

Indigenouization of Sharia Economics in Indonesia: Thought Study of KH. Ma'ruf Amin

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Abstract

Study This discuss draft indigenization sharia economics in Indonesia with study Ma'ruf Amin's thoughts. As spiritual leader and figure key in development sharia economics in Indonesia, KH. Ma'ruf Amin has deep view about indigenization as effort for take root principles Islamic economics in structure economy national. Through analysis of KH's thoughts. Ma'ruf Amin, this research aims to explore the concept of sharia economic indigenization which includes aspects such as business ownership, wealth distribution, and community participation. Research methods This involve analysis qualitative descriptive to KH's library data. Ma'ruf Amin himself as primary data and other works that explore his sharia economic thinking. The research results show that KH. Ma'ruf Amin emphasized the importance of understanding sharia values in an economic context to ensure that economic activities can be carried out in accordance with the teachings of the Islamic religion on the one hand, but remain relevant to the situations and conditions in which the law is applied. In indigenization efforts sharia economics, there is three principle or underlying philosophy thinking him, that is justice, community, and sovereignty / independence. KH. Ma'ruf Amin offered four update models Beliu 's fatwa method call as makharij fiqhiyyah (Islamic legal solutions), namely: al-taisir al-manhaji, tafriq al-halal 'an al-haram, i'adah al- nadhar, and tahqiq al-manath. According to KH. Ma'ruf Amin, Indigenouization efforts Sharia economics can be done in 5 ways, namely strengthening implementation of Fatwa (DSN-MUI), renewal of sharia economic fatwa, taqin al-fatwa, supervision implementation of fatwa (DPS role), resolution dispute (tahkim). In context solution Islamic law (makharij fiqhiyyah), KH. Ma'ruf Amin has 6 contributions, while in In context development sharia economics, he has 3 contributions. As research that focuses on the thoughts of key figures, of course this research has limitations, because the thinking and development of sharia economics is not only his role, it involves many other figures and institutions, both state and private. Findings study This expected can become contribution important for development sharia economics in Indonesia, providing view strategic that can be adopted by stakeholders interests, government and society general.

Keywords: indigenization, sharia economics, thought, ma'ruf amin

I. INTRODUCTION

Indonesia, as a country with majority resident the largest Muslim religion in the world. According to data from The Royal Islamic Strategic Studies Center (RISSC) 2023, the number The Muslim population in Indonesia reached 240.62 million soul. Amount This equivalent with 86.7% of population resident nationally which reached 277.53 million soul. This matter be one great potential for realizing Indonesia as center world sharia economy. Potency from amount large Muslim population That believed will push need product great halal sharia economy.¹

From here, concept indigenization sharia economics becomes a ideas that come to the fore, esp in frame present a more economic model inclusive, fair and sustainable for Indonesian society. In context This is KH 's thought. Ma'ruf Amin, as figure key in the world of Islam and sharia economics in Indonesia, it has become very relevant For investigated.

This article aim For KH. Ma'ruf Amin thoughts. Ma'ruf Amin regarding indigenization sharia economics in Indonesia. With study thinking him, us can understand more in about concepts, challenges and potential indigenization Islamic economics in Indonesian context, thoughts KH. Ma'ruf Amin has significant weight in discussion about sharia economics in Indonesia. As intellectual and religious leader, he own deep insight in combine sharia principles with context modern economy. In context this, article This will review a number of draft the key promoted by KH. Ma'ruf Amin, as well its relevance in develop more sharia economics inclusive and empowered competitive in Indonesia.

Through understanding deep to KH. Ma'ruf Amin ideas. Ma'ruf Amin, it is hoped article This can give more insight comprehensive for reader about importance indigenization Islamic economics as one effort build based economy values Islam in Indonesia. With Thus, article This expected can become meaningful contribution in development economy more sustainable inclusive in Indonesia.

II. LITERATURE REVIEW

Writing related to the indigenization of sharia economics is not a completely new theme, there are several articles that discuss this theme, including an article written by Muhammad Syarif Hidayatullah entitled "*Grounding Sharia*

¹ "The Importance of Halal Literacy in Efforts to Improve the Indonesian Economy 1," *Insight*, 2023, 4.

