



Legal Sociology Analysis Of Mui Fatwa No 83 Of 2023 Concerning Legal Support To The Palestine Struggle

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Abstract. Many social movements have been carried out by the Indonesian people to show support for the struggle being carried out by the Palestinian people to get out of Israeli colonialism. Various social movements ranging from demonstrations to boycott movements for products made in Israel, were carried out massively by the Indonesian people. In the midst of this massive social movement, MUI was present by issuing MUI Fatwa No. 83 of 2023 concerning the Law on Support for the Palestinian Struggle. This research aims to analyze the birth of MUI Fatwa No. 83 of 2023 from a legal sociology perspective. This research is library research in which data collection was carried out through library searches. The collected data will then be analyzed using qualitative data analysis techniques. The results of this research show that MUI Fatwa No. 83 of 2023 concerning the Law on Support for the Palestinian Struggle is a legal product issued by the MUI which confirms the support of the Indonesian people for the struggle of the Palestinian people to escape Israeli colonialism. In it, it is explained that the law of supporting the struggle of the Palestinian people is obligatory for Indonesian Muslims and supporting military aggression carried out by Israel is unlawful. From the perspective of legal sociology, the birth of this fatwa was driven by the existence of social movements based on a sense of social solidarity in society which were carried out in various forms on a large scale. MUI Regarding this social phenomenon finally responded to issue MUI Fatwa No. 83 of 2023 as a form of support for social movements carried out by the community to show support for the struggle of the Palestinian people.

Keywords: Legal Sociology; Fatwa MUI, Palestina

1. Introduction

The conflict between Palestine and Israel is one of the longest conflicts ever in the modern era, starting at the beginning of the 20th century and continuing to this day. This conflict has brought the Palestinian people to a very gloomy situation and quite a few have been expelled from their homeland and even quite a few lives have been lost as a result of the occupation carried out by the Israeli government against Palestine. The beginning of this conflict was rooted in a joint claim to land in the Palestinian area which was the goal of the Jewish people who wanted to establish their own state under the name Israel. Since the declaration of Islamic independence in 1948, the conflict between Palestine and Israel has become so widespread that in its development it has taken the form of physical fighting between the two sides. Some experts also argue that this conflict is also closely related to religious and ethnic issues where both parties have historical and religious claims to this land (Kaslam 2024).

A series of conflicts and confrontations carried out by Israel with various types of attacks have caused many Palestinian civilians to die and become homeless. Israel, which was

previously only a guest on this land, now seems to have become the host and has succeeded in occupying many areas in the Palestinian territories. Meanwhile, the Palestinians themselves seem to be uninvited guests in their own homes. This of course received criticism from various parties and quite a few countries in the world showed their support for the Palestinian state (Putra 2019).

Palestine is the only country that participated in the Asian-African Conference in 1955 that still does not have independence. Israel's occupation of Palestine continues, and there are many forms of violations against Palestinian civilians. Palestinian efforts to gain recognition from various countries continue. To date, there are 193 countries that recognize Palestine. When Palestine declared independence on November 15 1988, Indonesia was one of the first countries to recognize the country's independence (Wati and Burdah 2024).

Other countries' attitudes toward the conflict between Israel and Palestine reflect the geopolitical complexity of the Middle East. Some countries strongly condemn the attacks and acts of violence that occur, while others may provide support to one of the parties or choose to remain neutral. Reporting from the official website of the DPR RI (BKSAP DPR RI, 2023) Indonesia, through President Joko Widodo, has also emphasized that Indonesia's position is very clear and firmly in condemning Israel's attacks on civilians in Gaza. The DPR RI through the Inter-Parliamentary Cooperation Agency (BKSAP) in the same position continues to provide concrete support for the Palestinian struggle to free itself from Israeli attacks. (Munandar and Firdaus 2023).

Even from a legal perspective, Indonesia has firmly issued regulations in the form of Fatwa of the Indonesian Ulema Council (MUI) Number 83 of 2023 concerning the Law of Support for the Palestinian Struggle in which it is stipulated that supporting the Palestinian struggle is legally obligatory for the Indonesian Muslim community and supports military aggression that what Israel does is haram. In this Fatwa it is also emphasized that the form of support provided, one of which is the distribution of zakat. In fact, the MUI in this fatwa recommends Indonesian Muslims to maximize their avoidance of consumption and use of Israeli products and parties that support Israeli aggression against Palestine. (Majelis Ulama Indonesia (MUI) 2023).

The presence of MUI fatwa no. 83 of 2023 concerning the Law of Support for the Palestinian Struggle, if understood further it will lead us to the conclusion that a legal product is also very influenced by sociological factors. The massive support of the Indonesian Muslim community for the Palestinian struggle in facing the Israeli onslaught seems to have encouraged the MUI to more clearly emphasize its role in producing legal products that also support what is supported by society at large. Therefore, this research aims to examine the sociological aspects that underlie the birth of MUI Fatwa No. 83 of 2023 concerning the Law on Support for the Palestinian Struggle (Sundari et al. 2023).

