount is IDR 50,000 per couple. If he has four members who are subs of the first two members, he will get Rp. 100,000. If every four members get two other members, the income will be Rp. Two hundred thousand in passive income, and that continues. Each right and left pair of members will receive IDR 50,000. So, without working and just sitting around, MLM Eco Racing members will receive passive income every week from the activities of member seeds that have been captured from the start. For sub-agent type members, the development bonus is IDR. 450,000/pair. If you have two sub-agent level members, then from each pair, participants will receive IDR

450,000 as passive income. If each sub-agent member under him gets two other members as Sub Agents, then the participant will receive passive income of IDR. 900,000. If each of the four pairs gets another member, then there are four pairs, and the member will get Rp. $450,000 \times 4 = 1.8$ million rupiah. And so on until the sub-agent members get two pairs of members on the right and left sides. The passive income bonus will flow into the member's account even though he is sleeping soundly at home. Another development bonus is that registered members at the agent level will get a passive income bonus of IDR 1,050,000. At the master agent level, the bonus income is IDR. 2,500,000, and so on. It is Eco Racing's management way of inviting people to join the business through the multi-level marketing model.

The Eco Racing marketing model system has caused unrest in the community, especially among Sharia economic practitioners, regarding the halal way of providing profits to every member who participates in the business. The concern lies in the distribution of direct sales bonuses and development bonuses. What contract is used for the bonus in jurisprudence? Is it a *ju'alah* contract or a gift contract? Since when was the *ju'alah* agreement obtained from searching for members, not from maximum work effort? The *ju'alah* agreement

should be an analysis like this.¹⁴ Since when does a gift agreement come with the desire to get other, more significant rewards? If the *ju'alah* agreement is not fulfilled, who will the bonuses come from? Is it from the company, or is it another member's money that was successfully captured, even though they didn't know because suddenly the money was in the member's account? Is the money like that halal?

When the public was still confused about the legality of the MLM concept of the Eco Racing product, the MUI of West Java Province through Fatwa Decree number Kep-389/DP-P. marketing from the company that the tiered direct sales activities carried out by PT BEST using a *murabahah* contract are halal. The complete MUI fatwa decision can be seen in the following table.

Table 2: Decision of Fatwa MUI Number Kep-389/DP-P.XII/I/2019¹⁵

One	<p>General Regulation</p> <p>In this fatwa, what is meant by marketing system is the marketing system carried out by PT Bandung Eco Sinergi Teknologi as follows:</p> <ol style="list-style-type: none"> a. All you need to do is spend a minimum of IDR 1,000,000 immediately to get selected products (Eco Racing 5 boxes/blister, Eco Diesel 5 boxes/blister, Skincare package (three items), and member facilities (membership license, file chart/product catalog, virtual office, workshops and training, and product price discounts) b. First Order (FO) Stulus package gets a discount of IDR. 1,000 (minimum transaction IDR 10,000) for each subsequent transaction; c. First Order Bonus (FO). Direct sales bonus IDR 100,000/package, Development bonus IDR 50,000, and Bonus Ultimate Flush.
Two	<p>Tiered direct sales activities carried out by PT Bandung Eco Sinergi Teknologi using <i>murabahah</i> contracts are legally permissible.</p>

¹⁴ Rani Febriyanni, Marliyah Marliyah, and Tuti Anggraini, "Analisis Penerapan Akad Al-Ju'alah pada Perusahaan Multi Level Marketing: Studi atas Perusahaan HNI-HPAI," *Al-Kharaj: Jurnal Ekonomi, Keuangan & Bisnis Syariah* 5, no. 5 (November 26, 2022): 1904-16, <https://doi.org/10.47467/alkharaj.v5i5.1959>.

¹⁵ "Fatwa Marketing PT BEST | PDF," 2019, <https://www.scribd.com/document/424389677/Fatwa-Marketing-PT-BEST>.