Economics in Indonesia (An Effort to Popularize Sharia Economics and Making the Community Economic Sharia Legal)". In his article he analyzes efforts to ground the sharia economy by popularizing the sharia economy and making the society's economy legal, which needs to be done with the synergy of all stakeholders, including academics, practitioners, politicians, regulators, entrepreneurs and the public who care about the growth and development of the sharia economy in Indonesia and remain dynamic with technological developments.. These efforts need to be carried out consistently because there are still many improvements and improvements that need to be made both juridically and sociologically. However, historically the Islamic economic actualization movement started from the bottom up (society to the government), not from the top down (government to society). However, as time goes by, the flow of sharia economic development is starting to open up space from top to bottom (government to society).²

Raja Jeldi in his article " *Grounding Sharia Economics Based on Shodaqah as a Solution to Improve the Welfare of the Ummah* " analyzes that there are three things that must be done when we want to popularize sharia economics; (1) Providing awareness to Muslims about the importance of grounding Sharia Economics, (2) Making Shodaqah a Sharia Economic Instrument, (3) Making Muslims aware that giving alms is a quick way to truly get rich.³

Mahmudah Mulia Muhammad in his article " *Alms as a Method of Grounding Sharia Economics in Society* " analyzes that grounding sharia economics in society is not only by increasing the number of sharia financial institutions, but more so with the implications of Islamic values such as the practice of alms. Through Alms can directly cover the needs of the poor and those who give alms will have their fortune multiplied by Allah SWT according to His promise.⁴

Akmal Bashori in his article " *Accommodation of 'Urf towards Indigenization Efforts of Mu'amalât Fiqh in Indonesia* " analyzes that Urf is an aspect that cannot be separated from humans, because urf is an inseparable unity with repeated actions in practice and approved by society local. This tradition becomes a

² Muhammad Syarif Hidayatullah, "Grounding Sharia Economics in Indonesia (An Effort to Popularize Sharia Economics and Make Sharia Economics a Community)," *Ijtihad: Journal of Islamic Law and Economics* 14, no. 2 (2020): 177, <https://doi.org/10.21111/ijtihad.v14i2.4619>.

³ R Jeldi, "Grounding Sharia Economics Based on Shodaqah as a Solution to Improve the Welfare of the Ummah," *Tambusai Education Journal* 7, no. 2 (2023): 16942, <https://jptam.org/index.php/jptam/article/view/9054>.

⁴ Mahmudah Mulia Muhammad, "Alms as a Method of Grounding Sharia Economics in Society," *El-Iqtishady* 3, no. 1 (2021): 1.

cultural symbol in a tradition from the perspective of jurisprudence epistemology which is one of the elements of its formulation. Efforts from jurisprudence regarding muamalah through the positive response of society whose existence is still recognized. Principles like this are mutually compatible with "legowo" (QS 4: 29), the "maro" tradition in muamalat jurisprudence is called mudharaba, the "ijon" (greeting) tradition. All these traditions receive legal recognition because fiqh is responsive and accommodating to urf, moreover the basic law of muamalat fiqh is permissive.⁵

From the four articles above, it can be concluded that the study of KH. Ma'ruf Amin regarding the indigenization of sharia economics in Indonesia, no one has ever discussed it. As Vice President of the Republic of Indonesia who has a special task in developing sharia economics, former chairman of the fatwa commission and also chairman of the MUI (the institution that serves as a guideline for the practice of sharia economics in Indonesia), received the title or nickname of the Father of Indonesian Sharia Economics from several campuses, of course his thoughts very interesting to study. This article tries to dissect and analyze KH. Ma'ruf Amin thoughts in grounding sharia economics in Indonesia.

III. RESEARCH METHODS

This research is a type of qualitative research with research data originating from library *research*. The nature of this research is descriptive-analytical, namely by presenting findings from primary data sources, supported by secondary data sources that enrich the discourse and analysis. The primary data in this research are the works of KH Ma'ruf Amin which are related to sharia economic thought such as the book *New Era of Islamic Economics: From Jurisprudence to Islamic Economic Practice*, *Sharia Economic Reform in the Development of Contemporary Financial Products*, *Islamic Legal Solutions (Makharij Fiqhiyyah) as a driving force for the new flow of sharia economics in Indonesia*, *a driving force for the exploration of contemporary halal fatwas*, and *The Ma'ruf Amin Way*. Secondary data was taken from various references in the form of books and scientific journal articles discussing the biography of KH Ma'ruf Amin, DSN MUI fatwa, and sharia economic law.

After all the data is collected, it is then reduced and displayed data that is relevant to the research theme. Then data analysis was carried out using descriptive-

⁵ Akmal Bashori, "Urf Accommodation of Efforts to Indigenize Mu'Amalât Fiqh in Indonesia," *DIKTUM: Journal of Sharia and Law* 17, no. 2 (2019): 166, <https://doi.org/10.35905/diktum.v17i2.821>.

qualitative analysis methods. Descriptive analysis was carried out with the aim of systematically and accurately describing facts, used to explore KH Ma'ruf Amin's sharia economic thinking in efforts to prioritize sharia economics in Indonesia. This descriptive analysis is expressed in the form of statements that describe the reality behind the phenomena described in the data display. Qualitative descriptive analysis is carried out deductively (data analysis from specific to general).

