
Reconceptualising Fatwa Authority: An Institutional Governance Framework through a Comparative Study of Indonesia and Malaysia

Rusli Abdul Roni

College of Continuing Education, Universiti Tenaga Nasional (UNITEN) Kajang-Selangor, Malaysia

Corresponding Author: rusli@uniten.edu.my

Abstract

Fatwa authority is increasingly exercised through institutions situated at the intersection of Islamic jurisprudence, state regulation, organisational governance, and public religious life. Although existing scholarship has examined the legal status, centralisation, state integration, and social effects of fatwas, less attention has been given to how these dimensions interact to constitute and sustain institutional authority. This article reconceptualises fatwa authority as an institutional outcome rather than an attribute derived solely from juristic expertise or formal legal recognition. Employing normative legal research and comparative institutional analysis, it examines Indonesia and Malaysia as contrasting institutional configurations through constitutional and statutory provisions, institutional regulations, official fatwa materials, judicial and regulatory documents, and relevant scholarly literature. The analysis identifies six interrelated dimensions: legal foundation, institutional mandate, governance structure, scholarly authority, public legitimacy, and adaptive capacity. The findings demonstrate that neither state integration nor institutional autonomy alone adequately explains the durability and practical influence of fatwa authority. Rather, authority emerges through the interaction of legal anchoring, organisational governance, epistemic credibility, social recognition, and institutional responsiveness. On this basis, the article develops the Institutional Fatwa Governance Framework (IFGF) as a multidimensional model for examining how fatwa institutions acquire, exercise, legitimise, and sustain authority amid changing legal and social conditions. The framework advances Islamic legal studies by shifting attention from the formal status of fatwas to the institutional processes through which Islamic legal authority is organised and reproduced. Beyond Indonesia and Malaysia, IFGF provides a transferable basis for analysing the institutional governance of Islamic legal authority across contemporary Muslim legal orders.

Keywords:

fatwa authority; Islamic legal institutions; institutional governance; institutional legitimacy; comparative Islamic law.

Introduction

Fatwa occupies an unusual position within Islamic legal life. It is neither simply a private religious opinion nor, in every setting, a rule carrying the coercive force of state law. Its authority emerges through a more complex relationship between juristic reasoning, institutional recognition, legal structures, and social acceptance. Contemporary fatwa practice has made this relationship increasingly visible. Muftis, fatwa committees, religious councils, and Shariah advisory bodies now operate through organised procedures of deliberation, appointment, review, publication, and coordination with public authorities. Fatwa-making has consequently become an institutional activity as much as a juristic one.¹ The central question is no longer only how a ruling is derived from Islamic sources, but also how an institutional setting enables that ruling to acquire, exercise, and sustain authority within a modern legal order.

Indonesia and Malaysia offer a particularly revealing setting for examining this transformation. Both countries possess established Islamic legal institutions and historically connected traditions of Islamic scholarship, yet the authority to formulate and operationalise fatwas is embedded in different relationships between religious scholarship and the state. In Indonesia, the Majelis Ulama Indonesia (MUI) occupies an influential but non-state position.² Its fatwas do not automatically acquire the force of state law, although particular rulings can become highly consequential when incorporated into governmental policies, legislation, or sectoral regulation. The experience of the Dewan Syariah Nasional-MUI (DSN-MUI) in Islamic finance illustrates this institutional linkage: religious rulings produced outside the formal hierarchy of the state can acquire regulatory significance through their incorporation into the governance architecture of Islamic financial activities.³

Malaysia presents a more formally integrated configuration. Fatwa institutions operate within statutory and administrative structures governing Islamic affairs, while specialised Shariah authorities exercise legally recognised functions in particular regulatory domains. The Shariah Advisory Council (SAC) of Bank Negara Malaysia provides a particularly clear example. Established in 1997 and subsequently reinforced by the Central Bank of Malaysia Act 2009, the SAC functions as the authoritative body for the ascertainment of Islamic law in Islamic financial matters under the Bank's supervision. Its rulings are integrated into the regulatory framework and must be referred to in relevant judicial and arbitral proceedings.⁴ At the level of mufti and fatwa administration, statutory arrangements likewise determine institutional functions, procedures, and the circumstances under which fatwas acquire formal legal effect.

Comparative scholarship has already established the significance of these institutional differences. Ilahi and colleagues' 2024 study directly compares MUI and Malaysian fatwa institutions in the context of religious blasphemy and demonstrates that their institutional positions produce different legal consequences. MUI fatwas in the area

¹ M. Ridho Ilahi et al., "Fatwa Institutions in Handling Religious Blasphemy Crimes in Indonesia and Malaysia," *Al-Ahkam* 34, no. 1 (2024), <https://doi.org/10.21580/ahkam.2024.34.1.18624>.

² Ali Abdillah and Rico Novianto, "Lembaga Quasi Non Governmental Organization (QUANGO) Dalam Sistem Ketatanegaraan Indonesia: Majelis Ulama Indonesia," *Jurnal Hukum & Pembangunan* 49, no. 1 (2019), <https://doi.org/10.21143/jhp.vol49.no1.1913>.

³ Otoritas Jasa Keuangan, "Fatwa Dewan Syariah Nasional-Majelis Ulama Indonesia," accessed June 22, 2026, <https://www.ojk.go.id/id/kanal/syariah/regulasi/fatwa-dsn-mui/default.aspx>.

⁴ Bank Negara Malaysia, "Shariah Advisory Council," accessed June 22, 2026, <https://www.bnm.gov.my/committees/sac>. Bank Negara Malaysia identifies the SAC as the highest Shariah authority for Islamic financial institutions and explains its statutory reinforcement under the Central Bank of Malaysia Act 2009.

examined do not possess direct legal force, whereas Malaysian fatwa authorities operate within statutory arrangements that can give certain decisions legal effect.⁵ More recent comparative research has extended the discussion beyond Indonesia and Malaysia by examining Malaysia, Indonesia, Egypt, and Saudi Arabia through institutional centralisation, religious legitimacy, scholarly autonomy, and responsiveness.⁶ Research on DSN-MUI and the Malaysian SAC has likewise continued to examine differences in legal authority, regulatory incorporation, and institutional convergence in Islamic finance.⁷

A more fundamental problem emerges from this growing body of scholarship. Existing studies have illuminated important institutional attributes of fatwa authority, but these attributes are generally examined separately. Legal scholarship asks whether a fatwa is binding and where it stands within the hierarchy of law. Institutional studies examine centralisation, state integration, or administrative structure. Research on religious authority places greater emphasis on scholarly competence, credibility, and public recognition, while newer studies examine the effects of digital communication on trust and the public reception of fatwas.⁸ Each perspective explains part of the phenomenon. What remains less clearly theorised is how these institutional dimensions interact to constitute and sustain fatwa authority.

Formal recognition alone cannot resolve that problem. A statutory mandate may secure an institution's position within the legal order without guaranteeing scholarly credibility or public confidence. A non-state institution may, by contrast, exert considerable normative influence without possessing direct coercive power when its scholarly standing, organisational capacity, and social recognition are sufficiently strong. Recent research on DSN-MUI, for example, describes a transformation from traditionally non-binding religious opinion towards a more legally consequential form of authority through bureaucratisation, strategic institutional positioning, regulatory incorporation, and social acceptance.⁹ The finding is important because it demonstrates that authority is not simply transferred from religion to the state; it is produced through institutional relationships that connect religious expertise, organisational structures, public institutions, and wider society.