2. Methods

The type of research used in this study is library research, namely a series of research activities relating to methods of collecting library data, reading, taking notes and processing research materials (Mestika Zed 2008). The collection technique uses the library method, namely by conducting a library search by looking for materials related to the title of the research to be discussed (Danandjaja 1997). The data sources in this research consist of three, namely primary data sources, secondary data sources and tertiary data sources. Primary data (original resources) in this case include books discussing legal sociology theory, as well as MUI Fatwa No. 83 of 2023 concerning Laws Supporting the Palestinian Struggle. The sources of secondary data in this research are journals and articles related to the titles the author

discusses. Tertiary sources in this research consist of dictionaries, encyclopedias and so on. Meanwhile, the data analysis method used in the research is a qualitative data analysis technique where the data that has been collected and analyzed will then be verified (conclusions are drawn).

3. Results and Discussion Solidarity Relations between the Indonesian Nation and the Palestinian Nation Across History

In the history of relations between Indonesia and Palestine, Indonesia has always been at the forefront in defending the humanitarian rights of Palestinians. Indonesia has never been absent from providing support for the struggle carried out by Palestine to achieve independence. Indonesia's position in the Israeli-Palestinian conflict has a strategic position in the ongoing mediation conflict between Israel and Palestine. Apart from both adhering to the Islamic religion, the noble ideals of the Indonesian State as stated in the Preamble to the 1945 Constitution which states that independence is the right of all nations, makes Indonesia a nation that will always support and help support that independence. Emotionally, Indonesia has also experienced colonialism, so the Indonesian people know very well that this experience was very bad. Apart from that, Indonesian diplomacy itself is one way to strengthen and maintain communication with developing countries (Nurhasanah and Setiwati 2024).

History shows that close relations between Indonesia and Palestine have existed since before independence. This is marked by several young people studying in the Middle East and meeting sheikhs from Palestine, such as Kahar Muzakkar who studied in Egypt and met Sayyid Amin al Husaini. It was this sheik who gave a good response by congratulating the Indonesian people when they heard the news of Indonesia's independence (Hakim 2017). Palestine and Egypt were the first two countries to recognize the independence of the State of Indonesia. At that time, Indonesia really needed recognition for the survival of a country. From here, Indonesia was able to maintain its independence through various struggles and sacrifices (Afriani et al. 2023).

Through a free and active foreign policy, Indonesia positions itself as a nation that rejects colonialism and buys the Palestinian people. Various efforts to fight for the rights of the Palestinian people have been made by the Indonesian government in the international arena, namely the UN. When Indonesia had the status of a non-permanent member of the UN Security Council (2007-2008), Indonesia always tried to fight for the protection and guarantee of the rights of the Palestinian people through the world peace agency, the UN (Ministry of Foreign Affairs of the Republic of Indonesia). In the UN realm, Indonesia plays an active role in prioritizing the Israeli-Palestinian conflict. As a member of the Human Rights Council, Indonesia encouraged the convening of a Special Session of the Human Rights Council which was held on January 9 and January 12 2009. Indonesia was one of the main initiators of the Special Session of the UN General Assembly on January 15-16 2009 which discussed the Palestinian issue (Nurhasanah and Setiwati 2024).

One form of Indonesia's concrete support for Palestine is strengthening support from Asian-African countries for Palestinian capacity through commemorating the 60th anniversary of the Asian-African Conference (KAA). Indonesia also hosted the International Conference on the Jerusalem Question which was the result of collaboration between the OIC and the UN Committee on the Inalienable Rights of the Palestinian People. On March 6-7 2016, Indonesia hosted the 5th Extraordinary OIC Summit which discussed the issue of Palestine and Al-Quds Ash-Sharif, this meeting was a development of the form of resolution of the

ongoing Israeli-Palestinian conflict. Other assistance provided by the Indonesian Government is training and capacity development for 1,257 Palestinians, providing training in the fields of infrastructure, technology, information, tourism, light manufacturing and agriculture worth USD 1.5 million, assistance for the construction of the Indonesian Cardiac Center in Palestine. US hospitals. - Syifa in Gaza. Indonesia even actively contributed to UNRWA (United Nations Relief and Works Agency for Palestine Refugees) in the 2009-2014 period (Nurhasanah and Setiwati 2024).

In October 2023, armed conflict occurred again in the Palestinian territories. Benjamin Netanyahu, Prime Minister of Israel stated that Israel was "at war". After the attack, Israel declared war against Hamas. Several efforts were made by Israel, including cutting off the flow and supply of electricity to Gaza. This causes the Palestinian people in the Gaza Strip to experience darkness. Reuters media on October 12 2023 stated that 2.3 million people in the Gaza Strip did not have electricity and water. Cutting off electricity and water supplies puts the human security of the Palestinian community at risk. The humanitarian violations committed by Israel do not stop there. Israel carries out bombing of Palestinian territories that the Palestinian government says has killed more than 3,000 people. The attack carried out was a violation of International Humanitarian Law where civilians were killed as a result of the Israeli attack (Nugraha 2023).