IV. RESULTS AND DISCUSSION

A. KH profile. Ma'ruf Amin

1. Background education and career academic

KH. Ma'ruf Amin is a great scholar who has nation This. He Born in Kresek Village, District Kresek, Tangerang Regency, Banten on March 11 1943. From genealogy family, KH. Ma'ruf Amin is descendants (great-grandchildren) of great scholars from Banten named Sheikh An-Nawawi Al- Bantani. KH Education. Ma'ruf Amin a lot spent in the informal sphere, i.e Diniyah Islamic Boarding Schools and Madrasahs, apart from formal education up to tertiary education at Ibnu Khaldun University. KH. Ma'ruf Amin is a Kyai who is active in various organization, he Once become Member of DPRD DKI Jakarta from PPP, active in GP Anshor when young, became Rois Amm PBNU, became chairman general MUI, wantimpres, and now as Vice President of the Republic of Indonesia accompanying him President Joko Widodo.⁶

2. Works and thoughts related indigenization sharia economics

KH. Ma'ruf Amin is a productive scholar, p This proven from works that have been produced, namely: 11 books, namely Bright Prospects for Sharia Banking (2004), Straightening Out Meaning of Jihad, Prevent Terrorism (2006), Against Terrorism with Faith (2007), Fatwa in Islamic Legal System (2008), Fatwa on Halal Products: Protecting and Reassuring (2010), Harmoni in Diversity: Dynamics Religion-State Relations (2011), New Era of Indonesian Islamic Economics: From Fiqh to Islamic Economic Practices (2011), Fatwa Four Frame National Harmony (2013), Renewal of Sharia Economic Law (2013), Dr. KH. Ma'ruf Amin; Drive Motor Exploration of Contemporary Halal Fatwas (2017), Islamic Legal Solutions (Makharij Fiqhiyyah) As Pusher New Currents of Sharia

⁶ <https://www.biografiku.com/biografi-kh-maruf-amin/>, 2024. Access Thursday, 17 February 2024

Economics in Indonesia (Contribution of DSN-MUI Fatwa in Regulation Republic of Indonesia Legislation) (2017).

B. Meaning Indigenization of Sharia Economics

The term indigenization sharia economics can be beheaded into two, viz indigenization, and sharia economics. Indigenization rooted from the word native, deep dictionary KBBi interpreted residents original origin from the place concerned.⁷ When a word is given additional word *sasi* so meaning become a process. So, indigenization means the process of making something attached or merges with place the.

The word sharia economics has become A a typical term that refers to understanding certain. Definition Islamic economics is knowledge learning knowledge system implementing economy values and principles basic sharia source from Islamic religious teachings in the Koran and hadith. Sharia economics is also possible defined as a Business or activities carried out by individuals, groups of people, incorporated business entities law or No body law in frame fulfil nature of need commercial or not commercial according to sharia principles.⁸

If the word indigenization sharia economics combined become one, then He form something term new. According to economical author, definition indigenization Islamic economics is a process of grounding and internalizing economics based on the Koran and hadith so that it can be done become inherent culture and systems in life Indonesian society. Because of indigenization is a process, then required subject both people and authorities who trigger this process Keep going walk and then cultured. In terms of This Sharia economics enters to in soul, being culture and style life Indonesian society

C. Philosophy KH Economic Thought. Ma'ruf Amin

A thinking a figure sure based on principles or underlying philosophy _ birth thinking the as well as thinking economics KH. Ma'ruf Amin, there is three principle or underlying philosophy thinking he. Third thinking KH Ma'ruf Amin 's economy known with term *The Ma'ruf Amin Way*, and this become Title book written by Sahala Panggabean, et al.

⁷ <https://Kbbi.Web.Id/Pribumi>, nd Access Saturday 17 February 2024

⁸ Ahmad Ifham Sholihin, *Smart Book on Sharia Economics*, cet. 1st (Jakarta: Gramedia Pustaka Utama, 2010), 256.

Draft or idea *The Ma'ruf Amin Way* started from anxiety the more its height inequality ownership assets, lack of partiality government to people's economy, and its rampant practice the economy is not based moral values and others. With so, necessary something breakthrough method governance thinking and practice life economy in Indonesian society.⁹

Third underlying principle thinking economics KH. Ma'ruf Amin in *The Ma'ruf Amin Way* is:

1. Justice

Draft justice in economics as meant by KH. Ma'ruf Amin is sharia economics. According to him, sharia economics the same with justice, as mission sharia economics that every injustice That must fought. This spirit the same with justice based on the values contained in Pancasila.¹⁰ Thinking This based on conditions structure social economy in the country is still shaped pyramid. Pyramid economy this measure gaps the average income of rich people is more small compared to poor conditions This Still Lots caused by injustice the economy is happening. For change condition This method best is change structure social economy in the homeland of pyramid into ketupat ie with enlarge population public class intermediate. This is transformation social that brings public frequency low become intermediate. Even not Enough until to ketupat if economy No applied even created order public like mountains where deep Already No There is more poor people but dominated by class medium and small from class rich society as happened during the time of Caliph Umar bin Abdul Aziz.¹¹ Things or aspects that become reason economy justice This based on four things, namely:¹²

a. Values religious

The basis of the country's economy must be based on stated values in please Firstly Pancasila, meaning people who believe to God will behave economy not materialistic, no greedy, and as caliph (leader in the world) he will responsibly answer on management earth. This Different with a capitalistic economy that is oriented towards individualism, liberalism and competition which causes greed.