Institutional authority also has to remain credible as its environment changes. Digital platforms have altered how fatwas are disseminated, encountered, discussed, and contested, creating new conditions for institutional legitimacy. Recent research on Indonesia shows that digital communication can affect public trust in institutional fatwas,

⁵ Ilahi et al., "Fatwa Institutions in Handling Religious Blasphemy Crimes in Indonesia and Malaysia."

⁶ Mohd Harifadilah Rosidi, "Navigating Fatwa Governance: A Comparative Study of Institutional Centralisation and Religious Legitimacy," *International Journal of Research and Innovation in Social Science* IX, no. V (2025), <https://doi.org/10.47772/ijriss.2025.905000252>.

⁷ Sundari Arum Kusumawati, Abdul Rahman Prakoso, and Putri Indriyani, "Legal Authority and Fatwa Convergence in Islamic Finance: A Comparative Study of DSN-MUI and SAC Malaysia," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 335–55, <https://doi.org/10.52496/mjhki.v3i2.36>.

⁸ Ahmad Suaedy et al., "Language, Authority, and Digital Media: The Impact on the Legitimacy of Fatwas," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023), <https://doi.org/10.15408/ajis.v23i1.28875>; Soleh Hasan Wahid, Anjar Kususiyanah, and Fuady Abdullah, "Strengthening the Trust and Authority of Fatwa Institutions in the Digital Era: Lessons from Indonesia," *Journal of College of Sharia and Islamic Studies* 43, no. 2 (2025), <https://doi.org/10.29117/jcsis.2025.0425>.

⁹ Muhamad Nasrudin et al., "From Nonbinding to Binding: Legal Authority Transformation of DSN-MUI Fatwas within the National Legal System," *Jurnal Hukum Islam* 23, no. 2 (2025), <https://doi.org/10.28918/jhi.v23i2.03>; Rika Lusri Virga, "Fatwas and Figures: How NU and Muhammadiyah Shape Religious Authority on Indonesian Instagram Accounts," *Jurnal Sosiologi Reflektif* 19, no. 2 (2025), <https://doi.org/10.14421/j4wpwh96>.

while studies of online religious authority indicate that institutional bodies increasingly operate alongside individual preachers and other actors competing for religious credibility.¹⁰ The implication is significant for institutional analysis: authority cannot be understood solely through the formal location of an institution at a particular point in the legal hierarchy. Its durability also depends upon how effectively the institution translates formal mandate and scholarly expertise into procedures, communication, public recognition, and adaptation.

Authority, therefore, is better approached as an institutional outcome than as an attribute automatically attached to either a jurist or a legally recognised body. Such an approach does not diminish the importance of Islamic jurisprudence. Juristic reasoning remains the epistemic foundation of fatwa. What changes is the analytical question. Rather than treating the substantive reasoning of a fatwa as sufficient to explain its authority, institutional analysis asks what enables that reasoning to become authoritative within a particular social and legal environment. The inquiry consequently moves from the content of the ruling to the institutional conditions under which the ruling is produced, authorised, communicated, recognised, and sustained.

Six dimensions are particularly relevant to this institutional process: legal foundation, institutional mandate, governance structure, scholarly authority, public legitimacy, and adaptive capacity. Legal foundation establishes the juridical basis for institutional action; institutional mandate defines the scope of recognised functions; governance structure determines how decisions are organised and exercised; scholarly authority provides epistemic and juristic credibility; public legitimacy connects institutional decisions with social recognition; and adaptive capacity concerns the ability to respond to emerging legal, technological, social, and regulatory pressures. These dimensions should not be understood as six separate forms of fatwa authority. Their analytical value lies in the relationships among them. A strong legal foundation may provide institutional stability but cannot substitute for scholarly credibility. Scholarly authority may produce epistemic legitimacy but have limited regulatory effect without an effective institutional mandate. Public trust can strengthen influence, while adaptive capacity can determine whether that influence remains credible when the institutional environment changes.

The comparison between Indonesia and Malaysia provides an opportunity to examine those relationships without reducing the analysis to a conventional country-by-country description. Indonesia represents a configuration in which a highly influential non-state Islamic organisation can exercise normative authority and acquire regulatory significance through institutional interaction with the state. Malaysia offers a configuration in which important dimensions of Islamic legal authority are incorporated more directly into statutory and administrative structures. The contrast is therefore analytically useful not because one system is necessarily more effective than the other, but because the two settings reveal different pathways through which legal recognition, organisational design, scholarly expertise, public legitimacy, and institutional responsiveness can be combined.

Such a perspective also speaks to a broader development in Islamic legal studies. Scholarship on Islamic law has understandably devoted substantial attention to doctrine, interpretation, legal reform, and the relationship between Islamic norms and state law. Less attention has been given to the institutional processes through which Islamic legal authority becomes organised and durable. Fatwa institutions offer an especially

¹⁰ Wahid, Kususiyanah, and Abdullah, "Strengthening the Trust and Authority of Fatwa Institutions in the Digital Era: Lessons from Indonesia."

productive site for developing this perspective because they stand at the intersection of jurisprudence, religious scholarship, state administration, professional expertise, and public religious life. Examining their governance consequently provides a means of studying Islamic legal authority at the institutional level rather than treating authority solely as a property of legal texts or individual scholars.

The present article develops this institutional perspective through an Institutional Governance Framework for Fatwa Authority (IFGF). The framework does not seek to establish a universal hierarchy of fatwa institutions or to classify countries according to a simple state–non-state continuum. Its purpose is to explain how different institutional arrangements combine legal, organisational, epistemic, social, and adaptive resources in the constitution of authority. The framework consequently shifts the analytical question from whether a fatwa is formally binding towards a broader inquiry: how does an institution become capable of exercising authority, through what mechanisms does that authority acquire legitimacy, and how can it remain credible under changing conditions?

Two objectives guide the study. First, it examines how contrasting institutional configurations shape the production, legitimacy, and exercise of fatwa authority in Indonesia and Malaysia. Second, it develops an institutional governance framework that explains how interconnected institutional dimensions contribute to the constitution and sustainability of contemporary fatwa authority. The study therefore addresses two questions: (1) How do contrasting institutional configurations shape the production, legitimacy, and exercise of fatwa authority in Indonesia and Malaysia? and (2) How can the interaction of key institutional dimensions be conceptualised into an Institutional Governance Framework for understanding contemporary fatwa authority?

The article argues that fatwa authority cannot be adequately explained either by juristic expertise alone or by formal legal recognition alone. Authority emerges through institutional relationships connecting legal foundations, mandates, governance arrangements, scholarly authority, public legitimacy, and adaptive capacity. By developing the IFGF through a focused comparison of Indonesia and Malaysia, the study contributes a governance-oriented perspective to the institutional study of Islamic legal authority. Its wider contribution lies in demonstrating that understanding Islamic law requires attention not only to the norms that are interpreted, but also to the institutions through which those norms are authorised, organised, communicated, legitimised, and adapted.