Three	If a dispute occurs among many parties, resolving it carried out based on applicable laws and following Sharia principles.
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Fatwa and Its Legal Power in Islamic Law

Etymologically, fatwa is a derivation of the word *afta-yufti*, which means a reaction to an event. In the book *Al-Kasysyâf*, Al-Zamakhshyari says that the word fatwa comes from the word *al-fata*, which means youth and is a form of *isti'arah* or metaphor.¹⁶ Ibn Manzur once said "*aftahu fi al-amr, abanahu lahu*" which means giving a fatwa to someone on a problem or explaining it, "*wa aftâ ar-rajul fi al-mas'alah*" meaning a man explains a problem, "*astaftarihu fiha fa aftâni iftâ'an wa futwa*" means I asked him about a problem and he answered it.¹⁷ The word *wafata* is the origin of the word *futya* or *fatwa*. Both are nouns used with *al-iftâ* meaning, derived from the word *iftâ*, meaning to explain. Then, the term fatwa is a legal explanation of a problem in response to a question asked by a *mustafti* submitted by a mufti from an authorized fatwa institution. The positions of *mustafti* and mufti can be individual or group/institutional.

In the Big Indonesian Dictionary (KBBI), the meaning of fatwa includes two things: (1) a mufti's answer to a question asked, whether in the form of a decision or opinion and (2) fatwa is defined as advice from a pious person or good advice and lessons. The opinion of Amir Syarifuddin is that a fatwa is an effort by experts to explain Sharia law to everyone who doesn't know it.¹⁸ Therefore, it can be concluded that a fatwa is an answer from a mufti or an institution that has several muftis to problems raised by *mustafti*. And the emergence of a fatwa must be based on solid Islamic arguments; it is not permissible for anyone to easily say halal and haram without a firm basis. The scope of a fatwa is not broader than *fiqh* itself, and usually, fatwas are more specific. Only some fatwa issued is something

¹⁶ Abû al-Qâsim Al-Zamakhshyarî and Maḥmûd bin 'Umar, *Al-Kasyâf 'an Haqâiqat at-Tanzîl Wa 'Uyûn al-Aqâwîl Fi Wujûh at-Ta'wî* (Bairut: Dâr Ihya at-Turâs al'Arabi, 2002).

¹⁷ Ibn Manzur, "باب الميم - معجم لسان العرب - قاموس عربي عربي", (blog), 2023, <https://www.al-jawaab.com/معجم-لسان-العرب-باب-الميم-معجم-لسان-العرب-قاموس-عربي-عربي/>.

¹⁸ Muh Fudhail Rahman and Mujhid Budi Luhur, "The Issues of Wa'ad IMBT in The Fatwa DSN MUI Based on Fiqhiyyah Rules," *Al-Iqtishad: Jurnal Ilmu Ekonomi Syariah* 13, no. 2 (December 31, 2021), <https://doi.org/10.15408/aiq.v13i2.22418>.

new, but it could be a *fiqh* issue that has been discussed but has not been widely published. If we look at studies in *ushul fiqh*, the fatwa is only *ikhtiyariyyah* and a choice that is not binding on the public. Of course, the fatwa will be binding on the mufti and *mustafti*, and for other Muslim communities, it will only be informational and perhaps only as discourse.¹⁹

There are several terms known in the activity of making a fatwa, including *al-ifta* or *al-futya*, mufti, *mustafti*, *mustafti fih* and fatwa. The meaning of *al-ifta* or *al-futya* is the activity of interpreting Sharia law on the issues raised. Meanwhile, the mufti is the party that issues the fatwa or provides a response to the problem being raised, and this mufti can be an individual, a group, or an institution. *Mustafti* is an individual or group who asks for a fatwa, while *mustafti fih* is a problem or issue asked by a *mustafti* for a response or answer from the mufti.²⁰

Becoming a Mufti is undoubtedly challenging; there are at least several conditions one must have before giving a fatwa. According to Jalaluddin al-Mahali, the requirements for a mufti consist of (1) mastering the rules of *fiqh* and *ushul fiqh*, (2) having the ability to carry out legal decision, and (3) other supporting knowledge must be learned when formulating a law, such as science about *nahwu*, knowledge of the interpretation of the Quran, knowledge of *mustalah al-hadith*, and knowledge of legal *hadiths*. As-Syaukani also explained, there are three conditions that a mufti must have: the ability to perform *ijtihad* and a fair attitude.²¹ There must be no impression of legal restrictions or requirements. Apart from that, there are also states by al-Nawawi, namely that a mufti must have the character of *wara'*, not *fasiq*, *siqah*, sharp in analysis, physically and spiritually healthy. A mufti does not have to be able to answer all questions. Al-

¹⁹ Ahmad Mukhlisin, Aan Suhendri, and Muhammad Dimiyati, "Metode Penetapan Hukum Dalam Berfatwa," *Al-Istinbath: Jurnal Hukum Islam* 3, no. 2 (December 29, 2018): 167, <https://doi.org/10.29240/jhi.v3i2.444>.