⁹ Sahala Panggabean et al., *The Ma'ruf Amin Way*, cet. 1st (Jakarta: Gramedia Pustaka Utama, 2019), xvi.

¹⁰ Panggabean et al., x.

¹¹ Panggabean et al., 139–41.

¹² Panggabean et al., 143–48.

b. Values humanity

Justice based on passion humanity like stated in please second Pancasila. This spirit drip weigh it that man is the leader chooses sense Budi So that in every his actions Can create justice and dignity other humans for the sake of humanity That Alone How God's word that man born as Caliph whose duties are in create goodness in the world. In possession human activities its economy based on moral will aware that they No will divinize object Because they aware bro the way there is other people's rights (function social).

c. Values justice social

This is the situation social aligned with the 5th principle of Pancasila with creation justice so expected No will There is split social public Because If system economy No provide a sense of fairness so will Can pout conflict that is not profitable nation.

d. The 6Ps are: people, planet, prosperity, peace, partnership and prophet. 6p is draft from the so-called UN with sustainable development goals (SDGs). these SDGs contains 5 principles, namely: Fulfillment of rights society (people), everyone has the right enjoy prosperity (prosperity), sparrow from fear and threats violence (peace), as well partnership and solidarity (partnership). In Ma'ruf Amin way there is One addition important that is prophetic (prophet), ie man as the caliph brought characteristic prophetic, bringing mission from God to bring goodness in the world.

Draft based economy _ to values social can done with three things, namely: social security, zakat infaq alms and waqf (ZISWAF), and development infrastructure for reduce gap interconnectivity between area.

2. Publicity

Publicity means democracy where governance economy government forward must side with people's efforts. Therefore, that's it, cheers up publicity The same with partnership, where people's efforts must be to be held together by them proceed. ¹³Economic spirit publicity is built from bottom (bottom-up economic development), so happen equality, the growth achieved will also be more exponential and sustainable. This matter different If pattern its construction from on dripping to down (trickle down effect) which relies on conglomeration. This economic

¹³ Panggabean et al., x-xi.

model proven only capable pump growth maximum 7% and no happen equality but centering capital to a few people.¹⁴

3. Sovereignty/independence

Sovereignty is redistribution assets in which businesses No allowed only controlled by a few people. With redistribution asset everyone has the same opportunities for proceed so that they will independent and sovereign. Task government is raising the little ones so that they own Power competitive in face globalization.¹⁵ Independence economy based on four principle that is:

a. Redistribution asset

It's an effort for presenting justice for society where during This asset production distribution or consume Lots controlled by the player big so that public No Empower. Agricultural sector forestry mining and others majority controlled by the player big. The solution is distributing return assets riches to society to order them own independence for fight for his fate.

b. Free country organize and manage his government Alone including in field economy

During This is where Indonesia is located in a position that does not equivalent with other related nations cooperation economy For That in create independence of governance economy must return to constitution that is article 33 of the 1945 Constitution where it is now riches natural must controlled by the state and for prosperity of the people.

c. Attitude stand or want to independent from foreign

Attitude independent motivated by no comfortable colonialism nation foreign or colonialism. Marked globalization with a world without strict and incessant product foreign to domestic is reason its relevance attitude independent This.

d. Empowerment

Empowerment This done is with raising small ones (MSMEs) and not shrinking the big ones (conglomerate).

¹⁴ Panggabean et al., 169–70.

¹⁵ Panggabean et al., xi.

D. Details KH Ma'ruf Amin's Thoughts on Efforts to Indigenize Sharia Economics in Indonesia

In the explanation of sub- chapter before, real that philosophy or underlying principles _ thinking economics KH. Ma'ruf Amin relies on sharia economics. From philosophy and principles, the then broken down deeply nature aspects _ technical dam frame grounding and also developing Sharia economics in Indonesia. Details KH's thoughts. Ma'ruf Amin in grounding and developing sharia economics in Indonesia there is in three books by his magnum opus, namely: the book *New Era of Islamic Economics: From Jurisprudence to the Practice of Islamic Economics*, *Sharia Economic Reform in the Development of Contemporary Financial Products*, *Islamic Legal Solutions (Makharij Fiqhiyyah) as a Driver of the New Current of Sharia Economics in Indonesia*. In these three books, KH. Ma'ruf Amin explained that efforts to indigenize the sharia economy in Indonesia can be done in 5 ways, namely:

1. Strengthening institutional Fatwa (DSN-MUI)

Characteristic from Islamic economics is exists rule from Shari' or Allah SWT dam operate practice economics carried out by humans. Allah SWT has explain principles that must be heeded man in operate activity its economy. All practice carried out in activity sharia economics for those carried out by institutions Islamic finance (LKS) and institutions sharia business (LBS) must obedient to principles that have been outlined the. It means required A institutions that can embody principles on a more rules operational in form technical -formal (fatwa) and also possible supervise implementation rule it in the field.