Methodology

A normative-doctrinal research design is employed to examine how fatwa authority is constituted and governed within contemporary Islamic legal institutions. The inquiry focuses on the legal rules, institutional mandates, governance arrangements, and recognition mechanisms through which fatwa institutions acquire and sustain authority rather than on the substantive correctness of individual rulings. Comparative legal analysis complements the doctrinal inquiry by examining how similar forms of Islamic legal authority are organised under different institutional configurations.¹¹

Indonesia and Malaysia are selected as contrasting institutional cases. Both have established Islamic legal traditions and formal mechanisms for fatwa production, yet the

¹¹ Maurice Adams, Jaakko Husa, and Marieke Oderkerk, eds., “Comparative Law Methodology,” in *The International Library of Comparative Law Series*, 1st ed. (Cheltenham: Edward Elgar Publishing, 2017); Mark Van Hoecke, *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?* (LMU Munich: Bloomsbury Academic, 2013).

institutional location of religious authority differs. Indonesia provides a configuration in which MUI and, more specifically, DSN-MUI operate outside the formal hierarchy of state institutions while their fatwas can acquire regulatory significance through incorporation into governmental and sectoral regulatory arrangements. The official OJK repository, for example, records DSN-MUI fatwas used in Islamic financial regulation, including Fatwa No. 80/DSN-MUI/III/2011 on Sharia principles in equity securities trading and Fatwa No. 115/DSN-MUI/IX/2017 on mudharabah.¹² Malaysia provides a more formally integrated configuration. Section 34 of the Administration of Islamic Law (Federal Territories) Act 1993 establishes the Mufti's authority to issue and gazette fatwas, while a gazetted fatwa becomes binding on Muslims resident in the Federal Territories and is recognised by the courts as authoritative on matters stated in the fatwa.¹³ At the sectoral level, sections 51–59 of the Central Bank of Malaysia Act 2009 establish the Shariah Advisory Council (SAC) as the authoritative body for the ascertainment of Islamic law in Islamic financial business, with its rulings carrying specific legal consequences in judicial and arbitral proceedings.¹⁴

The unit of analysis is the institutional arrangement through which fatwa authority is produced, exercised, recognised, and maintained. The primary legal corpus consequently consists of identifiable constitutional, statutory, regulatory, and institutional materials rather than a general collection of documents. For Indonesia, the corpus includes the relevant provisions of the Law on Sharia Banking, OJK regulations and official policy documents concerning Islamic finance, and the DSN-MUI fatwas formally reproduced in the OJK regulatory repository. OJK's current repository provides a traceable institutional record of DSN-MUI rulings and their regulatory relevance.¹⁵ For Malaysia, the corpus includes the Administration of Islamic Law (Federal Territories) Act 1993, relevant state Islamic administration enactments where necessary for institutional comparison, the Central Bank of Malaysia Act 2009, BNM's official SAC materials, and gazetted fatwas published through the Federal Territories Mufti's official e-Fatwa portal. BNM's institutional documentation further records the SAC's establishment, statutory mandate, membership structure, Shariah resolutions, and procedures for referral by courts and arbitrators.¹⁶ These primary materials are supplemented by recent peer-

¹² Republic of Indonesia, Law No. 21 of 2008 concerning Sharia Banking; Otoritas Jasa Keuangan, "Fatwa DSN MUI," official regulatory repository, including Fatwa No. 80/DSN-MUI/III/2011 and Fatwa No. 115/DSN-MUI/IX/2017. OJK's repository identifies and reproduces the relevant DSN-MUI fatwas used in Islamic financial regulation.

¹³ Malaysia, Administration of Islamic Law (Federal Territories) Act 1993, Act 505, ss. 34–36. Section 34 specifies the Mufti's authority to issue and gazette a fatwa; section 34(3) provides for its binding effect on Muslims resident in the Federal Territories after gazette, while section 34(4) requires recognition by the courts as authoritative on matters stated therein.

¹⁴ Malaysia, Central Bank of Malaysia Act 2009, Act 701, ss. 51–59; Bank Negara Malaysia, "Shariah Advisory Council." BNM's official account confirms the SAC's statutory role as the authority for the ascertainment of Islamic law for Islamic financial business and its relevance to courts and arbitrators.

¹⁵ Otoritas Jasa Keuangan, "Fatwa DSN MUI," official regulatory database; Otoritas Jasa Keuangan, "Fatwa No. 80/DSN-MUI/III/2011: Penerapan Prinsip Syariah dalam Mekanisme Perdagangan Efek Bersifat Ekuitas di Pasar Reguler Bursa Efek"; Otoritas Jasa Keuangan, *Pedoman Produk Pembiayaan Mudharabah Perbankan Syariah* (2024). The OJK materials explicitly identify DSN-MUI fatwas as references underlying Shariah financial products and regulatory practice.

¹⁶ Bank Negara Malaysia, "Shariah Advisory Council," official institutional materials; Bank Negara Malaysia, *Shariah Resolutions in Islamic Finance*; Malaysia, Administration of Islamic Law (Federal Territories) Act 1993, Act 505, ss. 34–36; Federal Territories Mufti Department, official e-Fatwa repository. The BNM materials document the SAC's statutory authority, composition, Shariah resolutions, and referral mechanisms, while the Federal Territories e-Fatwa repository provides the actual gazetted fatwas issued under section 34.

reviewed scholarship on fatwa institutions, legal authority, institutional centralisation, regulatory incorporation, and legitimacy, with particular attention to studies published between 2019 and 2026.¹⁷

Analysis proceeds through doctrinal institutional analysis and cross-case comparison. Legal materials are examined first to establish the legal foundation and institutional mandate of each authority, followed by analysis of governance structure, scholarly authority, public legitimacy, and adaptive capacity. Six dimensions therefore constitute the analytical components of the Institutional Governance Framework for Fatwa Authority (IFGF). Public legitimacy is assessed through documentary indicators—such as formal recognition, institutional reliance, judicial or regulatory engagement, documented public interaction, and institutional responses to challenges—rather than through claims about public opinion, because the research does not employ surveys or interviews. Comparison then focuses on the relationships among the six dimensions: whether legal recognition is reinforced by scholarly credibility, whether institutional mandates translate into regulatory influence, and whether governance and adaptive capacity contribute to the durability of institutional authority.¹⁸

The final stage involves conceptual reconstruction. Patterns emerging from the Indonesian and Malaysian materials are synthesised to explain how legal, organisational, epistemic, social, and adaptive resources interact in the production of sustainable fatwa authority. IFGF is therefore not imposed as a predetermined typology; it is developed from the comparative examination of identifiable legal rules, institutional structures, and documented governance practices. The methodological sequence—doctrinal examination, institutional analysis, cross-case comparison, and conceptual reconstruction—allows the study to move beyond conventional classifications such as state versus non-state or binding versus non-binding and instead explain the institutional mechanisms through which fatwa authority is constituted and sustained.