²⁰ Hussein Idrisov and Rizvan Ibragimov, "Fatwa Issuance in the Islamic Law: The Specific of Implementation under the Conditions of the Chechen Republic (History and Modernity)," ed. A. Salamova, *SHS Web of Conferences* 172 (2023): 04001, <https://doi.org/10.1051/shsconf/202317204001>.

²¹ Nur Sillaturohmah Handayani, Muhamad Subhi Apriantoro, and Malika Al-Husnayaini, "The Strategic Role of DSN-MUI in Developing Islamic Economic Law," *Al-Iktisab: Journal of Islamic Economic Law* 7, no. 1 (August 8, 2023): 1–25, <https://doi.org/10.21111/aliktisab.v7i1.9297>.

Ghazali further said that an *alim* can be called a *mujtahid* even if he only does so on a few issues.²²

One of the ethics for a *mufti* when accepting a problem from a *mustafti* is not to refuse it. Several things must be taken into consideration in a fatwa²³, namely (1) the law of giving a fatwa is *fardhu kifayah*, meaning that a competent person must be able to solve a problem when asked, (2) if a mufti has made the fatwa and it turns out that the fatwa is deemed inappropriate for solving it. Problem raised, the fatwa maker is obliged to inform the *mustafti* that the fatwa that has been issued is not appropriate, (3) it is not permissible for a mufti to facilitate problems in giving a fatwa, (4) while giving a fatwa, a mufti must be in prime condition, stable, not sick, truly physically and mentally healthy, and maintaining neutrality in giving fatwa, (5) fatwa has a very high and majestic position; It is not permissible for a mufti to decide the law for personal interests which are material interests or individual income needs, (6) the fatwa that has been made may be conveyed to other *mustafti*, and (7) the fatwa must be clear and can be directly applied by the *mustafti*.

Apart from the requirements that are met for a mufti, there are also rules for a *mustafti*, namely (1) if a person or fatwa institution cannot solve the problem, the *mustafti* should not ask for a fatwa from another party, (2) before the *mustafti* asks for a fatwa, he must be able to it is ensured that the mufti who will be asked for the fatwa is the party who has and has the authority to issue the fatwa, (3) for the *mustafti*, the mufti's answer to the problem does not have to be by which school of thought is used in responding, (4) if two opinions are obtained from two different muftis, a *mustafti* must prioritize the opinion of the mufti whose competence is more recognized and accountable, (5) a *mustafti* is bound by the opinion of a mufti if no other mufti is found, (6) a *mustafti* is advised to go directly to the mufti who will be asked to give a fatwa, (7) the *mustafti* must be prejudiced and behave well towards the mufti, (8) it is unethical for a *mustafti* to ask the mufti to demand his arguments as arguments and the basis for his fatwa, and (9)

²² Idrisov and Ibragimov, "Fatwa Issuance in the Islamic Law."

²³ Zaini Nasohah et al., "Standardisation of Fatwa in Malaysia: Management and Problems," *Advances in Natural and Applied Sciences* 6, no. 6 (2012): 923+.

if the *mustafti* does not find a mufti to give a fatwa on a legal issue, the *mustafti* is not legally burdened.²⁴

Analysis of MUI Method in *Istinbât al-Hukm*

When people face legal problems in Islam, the existence of a fatwa becomes very important to resolve the people's confusion because a fatwa can be an alternative to dealing with the frozen development of Islamic law. Products change over time, and social and cultural differences have made problems in Islamic law increasingly diverse. The problem is getting more severe, and people still need to find legal status. As a source of direction, existing texts have ceased, but religious issues continue to develop and emerge in people's lives. In a situation like this, a fatwa is needed as an alternative to deal with this problem.²⁵