Actually, in Indonesia there is Lots institution mass organizations organizations religious communities (60 mass organizations) who have the capacity and competence for issued a related fatwa with sharia economics. Of the 60 mass organizations, half has a fatwa institution, and from half That There are 10 mass organizations that have fatwa institutions effective,¹⁶ such as NU, Muhammadiyah, Persis, Al- Wasliyyah and others. However, in in practice, the methods used in emphasize law between mass organization the That different, so Can produce conclusion different laws. This matter Of course difficult in application in the field.

¹⁶ Ma'ruf Amin, *New Era of Indonesian Islamic Economics: From Jurisprudence to Islamic Economic Practice*, cet. 3rd (Depok: Elsas, 2017), 156.

Therefore, that is necessary One institution that can represent mass organizations that, weak the is Indonesian Ulema Council or MUI.

In handing rule this sharia economy, MUI then form one agency that handles it specifically sharia economic fatwas. the institution is the National Sharia Council of the Indonesian Ulema Council (DSN-MUI), an institution This special operate MUI function in field sharia economics, so DSN-MUI's position is mufti in Indonesia with problem sharia economics. Task The main DSN-MUI is operate MUI function in field sharia economics, which includes determination of sharia economic fatwa, giving product sharia opinion institution sharia finance or regulator, supervision Sharia compliance in each LKS, and giving recommendation of the Sharia Supervisory Board.¹⁷ With strengthening the role and institutions of DSN-MUI so product the resulting law (fatwa) will also be quality, harmonious with Sharia rules and " down to earth " because fulfil need executor sharia economics in Indonesia.

2. Sharia economic fatwa update

Fatwa products produced by DSN MUI will quality and harmony with need practice sharia economics in Indonesia if method The istinbath used is also precise and comprehensive. So that every resulting fatwa product is " down to earth " with need Indonesian society. During This There is the opinion of some people who view it that jurisprudence as covering knowledge _ practice muamalah Maliyah and sharia economics tend stiff and not *relate* with life in the contemporary era. View This Actually wrong, because in method istinabth Islamic law exists that's all method which if applied with careful and wise precisely will give solution fiqh (*makharij fiqhiyyah*) which is complete.

At least There are 4 (four) fiqh solutions that are used base in determine the DSN-MUI fatwa; namely al- taisir al-manhaji, tafriq al-halal 'an al-haram, i'adah al- nadhar, and tahqiq al-manath.

a. taisir al- manhaji method

taisir al- manhaji method is choose light opinion However still in accordance rule syara'. Although take more opinions lighten (*at- taisir*) however still in corridor existing manhaj. This means that the DSN-MUI fatwa will give road go out with provide the best solution during

¹⁷ Ma'ruf Amin, "Renewal of Sharia Economic Law in the Development of Contemporary Financial Products (Transformation of Muamalat Fiqh in Sharia Economic Development)," 2012, 8–9.

No contradictory with sharia. However Thus, use method the No can done in a way excessive (*al-mubalaghah fi al-taisir*). That matter No justified Because give rise to attitude belittling (*al-tasahul*). Principle base application Al-Taisir Al- Manhaji's rules in the DSN-MUI fatwa is "using more opinions diligent and more benefit If possible; If no, then that is used is more opinions benefit (only)". For example application rule determination law sharia economics during This known There are two views, namely view substantive that makes goals/results end and content (*al-maqashid wa al-ma'ani*) as ugeran in determine law; and legal-formal views that use words/sentences and forms (*al- alfazh wa al- mabani*) as ugeran in determine law. The first use rule "benchmark (for determine validity) of the contract is the purpose and meaning, no words and their arrangement" And secondly use rule "benchmark (for determine validity) of the contract are the words and their arrangement, right its purpose and meaning".