Findings and Discussion

Institutional Configurations of Fatwa Authority in Indonesia and Malaysia

Fatwa authority in Indonesia and Malaysia is organised through markedly different institutional pathways. The distinction is not simply a matter of whether religious authority belongs to the state or to non-state actors. What matters more is how Islamic legal expertise is connected to a recognised mandate, organisational structure, and regulatory process. Indonesia provides a configuration in which a non-state religious institution can acquire substantial regulatory significance through institutional cooperation, whereas Malaysia places important areas of fatwa authority within statutory and administrative structures.

¹⁷ Ilahi et al., “Fatwa Institutions in Handling Religious Blasphemy Crimes in Indonesia and Malaysia”; Mohd Harifadilah Rosidi, “Fatwa Institutions in Malaysia: Navigating Current Challenges and Changes,” *International Journal of Research and Innovation in Social Science* VIII, no. IX (2024), <https://doi.org/10.47772/ijriss.2024.8090195>; Nasrudin et al., “From Nonbinding to Binding: Legal Authority Transformation of DSN-MUI Fatwas within the National Legal System”; Harifadilah Rosidi, “Navigating Fatwa Governance: A Comparative Study of Institutional Centralisation and Religious Legitimacy.”

¹⁸ W. Richard Scott, *Institutions and Organizations: Ideas, Interests, and Identities*, 4th ed. (Thousand Oaks: SAGE Publications, 2013); Mark C. Suchman, “Managing Legitimacy: Strategic and Institutional Approaches,” *Academy of Management Review* 20, no. 3 (1995), <https://doi.org/10.5465/amr.1995.9508080331>.

Indonesia's arrangement is particularly evident in Islamic finance. Law No. 21 of 2008 concerning Sharia Banking assigns the Indonesian Council of Ulama (MUI), through its National Sharia Board (DSN-MUI), a role in issuing Sharia-compliance fatwas for banking products. OJK's institutional account further specifies that Islamic banking products may be offered only after the relevant DSN-MUI fatwa and OJK authorisation have been obtained.¹⁹ The legal significance of the arrangement therefore lies not in placing DSN-MUI within the governmental hierarchy, but in establishing an institutional connection through which scholarly determinations can enter the regulatory process.

Recent regulatory developments reinforce that relationship. OJK Regulation No. 2 of 2024 on Sharia Governance for Islamic Commercial Banks and Sharia Business Units establishes a broader governance architecture involving Sharia Supervisory Boards, Sharia compliance, risk management, internal audit, and external review. OJK also identifies a dedicated committee responsible for following up DSN-MUI fatwas in the formulation of OJK regulations.²⁰ The institutional pathway is consequently more complex than a simple distinction between binding and non-binding fatwas: DSN-MUI generates specialised Islamic legal authority, while state regulatory institutions provide mechanisms through which that authority can acquire operational and regulatory effect. OJK's 2024 product guidance, which incorporates and updates references to a range of DSN-MUI fatwas, provides further evidence of that institutional relationship.²¹

Malaysia presents a different configuration. Fatwa authority is more directly embedded within statutory Islamic administration, although its institutional form varies according to jurisdiction and sector. In the Federal Territories, for example, section 34 of the Administration of Islamic Law (Federal Territories) Act 1993 provides a statutory basis for the Mufti to issue fatwas after consultation with the Islamic Legal Consultative Committee. Official gazetted fatwas continue to identify section 34 as their legal basis, demonstrating that the statutory procedure remains an operative mechanism of contemporary fatwa production.²² The authority of the Mufti therefore rests simultaneously upon scholarly expertise and a legally prescribed institutional mandate.

A comparable but more specialised configuration operates in Islamic finance through the Shariah Advisory Council (SAC) of Bank Negara Malaysia. Established in 1997, the SAC was reinforced by the Central Bank of Malaysia Act 2009 as the authority responsible for the ascertainment of Islamic law for Islamic financial business supervised and regulated by Bank Negara Malaysia. Bank Negara Malaysia further identifies SAC rulings as a principal reference for Islamic financial institutions and notes that Shariah questions arising before courts or in arbitration proceedings must be referred to the SAC

¹⁹ Republic of Indonesia, Law No. 21 of 2008 concerning Sharia Banking, arts. 26, 32; Otoritas Jasa Keuangan, "Tentang Syariah: Perbankan Syariah dan Kelembagaan," accessed June 22, 2026, <https://ojk.go.id/id/kanal/syariah/tentang-syariah/Pages/PBS-dan-Kelembagaan.aspx>

²⁰ Otoritas Jasa Keuangan, Regulation No. 2 of 2024 concerning the Implementation of Sharia Governance for Islamic Commercial Banks and Sharia Business Units, February 16, 2024; Otoritas Jasa Keuangan, "FAQ POJK 2 Tahun 2024: Penerapan Tata Kelola Syariah bagi Bank Umum Syariah dan Unit Usaha Syariah," accessed June 25, 2026, <https://ojk.go.id/id/regulasi/Pages/POJK-2-Tahun-2024-Penerapan-Tata-Kelola-Syariah-Bagi-Bank-Umum-Syariah-dan-Unit-Usaha-Syariah.aspx>

²¹ Otoritas Jasa Keuangan, *Pedoman Produk Pembiayaan Musyarakah Perbankan Syariah*, June 4, 2024; Otoritas Jasa Keuangan, *Pedoman Produk Pembiayaan Mudarabah Perbankan Syariah*, 2025, accessed June 25, 2026, <https://ojk.go.id/id/Publikasi/Roadmap-dan-Pedoman/Syariah/Perbankan-Syariah-Indonesia/Pages/Pedoman-Produk-Pembiayaan-Musyarakah-Perbankan-Syariah.aspx?>

²² Malaysia, Administration of Islamic Law (Federal Territories) Act 1993, Act 505, sec. 34; Jabatan Mufti Wilayah Persekutuan, "Fatwa under Section 34: Penetapan Kadar Zakat Fitrah bagi Wilayah-Wilayah Persekutuan bagi Tahun 1446H/2025M," December 24, 2024.

for clarification.²³ The Malaysian model consequently creates a more direct institutional pathway between scholarly determination, statutory authority, financial regulation, and adjudicative processes.

Table 1. Institutional Configurations of Fatwa Authority in Indonesia and Malaysia

Institutional dimension	Indonesia	Malaysia
Legal foundation	Combination of statutory regulation and institutional recognition of DSN-MUI within Islamic financial governance	Statutory Islamic administration and sector-specific legislation
Institutional mandate	DSN-MUI exercises specialised Sharia authority whose determinations may enter regulatory processes through OJK	Mufti institutions and the SAC operate under formally defined statutory mandates
Governance structure	Networked coordination among DSN-MUI, OJK, Bank Indonesia, and Islamic financial institutions	More formally integrated through statutory, administrative, and regulatory institutions
Scholarly authority	Collective institutional deliberation through DSN-MUI	Formally constituted scholarly bodies within Mufti and SAC structures
Regulatory recognition	Authority is strengthened through regulatory incorporation and institutional reliance	Authority is reinforced through statutory recognition and defined legal consequences
Adaptive capacity	Evident through continuing coordination between DSN-MUI and financial regulators in developing new products and governance standards	Supported by specialised statutory and regulatory institutions dealing with emerging Islamic financial and legal questions

Source: Author's synthesis based on Law No. 21 of 2008 concerning Sharia Banking; OJK Regulation No. 2 of 2024; OJK's official DSN-MUI fatwa repository and product-governance materials; the Administration of Islamic Law (Federal Territories) Act 1993; the Central Bank of Malaysia Act 2009; and Bank Negara Malaysia's official.