Determining a fatwa must be based on method, and this is mandatory. If a fatwa is made only out of necessity according to a specific purpose without using passages from the Koran and hadith, this can be said to be going too far. On the other hand, if the fatwa made based on the Quran and hadith ignores the benefits and intentions of sharia, we will not be able to answer the existing problems, and this is called a rash attitude (*tafrit*).²⁶

Three methods are used as guidelines for determining fatwas in the current era of Islamic development: the *bayani* method, *istislahi*, and the *tahlîli* method.²⁷ The *bayani* method is usually used to determine a fatwa by explaining the texts in the Quran and hadith. In studies of *ushul fiqh*, the *bayani* method includes a discussion of the meaning of phrases, the use of words, their clarity and vagueness, and the designation of the term to their purpose. Meanwhile, the *istislahi* method is usually used to explore the law on new issues whose legal provisions are not yet found in the Al-Quran and hadith, nor are they found in the

²⁴ Abdul Wahab Khalaf, *Ilmu Ushul Fiqh* (Bandung: Gema Risalah Press, 1997), 157.

²⁵ Abdurrahman Al-Jaziri, *Al-Fiqh 'Alâ al-Mazâhib al-Arba'Ah*, 3 (Mesir: al-Maktabah al-Tijariyah al-Qubra, 1976), 41.

²⁶ Muhammad Amin Abdullah, "Islamic Studies in Higher Education in Indonesia: Challenges, Impact and Prospects for the World Community," *Al-Jami'ah: Journal of Islamic Studies* 55, no. 2 (December 15, 2017): 391–426, <https://doi.org/10.14421/ajis.2017.552.391-426>.

²⁷ La Jamaa, "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, no. 1 (July 2, 2018): 29, <https://doi.org/10.18326/ijims.v8i1.29-56>.

ulama's consensus, *qiyas* and *istihsan* by taking into account the *maqashid* of sharia. Furthermore, the *tahlili* method is carried out to explore the law on an issue for which no evidence has been found in the Quran and hadith. Still, the legal determination refers to previous cases where the direction has been determined.

The MUI has used the three methods above to determine fatwas. Every fatwa issued by the MUI is always aimed at the benefit of the people based on strong enough arguments that become legal opinions. In establishing legal provisions, the MUI always refers to the Al-Quran, the hadith of the Prophet, *ijma' ulama*, and *qiyas*. The majority of scholars have agreed upon all of the epistemologies of Islamic law because these four sources support and justify each other.

Apart from using the four sources of law above, the MUI also uses strong arguments among the ulama, including *sad az-zari'ah*, *istihsân*, *maslahah murlahah*, and *istishâb*. In examining a problem, the MUI first draws on the opinions of previous school imams and ulama, then pays attention to the form of the direction, and then uses it as a basis for establishing laws by taking into account the benefit of the people.²⁸ If the MUI only gets a problem from one cleric, then it immediately becomes a legal decision. However, suppose the MUI finds several opinions from ulama. In that case, this fatwa institution must choose the ulama's view, which is the strongest and has the most significant impact on the benefit of the people. According to al-Razi in his book entitled *al-Mausûl*, this method is known as *tarjih*: choosing opinions from the strongest propositions and abandoning beliefs whose bids are weaker.

The essential thing for the mufti when carrying out *tarjih* is to pay attention to the *tarjih* method cannot be used for absolute propositions of the Quran because it is something that cannot be disputed. The *tarjih* method is used if there is no way to unify opinions, *al-jam'u wa at-taufiq*. Choosing the path of compromise is better than *tarjih* because compromise on two conflicting propositions has implemented these two propositions. It differs from the opinion

²⁸ Kiki Damayanti and Atiqi Chollisni Nasution, "ALMAQASID ASSHARIA AS A BASIC DECISION MAKING ON SELECTING ISLAMIC PROPERTY" 9 (2019).

of the Hanafi school, which states that *tarjih* is better than *al-jam'u*. The *tarjih* method in the process; the more arguments that support it, the stronger the opinion. And if it is found that there are two conflicting arguments, then there is a third argument that strengthens one of the two propositions; that third argument is used as a legal opinion called *tarjih*.