By DSN- MUI visible view antagonist it 's both adopted and used in determine the DSNMUI fatwa, depending on which one has the most relevance with aspect benefit. Example For adoption view First is a fatwa about contract wad'iah (used for activity collecting funds in the form of savings and checking); contract wadi'ah is form formally (*al-alfazh wa al-mabani*) whereas substance (*al- maqashid wa al-ma'ani*) is contract qard; Because contract existing wadi'ah permission from owner for use goods entrusted by the recipient deposits, and goods deposit can replaced by another item (of true value/similar/mitsaliyat). is contract qardh. Whereas example application view second in the DSN-MUI fatwa is a related fatwa binding them (*mulzim*) to each other promises (*al-muwa`adah*) and their relationships with the mulzim agreement (*al-`aqd*) as in DSN-MUI fatwa Number 28/DSN-MUI/III/2002 concerning Money Buying and Selling (*al-Sharf*), DSN-MUI fatwa Number: 85/DSN-MUI/XII/2012 concerning Promise (*Wa'd*) in Transaction Sharia Finance and Business, and DSN-MUI fatwa Number 93/DSN-MUI/IV/2015 concerning Transaction Sharia Hedging (*al- tahawwuth al-Islami/Islamic Hedging*).¹⁸

b. Method of tafriq al-halal 'an al-haram

¹⁸ Ma'ruf Amin, *Islamic Legal Solutions (Makharij Fiqhiyyah) as Drivers of the New Flow of Sharia Economics in Indonesia* (Malang: UIN Maliki Press, 2017), 8–9.

The method of tafriq al-halal 'an al-haram means separation between halal and non-halal assets. Generally, people understand that mixing between what is halal and what is haram, then won the haram, accordingly rule "if mixed between what is halal and what is haram, then mixing the deemed haram. In the view of DSN-MUI rules the No suitable applied in the field economy. Rule the more suitable used in field food, especially liquid. Halal-haram inside field food related with the ingredients ('ain), so that if happen mixing so will happen difficult encounters and connections separated, so rule This suitable used. However, If separation between what is halal and what is haram done, for example in case mixing between halal and non- halal assets, then rules (idza ijtama' alhalal wa al-haram ghuliba al-haram) this No suitable implemented, and more appropriate is use rule separation of the halal from the haram (tafriq baina al-halal 'ani al-haram). The explanation is that treasure or money in perspective jurisprudence it's not haram objects because the substance ('ainiyah) but it is haram because method get it which is not according to sharia (*li ghairih*), so can for separate which one is obtained with which methods are halal and which are non-halal. Obtain halal funds acknowledged as income legal, while non-halal funds must be separated and allocated for interest general.¹⁹

c. I'adah al- nadhar method

I'adah al- nadhar method is study repeat with method test return reason the law ('illah) of opinion of previous scholars about something problem. Study repeat This done, because of Allah the law has changed or because a number of the opinion of previous scholars seen No applicable and not adequate with condition contemporary. Opinion That considered Already No suitable Again For guided, because difficult implemented (*ta'assur, ta'adzdzur aw shu'ubah al-amal*). One of possible way used for do study repeat is with test return mu'tamad opinion with consider opinion the law lasts This seen weak (marjuh even mahjur), because the existence of God new laws and or opinion

¹⁹ Ma'ruf Amin, *Islamic Legal Solutions (Makharij Fiqhiyyah) as a Driver of the New Flow of Sharia Economics in Indonesia Scientific Oration*, 2017, 10–11.

the more bring benefit. Furthermore, opinion the made guidelines (mu'tamad) in set law.²⁰

Example its implementation is a related fatwa deputy position in contract lease; representatives may rent entrusted object to her for rented. Opinion This made handle by DSN-MUI though contradictory with opinion the majority of scholars after do study repeat (i'adah al-nazhar) towards 'illah discovered law Number of scholars. A number of scholars are of the opinion that prohibition for hiring representatives the object handed over to her for rented to other people because exists *tuhmah* (allegedly strong There is lie) from the representative so can harm owner. However, when done study repeat towards 'god law that, then 'illah law the will is lost when owner give clear rates to thing that will rented to the representative, then the representative agrees tariff that and then He rent Alone treasure object the.²¹

d. Tahqiq al- manath method

Tahqiq al- manath method is analysis for know exists reason other laws ('illah) in One case, aside illat known before, okay through nash, ijma, or istinbath. Example its implementation is DSN-MUI Fatwa No. 77/DSNMUI/V/2010 concerning Murabaha Gold. Function gold in Islamic history is as tool money exchange. Therefore that, if gold will traded so must done in a way cash For avoid happen usury nasa ' (usury Because exchange goods ribawi kind of thing to do No in a way cash). In DSN-MUI Fatwa No. 77/DSN-MUI/V/2010 concerning Gold Buying and Selling Non -Cash is allowed gold made object sell buy No cash, fine in a way installments (*taqsith*) or tough (*ta'jil*) during gold No become official medium of exchange (money). this decision based, among other things on reason that moment This the world community does not Again make gold as tool exchange (money), but treat him as goods (*sil'ah*), because that's a ban sell buy it gold in a way No cash based on the Prophet's hadith does not applies Again Because illat law prohibition has changed "

All the things mentioned above done Because There is method that law origin in Islamic economics is OK, except there is the argument that

²⁰ Amin, "Renewal of Sharia Economic Law in the Development of Contemporary Financial Products (Transformation of Muamalat Fiqh in Sharia Economic Development)," 14–15.