Comparison of the two configurations reveals a more consequential distinction than the conventional state–non-state binary. Indonesia illustrates authority through institutional linkage, while Malaysia illustrates authority through institutional incorporation. In Indonesia, the pathway runs from collective scholarly determination towards regulatory recognition and implementation. In Malaysia, statutory design provides designated institutions with a more direct route from scholarly deliberation to administrative and, in specified contexts, legal consequence. Neither arrangement should be treated as inherently superior. Their analytical value lies in showing that religious legal authority acquires institutional force through different combinations of legal recognition, organisational coordination, scholarly expertise, and regulatory connection.

²³ Malaysia, Central Bank of Malaysia Act 2009, ss. 51–59; Bank Negara Malaysia, “Shariah Advisory Council,” accessed June 25, 2026, <https://www.bnm.gov.my/committees/sac>.

The distinction also qualifies the assumption that formal legal recognition by itself explains the effectiveness of a fatwa institution. In Indonesia, DSN-MUI's influence becomes particularly visible where its determinations are taken up by regulatory institutions. OJK's current governance framework explicitly provides for coordination with DSN-MUI and for the follow-up of its fatwas in the development of financial regulation.²⁴ Malaysia demonstrates a different mechanism: statutory incorporation connects the Mufti or SAC directly to defined institutional procedures and regulatory functions. Authority therefore depends not only on where an institution is located within the legal order, but also on how its decisions are connected to other institutions capable of recognising, implementing, or reinforcing them.

A first comparative finding consequently emerges. Fatwa authority is institutionally produced through pathways of legal anchoring and organisational connection rather than through doctrinal expertise or formal recognition alone. Indonesia and Malaysia reach institutional authority through different configurations, but both demonstrate that scholarly determinations become durable forms of public authority when institutional arrangements allow them to move beyond the act of issuing a fatwa into processes of regulation, administration, and social or professional recognition. That finding provides the basis for the next stage of analysis: examining how the six dimensions identified in the study interact to produce and sustain institutional fatwa authority.

Producing and Sustaining Fatwa Authority: The Interaction of Institutional Dimensions

Fatwa authority becomes consequential when several institutional resources operate together rather than in isolation. Legal recognition may provide an institutional foothold, but it does not by itself generate scholarly credibility or public acceptance. Conversely, strong scholarly authority may establish epistemic legitimacy without necessarily enabling an institution to influence regulation or public administration. Institutional governance therefore matters because it connects different sources of authority and determines whether a religious determination can move from scholarly deliberation into wider processes of recognition and implementation.²⁵

Indonesia and Malaysia illustrate this interaction particularly well. Research on DSN-MUI and Malaysia's Shariah Advisory Council has already demonstrated that their different organisational positions affect the legal status and binding character of their respective rulings.²⁶ More recent scholarship likewise shows that DSN-MUI fatwas may acquire stronger legal force when incorporated into the national regulatory system, while Malaysia's SAC operates within a statutory framework that gives its determinations a more direct legal and regulatory position.²⁷ Such findings are important, but they

²⁴ Otoritas Jasa Keuangan, "FAQ POJK 2 Tahun 2024: Penerapan Tata Kelola Syariah bagi Bank Umum Syariah dan Unit Usaha Syariah."

²⁵ Scott, *Institutions and Organizations: Ideas, Interests, and Identities*; Suchman, "Managing Legitimacy: Strategic and Institutional Approaches."

²⁶ Aisyah Nurhalisha Mursyida, Syarifuddin Syarifuddin, and Ali Murtadho, "The Scope of Contemporary Islamic Legal Thought: A Methodological Analysis and a Comparative Study of Indonesia and Malaysia," *Al-Qanun: Jurnal Kajian Sosial Dan Hukum Islam* 7, no. 1 (2026): 58–62, <https://doi.org/10.58836/al-qanun.v7i1.26496>.

²⁷ Nasrudin et al., "From Nonbinding to Binding: Legal Authority Transformation of DSN-MUI Fatwas within the National Legal System"; M. Mustofah Bisri, "Diskursus Kekuatan Hukum Fatwa DSN-MUI Dalam Yurisprudensi Peradilan Indonesia: Analisis Komparatif Dengan Mekanisme Rujukan Wajib Shariah Advisory Council Malaysia," *Recht Studiosum Law Review* 5, no. 1 (2026): 45–57, <https://doi.org/10.32734/rslr.v5i1.25212>.

primarily explain where authority is located and what legal consequences follow from it. The comparison developed here addresses a different question: what institutional conditions allow authority to become durable beyond the formal status of the institution itself?

Legal foundation constitutes the first condition. An institution requires a recognised basis for exercising its functions, whether through legislation, administrative recognition, or established organisational authority. Yet legal anchoring is better understood as an enabling condition than as a complete explanation of authority. Malaysia's statutory incorporation of fatwa functions illustrates how legal rules can define jurisdiction, procedures, and institutional competence. Indonesia presents a different route in which DSN-MUI's authority acquires wider regulatory significance through its structured relationship with state institutions.²⁸ The difference suggests that the effectiveness of legal anchoring depends on the institutional mechanisms through which a mandate is translated into practice.

Institutional mandate gives that legal foundation operational meaning. A mandate determines who may issue a ruling, the matters falling within institutional competence, and the processes through which scholarly judgement becomes an institutional decision. Research on Malaysia's National Fatwa Council, for example, demonstrates that institutionalisation involved not merely the creation of a formal body but also the development of procedures and methodological guidelines for addressing contemporary legal questions.²⁹ Institutional mandate consequently links legal recognition with organisational practice. Without a sufficiently defined mandate, legal recognition may remain largely symbolic; with a functioning mandate, scholarly expertise can be converted into repeatable institutional processes.

Governance structure determines how those processes operate. Collective deliberation, internal review, consultation, documentation, and coordination with other institutions influence the credibility and consistency of fatwa production. The significance of governance becomes particularly visible when fatwa institutions encounter issues requiring expertise beyond traditional jurisprudence. Contemporary Islamic finance, for example, requires interaction between jurists, regulators, financial practitioners, and supervisory bodies. Comparative research on Indonesia and Malaysia has shown that both jurisdictions employ layered Shariah governance, but locate macro-level Shariah standardisation in differently constituted institutions.³⁰ Governance therefore does more than organise administrative procedures; it creates the institutional environment in which scholarly authority can interact with professional and regulatory expertise.

Scholarly authority remains indispensable within that structure. Institutionalisation does not replace juristic competence; rather, it changes the conditions under which juristic competence is exercised and recognised. The authority of a fatwa institution depends partly upon the qualifications, deliberative capacity, and methodological credibility of the scholars involved. Recent work on fatwa methodology emphasises the continuing importance of qualified scholarship, collective *ijtihad*, contextual reasoning, and institutional governance in addressing contemporary legal

²⁸ Ilahi et al., "Fatwa Institutions in Handling Religious Blasphemy Crimes in Indonesia and Malaysia."