Furthermore, if a problem cannot be resolved with the *takhrij* method, the last step taken by the MUI is to carry out *ijtihad jama'i* or collective consensus using the rules of *ushul fiqh* and *fiqh* rules by considering the benefit. According to al-Ghazali, benefit is the goal of Sharia, and what creatures want to obtain is to protect their religion, soul, mind, offspring, and property. These five things are known as *ad-daruriyyât al-khams*. Every Sharia law that protects these five things is called *maslahat*. On the other hand, the thing that negates these five things is *mafsadat* or damage.

Regarding benefits, the MUI determines three things related to the criteria. The benefit in Islam means the achievement of *maqashid syari'ah*, or the aims and objectives of why the *shari'ah* was revealed for the people, by realizing the five primary human needs known as *ad-daruriyyât al-khams*. The criteria for benefits that the Shari'a justifies are benefits from the texts of the Quran and Hadith. What determines a benefit is an institution with competence in Islamic law carried out with collective *ijtihad*.²⁹

Fiqh Issues on Direct Sales and Development Bonuses

PT BEST provides a direct sales bonus scheme and a development bonus with a Ponzi scheme, a method of making a profit from new member registration fees by selling products or services. Generally, there are types of prohibited businesses as directly mentioned in government regulations and laws. These three business schemes are as follows:

1. If there is a medium, such as an investment product, this is closer to the term Pyramid Scheme.

²⁹ Muhammad Roy Purwanto et al., "The Implementation of Maqasid Al-Sharia Values in Economic Transactions of The Java Community," *KnE Social Sciences* 7, no. 10 (July 5, 2022), <https://doi.org/10.18502/kss.v7i10.11351>.

2. If there is no medium in the form of an investment product, this is more accurately called a money game.
3. A mixture of the two schemes mentioned above in the form of money games with the medium in the form of goods, assets, or investment products that are not legally recognized as investment assets (fictitious assets and investments).

Based on the results of observations, what happened to Eco Racing is that it is suspected that there are several reasons why the Eco Racing product business is haram as detailed as follows:

1. The goods or assets traded are challenging to market, so the company takes financial engineering steps under the pretext of selling products or investing using a network system. The supporting evidence is that the product cannot be marketed generally.
2. Because the product marketing must be through a network system, the company promises referral rewards disguised by the company as licensing fees, discounts and bonuses, even though all the money comes from the member and not from the company.
3. Because the product is difficult to market, it is difficult for the product to promise benefits for those who have become members. The corroborating evidence is that Eco Racing members are aggressively promoting membership and not promoting goods, as is generally known on its members' sites and social networks.
4. Because it is difficult to sell products for profit, members focus on finding other referral members to earn income, so they pay attention to their primary job, selling products.
5. The final impact is that most products are only marketed among members. According to observations, there have never been any people queuing to get Eco Racing products, although they offer fuel savings of 50% on petrol and 30% on Eco Diesel.
6. Pyramid schemes occur because each member is obliged to look for members so that when depicted, it will resemble a pyramid building with the following

characteristics: (a) the smallest part (the top of the pyramid) acts as a sponsor and (b) the widest part at the bottom plays a role as a member.

7. The passive income bonus members receive comes from other members who have been successfully recruited, as is known from the member's and agents' explanations.
8. The profit-sharing ratio in the form of bonuses is fixed and tends to be high. The physical proof is the calculation results of the hefty bonuses obtained from each member and partner's selection.
9. Products become difficult to sell when the last member can no longer find members.

D. Conclusion

In determining the law regarding the problems faced by PT Bandung Eco Sinergi Teknologi, the Provincial MUI has used the National Sharia Council (DSN) fatwa decision number 75/DSN MUI/VII/2009 concerning Sharia Tiered Direct Sales Guidelines (BLBS) and fatwa number 86/DSN MUI/XII/2012 concerning Prizes in Fundraising for Sharia Financial Institutions. Apart from that, the Fatwa Commission of MUI in West Java coordinated with representatives of PT BEST management to discuss the legality of the company's products.

Based on the Eco Racing product marketing system analysis through the Fatwa Commission of MUI in West Java, decision number Kep-389/DP-P. So far, it has been run by PT BEST. It is possible because of (1) the incomplete explanation from PT BEST management to the MUI fatwa in commission regarding the mechanism for regulating the Eco Racing product sales and bonus system and (2) the limited number of experts in the West Java Province MUI fatwa commission according to with the knowledge needed to respond to the dynamic development of sharia economics in Indonesia, especially in West Java.

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