²¹ Amin, *Islamic Legal Solutions (Makharij Fiqhiyyah) as a Driver of the New Flow of Sharia Economics in Indonesia Scientific Oration*, 15.

forbids it (*al- ashl fi al-mu'amalat al-ibahah hatta yadull al-dalil 'ala al-tahrim*). So that open wide door for do breakthroughs and innovations in formulation related Islamic law sharia economics.

3. **Taqnin al-fatwa**

In hierarchy regulation legislation in force in Indonesia (Law No. 12 of 2011), a fatwa is not one that can be made source law. So that the implementation of a fatwa is necessary exists promulgation carried out by state institutions. Ordinary state institutions make the DSN MUI fatwa a source making the rules is Financial Services Authority or OJK and Bank Indonesia or BI. Two institutions This usually make a fatwa guidelines implementation technical at the institution Islamic finance is becoming not quite enough answer they in do guidance and supervision. Beside There are also many MUI DSN fatwas source in making more laws high, which is the nature arrange in a way macro like Law no. 21 of 2008 Concerning Sharia Banking and Law no. 11 of 2008 concerning Securities Simple State or SBSN. Since That is, the process of taqnin al-fatwa is increasing massive carried out and produced new laws, including: Law no. 33 of 2014 Concerning Guarantee Halal Products, Regulations Supreme Court No. 2 of 2008 Concerning Compilation of Sharia Economic Law (KHES) and others.

4. **Supervision implementation of fatwa (the role of DPS)**

As consequence taqnin al-fatwa in regulation binding legislation for every institution Islamic finance, is required supervision to its implementation. Supervision intended done through the Sharia Supervisory Board (DPS) which is extension hand from DSN-MUI for ensure implementation of fatwas by institutions Islamic finance. DPS isn't it only do supervision aspect syar'i in a way periodically in the worksheet, but also submit suggestions development of LKS to LKS and DSN-MUI leaders, as well as formulate problems that require discussion at DSN-MUI. Therefore _ that, this DPS consists of experts in the field law Sharia economics is not just know in a way in-depth DSN-MUI fatwas, but also regulations legislation related with scope it works. For ensure matter This, DSN-MUI is obliged give recommendation DPS candidate after done the friendship that it contains is a kind of fit and proper test for DPS candidates,

especially in the related field of muamalah sharia direct with LKS²² products and operations.

5. Completion dispute (tahkim)

Transactions carried out at the institution Islamic finance, whether banks or non-bank, tied through A contract the contents of the agreement in accordance with the DSN-MUI fatwa that has been issued regulated by regulatory agencies. In the implementation of contract that, you can So appear difference opinion, good in interpretation nor implementation fill contract, so matter This Can give rise to dispute between the parties. As anticipation appearance dispute in 1993, the Arbitration Board was established Muamalat Indonesia (BAMUI) by MUI in collaboration with Attorney General of the Republic of Indonesia, which was later changed in 2002 his name became the National Sharia Arbitration Body (BASYARNAS). Arbitrage This is institution solution dispute with track nonlitigation, which is to be expected can finish dispute in a way fast, cheap, and the best.

Apart from the path non-litigation, settlement dispute sharia business through track litigation has also been arranged in two laws. *First*, Law no. 50 of 2009 Concerning Change Second on Law no. 7 of 1989 Concerning Religious Courts, where in Constitution This set that The Religious Court has duties and authority check, decide, and finish case level First between people of the Muslim faith in various fields, including in the fields economy Sharia. *Second*, UU.No. 21 of 2008 concerning Banking Sharia; which is in it set that:

- a. Completion dispute banking Sharia carried out by the court in environment Religious Courts
- b. In terms of the parties has foretell solution dispute other than in the Religious Courts, settlement dispute done in accordance with fill contract,
- c. Completion dispute other than in the Religious Courts, no can contradictory with principle Sharia.²³

E. Contribution of KH. Ma'ruf Amin in Sharia Economic Development in Indonesia

²² Amin, "Renewal of Sharia Economic Law in the Development of Contemporary Financial Products (Transformation of Muamalat Fiqh in Sharia Economic Development)," 18.

²³ Amen, 19–20.

Contribution of KH. Ma'ruf Amin in indigenization sharia economics can shared into two parts, namely:

1. In the context of Islamic legal solutions (*makharij fiqhiyyah*)

Related 4 solutions Islamic law offered by KH Ma'ruf Amin in answer and formulate law sharia economics, at least According to Atho Mudzhar, KH. Ma'ruf Amin has 6 contributions, namely:

- a. His abilities for identify opinions held group minority of previous scholars and their arguments
- b. His abilities give weight new to illat existing laws or even show exists illat law new demands changed it old law
- c. "Flipping" opinions minority among previous ulama become opinions held (mu'tamad) today
- d. Show relevance offers step That for problems modern Sharia economics
- e. Freeing thinking modern Sharia economics from shackles of taqlid to opinion the law of previous scholars
- f. Push expansion Sharia economics in Indonesia.