²⁹ Mahyudin Daud and Ahmad Najib Abdullah, "Penginstitutuan Majlis Fatwa Kebangsaan Dan Kaifiat Pengeluaran Hukum: Suatu Tinjauan Umum," *Al-Basirah Journal* 9, no. 2 (2020).

³⁰ Jaenal Arifin et al., "A Comparative Study on Sharia Governance and Supervisory Authority in Islamic Banking of Indonesia and Malaysia," *Malaysian Journal of Syariah and Law* 13, no. 3 (2025), <https://doi.org/10.33102/mjssl.vol13no3.737>.

problems.³¹ Institutional authority consequently cannot be reduced to bureaucratic status. A legally recognised institution may possess formal competence while still requiring sustained scholarly credibility to maintain epistemic legitimacy.

Public legitimacy adds another layer to the process. Acceptance cannot simply be inferred from statutory recognition or institutional longevity. Fatwa institutions operate within religious publics in which competing scholars, organisations, media platforms, and social actors can influence whether a ruling is regarded as persuasive or authoritative. Comparative research on MUI and Malaysian fatwa institutions, for instance, demonstrates that differences in legal status affect their institutional roles, particularly when religious rulings intersect with public controversies and state regulation.³² Legitimacy therefore develops through an interaction between formal recognition and social reception rather than through either source alone.

Adaptive capacity completes the institutional process. Contemporary fatwa institutions face legal, economic, technological, and social developments that may not fit established categories of juristic reasoning or administrative practice. Institutional capacity to obtain new expertise, revise procedures, coordinate with regulators, and communicate decisions therefore affects whether authority can be sustained over time. Recent studies of fatwa governance and Shariah supervision increasingly point towards institutional responses to emerging financial technologies and changing regulatory environments, although such studies generally examine particular sectors rather than theorising adaptive capacity as a component of fatwa authority itself.³³

Taken together, the six dimensions reveal a relational process rather than six independent determinants. Legal foundation anchors authority; institutional mandate defines its scope; governance structure converts mandate into organised action; scholarly authority supplies epistemic credibility; public legitimacy sustains recognition; and adaptive capacity enables continuity when institutional conditions change. Weakness in one dimension may therefore constrain the effectiveness of the others. Strong scholarly expertise, for example, may have limited regulatory influence where institutional mandate is unclear, while extensive statutory authority may fail to secure lasting legitimacy if scholarly credibility or public confidence is weak.

The comparative evidence thus supports a more precise understanding of fatwa authority. Authority is neither simply conferred by law nor generated solely through scholarly expertise. It is produced and reproduced through institutional relationships that connect legal, organisational, epistemic, social, and adaptive resources. Indonesia and Malaysia demonstrate different configurations of that process, but their comparison points towards a common institutional mechanism: fatwa authority becomes sustainable when the institution can connect its legal mandate with credible scholarship, effective governance, recognised social standing, and the capacity to respond to changing conditions. That mechanism provides the analytical foundation for the Institutional Fatwa Governance Framework developed in the following section.

³¹ Abdul Manan Ismail and Ahmad Syukran Baharuddin, "Parameter Pengeluaran Fatwa Dalam Kerangka Maqasid Syariah," *Malaysian Journal of Syariah and Law* 13, no. 3 (2025), <https://doi.org/10.33102/mjsl.vol13no3.1244>.

³² Ilahi et al., "Fatwa Institutions in Handling Religious Blasphemy Crimes in Indonesia and Malaysia."

³³ Adinda Selvina Adhani and Iskandar Ritonga, "A Comparative Analysis of DSN-MUI Fatwas and Malaysia's Shariah Advisory Council on Contracts, Consumer Protection, and Supervision in E-Money, P2P Financing, and Equity Crowdfunding," *At-Taradhi: Jurnal Studi Ekonomi* 17, no. 1 (2026), <https://doi.org/10.18592/taradhi.v17i1.18961>.

Reconceptualising Fatwa Authority: The Institutional Fatwa Governance Framework

Fatwa authority is often assessed through formal legal status, juristic competence, institutional affiliation, or the extent to which a ruling is recognised by the state. Such criteria remain necessary, but they do not fully explain why some fatwa institutions exercise sustained influence while others with comparable religious or legal standing do not. Recent comparative scholarship has already demonstrated that centralisation, state integration, scholarly autonomy, and legal enforceability produce important differences among fatwa systems. Yet those characteristics are generally examined as features of particular institutional models rather than as interconnected conditions through which authority itself is produced and sustained.³⁴

A more productive approach is to distinguish between possessing an institutional mandate and being capable of exercising authority through that mandate. Formal recognition can provide a legal foundation, but it does not automatically generate scholarly credibility, public acceptance, organisational effectiveness, or institutional resilience. Research on Malaysian fatwa institutions, for example, has identified continuing tensions involving procedural governance, technological change, transparency, accountability, and the adaptation of traditional jurisprudence to contemporary problems.³⁵ Comparable developments in Indonesia demonstrate that fatwa authority can acquire regulatory significance through interaction with state institutions even where the originating institution does not occupy the same statutory position as a state religious authority.³⁶ Authority therefore appears less as a fixed attribute of an institution than as an outcome of relationships among law, organisation, expertise, governance, and society.

The comparative evidence permits six dimensions to be brought into a common analytical frame: legal foundation, institutional mandate, governance structure, scholarly authority, public legitimacy, and adaptive capacity. Legal foundation provides the juridical basis for institutional action; institutional mandate defines the recognised scope of that action; governance structure determines how authority is organised and exercised; scholarly authority provides epistemic and juristic credibility; public legitimacy connects institutional decisions with social recognition; and adaptive capacity enables an institution to respond to changing legal, technological, economic, and social conditions. Research on the institutionalisation of Malaysia's National Fatwa Council, for instance, demonstrates how the relationship between ulama, state authority, institutional procedures, and the pursuit of greater consistency contributed to the development of a more organised fatwa system.³⁷

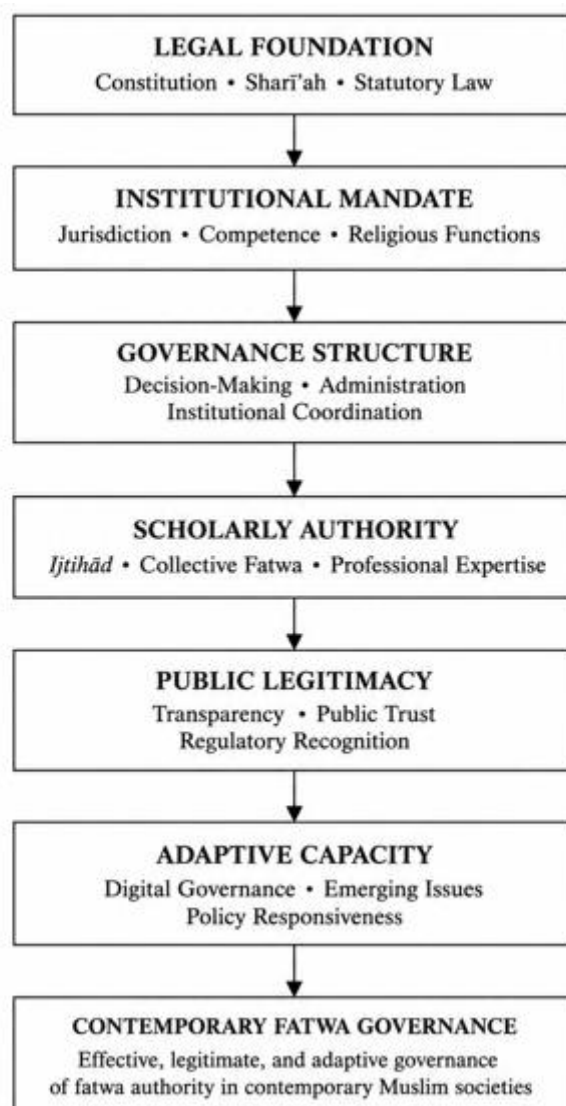
³⁴ Harifadilah Rosidi, "Navigating Fatwa Governance: A Comparative Study of Institutional Centralisation and Religious Legitimacy"; Kusumawati, Prakoso, and Indriyani, "Legal Authority and Fatwa Convergence in Islamic Finance: A Comparative Study of DSN-MUI and SAC Malaysia."

³⁵ Rosidi, "Fatwa Institutions in Malaysia: Navigating Current Challenges and Changes."

³⁶ Arskal Salim and Azyumardi Azra, eds., "Fatwa and Politics in Modern Indonesia," in *ISEAS Series on Islam* (Singapore: Institut of South East Asian Studies, 2003); Suaidi et al., "Harmonisation Between DSN-MUI Fatwas and OJK Regulations: Towards an Innovative and Inclusive Sharia-Compliant Fintech Ecosystem in Indonesia," *Mazahib Jurnal Pemikiran Hukum Islam* 24, no. 1 (2025), <https://doi.org/10.21093/mj.v24i1.10032>.

³⁷ Daud and Abdullah, "Penginstitutian Majelis Fatwa Kebangsaan Dan Kaifiat Pengeluaran Hukum: Suatu Tinjauan Umum."

Figure 1. Institutional Fatwa Governance Framework (IFGF)



Source: Developed by the authors based on the comparative institutional analysis undertaken in this study.

Figure 1 does not represent six independent determinants arranged in a linear sequence. IFGF conceptualises fatwa authority as a relational institutional outcome. Legal foundation may secure institutional continuity, but its effect depends upon the mandate through which legal competence is translated into institutional action. A mandate, in turn, requires governance structures capable of producing decisions through credible procedures. Scholarly authority gives those decisions epistemic substance, while public legitimacy determines whether institutional authority acquires durable social recognition. Adaptive capacity connects the entire configuration to changing environments. Weakness in one dimension may therefore constrain the effects of strength in another.

Such relationality marks the principal conceptual contribution of IFGF. Institutional theory has established that organisational authority and legitimacy are shaped by interactions among formal rules, organisational structures, professional practices, and

wider institutional environments.³⁸ Legitimacy scholarship likewise demonstrates that formal conformity alone does not exhaust the basis upon which institutions secure acceptance.³⁹ Islamic legal scholarship, meanwhile, has provided extensive accounts of *ijtihad*, *iftā'*, juristic authority, and the historical relationship between scholars and political power.⁴⁰ IFGF brings those strands into a single analytical proposition: the authority of a contemporary fatwa institution is generated through the interaction of normative, organisational, epistemic, social, and adaptive resources.

The proposition differs from approaches that treat state recognition as the principal indicator of institutional authority. Indonesia and Malaysia make the limitation of such an approach particularly visible. Malaysian fatwa governance is more directly embedded within state Islamic administration, while Indonesian Islamic legal authority operates through a more plural institutional environment in which non-state organisations can acquire substantial normative and regulatory influence.⁴¹ Recent work comparing DSN-MUI and Malaysia's Shariah Advisory Council similarly demonstrates that differences in institutional location affect the legal force, regulatory incorporation, and practical reach of fatwa decisions.⁴² Yet institutional location alone cannot explain the broader authority of those institutions. It explains part of the architecture through which authority operates; it does not explain the full process through which authority becomes credible and durable.

IFGF consequently replaces a simple state–non-state or centralised–decentralised classification with a multidimensional institutional analysis. The purpose is not to deny the significance of centralisation. Centralisation can improve coordination and consistency, while decentralised arrangements may preserve interpretative plurality and institutional autonomy. Comparative research has already identified precisely such trade-offs.⁴³ The contribution of IFGF is to ask a different question: what combination of institutional resources enables an authority to convert formal or scholarly standing into sustained institutional influence? The answer cannot be reduced to the degree of centralisation because the same level of formal integration may produce different outcomes depending upon governance quality, scholarly credibility, public recognition, and adaptive capacity.

Public legitimacy occupies a particularly important position within that configuration. Legitimacy should not be equated either with legal validity or with simple popularity. An institution may possess legal authority while encountering limited public acceptance, just as a non-state institution may enjoy substantial social legitimacy without possessing equivalent formal powers. Institutional legitimacy therefore operates through

³⁸ Scott, *Institutions and Organizations: Ideas, Interests, and Identities*; Neil Fligstein and Doug McAdam, *A Theory of Fields* (Oxford: Oxford University Press, 2015).

³⁹ Suchman, "Managing Legitimacy: Strategic and Institutional Approaches"; Christine Oliver, "Strategic Responses to Institutional Processes," *Academy of Management Review* 16, no. 1 (1991), <https://doi.org/10.5465/amr.1991.4279002>.

⁴⁰ Wael B. Hallaq, *Authority, Continuity and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001), <https://doi.org/10.1017/cbo9780511495557>; Mohammad Hashim Kamali, *Shariah Law: An Introduction* (Oxford: Oneworld Publications, 2008).

⁴¹ Ilahi et al., "Fatwa Institutions in Handling Religious Blasphemy Crimes in Indonesia and Malaysia"; Daud and Abdullah, "Penginstitutionan Majelis Fatwa Kebangsaan Dan Kaifiat Pengeluaran Hukum: Suatu Tinjauan Umum."

⁴² Kusumawati, Prakoso, and Indriyani, "Legal Authority and Fatwa Convergence in Islamic Finance: A Comparative Study of DSN-MUI and SAC Malaysia."

⁴³ Harifadilah Rosidi, "Navigating Fatwa Governance: A Comparative Study of Institutional Centralisation and Religious Legitimacy."

the interaction of recognised rules, credible procedures, professional competence, and social expectations.⁴⁴ Recent research on public trust in fatwa institutions further points to transparency, scholarly competence, procedural justice, and social relevance as factors associated with public confidence, reinforcing the need to treat legitimacy as an institutional process rather than an automatic consequence of religious status.⁴⁵

Adaptive capacity adds a further dimension that is particularly important for contemporary Islamic legal institutions. Fatwa authorities increasingly confront questions generated by Islamic finance, digital communication, biotechnology, new financial technologies, and rapidly changing social practices. Malaysian scholarship has explicitly identified technological development and demands for greater transparency and accountability as challenges requiring institutional adaptation.⁴⁶ Digital environments also alter how religious opinions are produced, circulated, contested, and received, making institutional responsiveness increasingly relevant to the sustainability of legal-religious authority.⁴⁷ Adaptation in IFGF does not mean abandoning juristic continuity. It refers instead to an institution's capacity to mobilise established jurisprudential resources while incorporating new expertise, procedures, technologies, and forms of public engagement.