2. In context development sharia economics

KH. Ma'ruf Amin gave extraordinary contribution normal from in development Sharia economics in Indonesia. As is known that in the formal sector, activities Sharia economics in Indonesia includes field Sharia banking, Sharia insurance, Sharia capital markets, and Sharia financing. For guarantee that everything Sharia Financial Institution (LKS) products and transactions are appropriate with Sharia, there are, three eye chain mutual activities related, namely: the provision of ulama fatwas as Sharia signs, accommodation of the fatwas to in various laws and regulations, as well supervision on the LKS for products and transactions always in accordance with Sharia principles. In terms of KH Ma'ruf Amin is involved in a way deep in the third eye chain that, even give extraordinary contribution normal size, namely:²⁴

- a. Kiai Ma'ruf Amin became the productive chairman of the MUI DSN producing fatwas. This becomes signs for every transaction institution Islamic finance.

²⁴ M. Atho Mudzhar, "KH. Ma'ruf Amin, a brilliant scholar in the science of Sharia economic law and the driving force of Indonesia's sharia economy," 2012, 10–11.

- b. KH Ma'ruf Amin plays a role in effort enter elements of the fatwa in regulation legislation.
- c. Kiai Ma'ruf Amin plays a role in supervision, with become chairman of the Sharia Supervisory Board in almost every sharia bank.

One that becomes notes writer about KH Ma'ruf Amin's contribution in indigenization Islamic economics exists in made a fatwa, he brave different with a fatwa from al- Majma al- Fiqhi al-Islami, institution jurisprudence world level headquartered in Mecca which was founded in May 1962. According to institution that, all form insurance is haram. DSN MUI through fatwa number 21 of 2001 stated that halal insurance with foundation of 10 verses of the Koran, 8 hadiths, and 3 rules fiqh. That fatwa Then used by Bank Indonesia, Financial Services Authority, Ministry of Finance as well as the Ministry of Cooperatives and SMEs.²⁵ Several fatwas were also adopted become regulation legislation applies in the Republic of Indonesia. The stance taken by KH. Ma'ruf Amin form real from his efforts that Islamic law Can changed in accordance with place, situation, conditions and customs local community customs, so he brave take attitude different with the international fatwa institution. This is so that the fatwa is about law Sharia economics is harmonious and appropriate with context social culture this is the Indonesian people essence from indigenization sharia economics in Indonesia.

V. CONCLUSION

Indigenization Sharia economics in Indonesia is A important and relevant concepts in develop an economy based on principles Islam. Study of KH. Ma'ruf Amin thoughts Ma'ruf Amin gave valuable contribution in understand and apply draft this in a way deeper. From analysis to thinking him, several conclusions can take:

1. **Importance understanding to Sharia values:** KH. Ma'ruf Amin emphasized importance understand sharia values in context economy for ensure that activity economy can done in accordance with Islamic religious teachings at one side, however still relevant with situation and condition Where law That implemented.
2. **Underlying philosophy KH. Ma'ruf Amin business. KH. Ma'ruf Amin in grounding sharia economics.** In indigenization efforts sharia economics,

²⁵ Editorial, "<https://www.metrontb.com/umum/pr-8185424745/kiai-maruf-amin-pemangkat-ekonomi-syariah-di-indonesia>," 2019, nd Access 31 January 2024

there is three principle or underlying philosophy thinking him, that is justice, community, and sovereignty / independence.

3. **Update sharia economic fatwa method.** KH. Ma'ruf Amin offered four update models his fatwa method called makharij fihiyyah (Islamic legal solutions), namely: al-taisir al-manhaji, tafriq al-halal 'an al-haram, i'adah al-nadhar, and tahqiq al-manath.
4. **Indigenoussization efforts.** According to KH. Ma'ruf Amin, Indigenoussization efforts sharia economics can be done in 5 ways, namely strengthening implementation of Fatwa (DSN-MUI), renewal of sharia economic fatwa, taqin al-fatwa, supervision implementation of fatwa (DPS role), resolution dispute (tahkim).
5. **'s contribution.** In the context of Islamic legal solutions (makharij fihiyyah), KH. Ma'ruf Amin has 6 contributions, while in in context development sharia economics, he has 3 contributions.

With thus, KH. Ma'ruf Amin thoughts, concept indigenization sharia economics in Indonesia is becoming a promising model for create more economic inclusive, fair and sustainable. However, efforts collaborative from various party, okay from government, institutions finance, as well as society, is necessary for realize potency full from draft this and build powerful economy competitive as well as fair for all Indonesian citizens.

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