Seen from that perspective, the Indonesia–Malaysia comparison produces a finding that is more consequential than a conventional description of institutional difference. Malaysia illustrates how statutory and administrative embedding can strengthen regulatory authority and procedural coordination. Indonesia demonstrates how an institution situated outside the core structure of state religious administration can nevertheless develop substantial normative influence through scholarly credibility, organisational capacity, regulatory interaction, and public recognition.⁴⁸ The two cases therefore reveal different configurations of institutional authority rather than competing versions of a single ideal model.

The distinction matters for Islamic legal institutional studies because it shifts the analytical focus from the question of where authority is located to the question of how authority works. Earlier scholarship has provided sophisticated accounts of the legal status and political location of fatwas, while more recent studies have examined institutional centralisation, legal enforceability, regulatory incorporation, and public legitimacy.⁴⁹ IFGF extends that conversation by connecting those dimensions within one

⁴⁴ Suchman, "Managing Legitimacy: Strategic and Institutional Approaches"; Mark Bovens, Thomas Schillemans, and Paul 't Hart, eds., *The Oxford Handbook of Public Accountability* (Office of Educational Resources Research, Department of Postgraduate Medicine, University of Michigan, Ann Arbor, Michigan, United States: Oxford University Press, 2014), <https://doi.org/10.1093/oxfordhb/9780199641253.001.0001>.

⁴⁵ Husam Abdulhameed Hussein, Raed Ashraf Kamil Albadri, and Hapini Awang, "Determinants of Public Trust in Contemporary Fatwa Institutions: A Quantitative Model Based on Legitimacy Theory," *International Journal of Islamic Theology & Civilization* 4, no. 2 (2026): 41–50.

⁴⁶ Rosidi, "Fatwa Institutions in Malaysia: Navigating Current Challenges and Changes."

⁴⁷ See the recent literature on the changing digital environment of Islamic legal authority and fatwa communication; the broader institutional problem is also reflected in Rosidi, "Fatwa Institutions in Malaysia."

⁴⁸ Ilahi et al., "Fatwa Institutions in Handling Religious Blasphemy Crimes in Indonesia and Malaysia"; Kusumawati, Prakoso, and Indriyani, "Legal Authority and Fatwa Convergence in Islamic Finance: A Comparative Study of DSN-MUI and SAC Malaysia."

⁴⁹ Harifadilah Rosidi, "Navigating Fatwa Governance: A Comparative Study of Institutional Centralisation and Religious Legitimacy." Recent scholarship on DSN-MUI's transformation similarly examines how fatwas can acquire stronger legal and institutional force through incorporation into formal legal processes.

framework and by treating their interaction as the mechanism through which institutional authority acquires practical durability.

The framework therefore offers two related contributions. Conceptually, it provides a way to analyse fatwa authority without reducing it to binding legal effect, state recognition, or individual scholarly expertise. Comparatively, it provides common analytical dimensions for examining institutions operating under different constitutional and administrative arrangements without erasing their jurisdictional particularities. The framework may consequently be extended, with appropriate empirical testing, to other Islamic legal institutions whose authority depends upon the interaction of law, expertise, organisation, public recognition, and institutional adaptation.

The argument remains deliberately narrower than a universal theory of Islamic legal authority. IFGF is developed from the comparative institutional analysis of Indonesia and Malaysia and should therefore be treated as an analytical framework requiring further testing across other jurisdictions and institutional settings. Its principal proposition is nevertheless clear: fatwa authority is not simply possessed by a recognised jurist or institution; it is institutionally produced, negotiated, recognised, and sustained. By making the relationships underlying that process analytically visible, IFGF provides a foundation for further research into how Islamic legal authority is organised and governed in contemporary Muslim societies.

Conclusion

Fatwa authority cannot be adequately explained by the formal status of a ruling, the institutional position of its issuer, or the scholarly credentials of individual jurists alone. The comparison of Indonesia and Malaysia demonstrates that contemporary fatwa authority is constituted through the interaction of legal foundation, institutional mandate, governance structure, scholarly authority, public legitimacy, and adaptive capacity. The significance of the comparison therefore lies not simply in identifying differences between two jurisdictions, but in showing how contrasting institutional configurations transform religious knowledge into recognised and sustainable forms of legal authority.

The study's principal contribution is the Institutional Fatwa Governance Framework (IFGF), which reconceptualises fatwa authority as an institutional outcome rather than a fixed attribute of a jurist or legally recognised body. Its six dimensions are not independent determinants but interconnected resources through which authority is produced, exercised, recognised, and sustained. IFGF consequently shifts the analytical question from whether a fatwa is formally binding to how an institution becomes capable of exercising authority and sustaining its credibility over time. The framework extends Islamic legal scholarship by placing institutional organisation alongside jurisprudential reasoning as a constitutive dimension of contemporary Islamic legal authority.

The findings also demonstrate that neither state integration nor institutional autonomy provides a sufficient explanation of institutional authority. Malaysia illustrates how statutory and administrative embedding can strengthen procedural coordination and regulatory reach, while Indonesia demonstrates how substantial normative influence can develop within a more plural institutional environment. Sustainable authority instead depends upon the coherence of relationships among legal mandate, governance, scholarly expertise, public legitimacy, and institutional responsiveness. For institutional actors, the implication is therefore not to pursue uniformity or maximal centralisation,

but to develop governance arrangements capable of reconciling normative integrity with accountability, credibility, and responsiveness.

IFGF remains an analytically grounded framework derived from Indonesia and Malaysia rather than a universal theory of fatwa authority. Further research should test its applicability across other constitutional and institutional settings and examine empirically how the six dimensions interact over time, particularly under conditions of digitalisation, transnational religious networks, and emerging fields of Islamic legal regulation. The broader significance of the study lies in reframing Islamic legal authority as an institutional phenomenon. By asking how authority is organised, mediated, recognised, and sustained, the study opens a wider research agenda for *Institutions of Islamic Law* and provides a foundation for examining how Islamic legal institutions acquire and maintain authority within contemporary legal orders.

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Data Availability Statement

All legal and institutional materials analysed in this research, together with the relevant secondary sources, are identified and cited in the manuscript and are accessible through the relevant official legal, institutional, and scholarly sources.

Generative AI Statement

During the preparation of this manuscript, the author used generative artificial intelligence tools solely to assist with language improvement, grammar, readability, and editorial refinement. All conceptualisation, legal analysis, interpretation, comparative assessment, theoretical development, and conclusions were independently reviewed, critically assessed, and approved by the author, who retains full responsibility for the content of the manuscript.

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