In this regard, Indonesia continues to be committed to defending Palestine in the face of massive Israeli attacks which will begin again in October 2023. Indonesia urges that the violence currently ongoing between Israel and Palestine be stopped immediately. Indonesia's insistence on addressing the root of the problem, namely Israel's illegal occupation of Palestine, has become one of the main focuses of its diplomatic efforts. The airstrikes and siege carried out by Israeli forces on Gaza have claimed the lives of more than 5,000 civilians. The Indonesian government also continues to carry out marathon diplomacy to get support from various countries. This effort aims to mobilize international support to put pressure on the parties involved to immediately stop violence and find a peaceful solution. With all these efforts, Indonesia is trying to play a constructive role in finding solutions that can bring peace and justice to the Palestinian people amidst the ongoing crisis (Nugraha 2023).

Based on this reality, it is clear that from a historical perspective, there has been a close relationship between Indonesia and Palestine for a long time, where Indonesia has always positioned itself as a friend who has always supported Palestine in achieving its independence. This is motivated by the existence of religious similarities where the majority of Indonesian society is Muslim and is supported by the Indonesian constitution which highly upholds the values of independence.

MUI Fatwa No. 83 of 2023 concerning the Law of Support for the Palestinian Struggle from a Legal Sociology Perspective

Social movements often become a milestone and the beginning of the demand for recognition of identity. Generally, social movements are united around a social issue such as ideology, human rights, social issues, feminism, and even religion. A very special social movement, namely religion, has actually existed for centuries, especially the Abrahamic religions in the Middle East. Until now, the most recent social movement and identity politics rooted in religion that we often see occurring is the Islamic movement (Islamic Activism), this is also happening in Indonesia (Ilham and Ishom 2016).

Indonesia itself has MER-C as a health organization which usually provides assistance in the form of donations of health workers and also medicines for Palestine. We encounter many NGO variants such as Friends of Al-Aqsa, the Anti-Zionist Movement and America. There are

also ceremonial solidarity movements that do not require an organizational body but only solidarity ceremonies such as #GazaLights in 2014, namely solidarity turning off the lights for 60 minutes to sympathize with the residents of Gaza who have not had access to electricity for months (Ilham and Ishom 2016). Finally, as part of the social solidarity action resulting from Israel's attack on the Gaza Strip, the Indonesian people collectively carried out a boycott movement against various products produced by Israel and also those produced by countries affiliated with the state of Israel.

With the massive social movements carried out by the Indonesian people to show their support for the Palestinian struggle, not long ago the Indonesian Ulema Council (MUI) decided to issue a Fatwa on the Law of Support for the Palestinian Struggle through MUI Fatwa No. 83 of 2023. The issuance of this fatwa further confirms that the government, through the MUI, supports social movements carried out by the community to support the Palestinian struggle. Through this fatwa, the legal status of support for Palestine is also clear and the law supports military aggression carried out by Israel. Where the MUI emphasized that the law supporting the Palestinian struggle is mandatory for all Indonesian Muslims and the law supporting military aggression carried out by the Israeli government is unlawful.

If analyzed further, it can be understood that the birth of MUI Fatwa No. 83 of 2023 appears to be motivated by the massive social movements carried out by the community as a form of solidarity with the suffering felt by the Palestinian people. It appears that, in issuing legal products, the MUI is based on the need to respond to social movements occurring in society. So it is clear that social phenomena in society greatly influence the birth of a legal product, including greatly influencing the characteristics of the legal product that is born.

If we look further, the roots of the birth of MUI Fatwa No. 83 of 2023 is because of the social solidarity that has been created in society regarding the condition of the Palestinian people, who in fact are brothers and sisters of the same religion. Emil Durkheim as quoted by Umanailo explains that social solidarity is solidarity which refers to a state of relationship between individuals and/or groups which is based on moral feelings and shared beliefs which are strengthened by shared emotional experiences. Durkheim further explained that solidarity can be divided into two forms, namely: first, mechanical solidarity which is solidarity based on a shared collective consciousness which refers to the totality of shared beliefs and sentiments that generally exist among members of the same society. , whose primary bonds are shared beliefs, ideals, and moral commitment. The second is organic solidarity, namely solidarity that arises from dependence between one individual or group and another due to position specialization (Umanailo 2013).

Based on this, it is clear that the solidarity that is built between the Indonesian people and Palestine is classified as mechanical solidarity which is based on the same beliefs, namely both adhering to the Islamic religion and the same emotional experience, where Indonesia was also previously an oppressed and colonized nation. so that the Indonesian people really understand that living under colonialism is a very bad thing. This sense of solidarity then moved various levels of the Indonesian nation to carry out social movements to support the struggle of the Palestinian people to gain independence. These movements were carried out in various forms, starting from holding demonstrations, collecting aid funds for the Palestinian people affected by Israeli military aggression, forming support institutions, to carrying out a boycott movement against products issued by the Israeli state and products imported from Israel affiliated with the Israeli government.

These massive social movements carried out by the community were then responded to by the Indonesian Ulema Council (MUI) by issuing Fatwa No. 83 of 2023 concerning the Law

on Support for the Palestinian Struggle. So it can be understood that from a legal sociology perspective, the birth of a legal product is greatly influenced by social phenomena that occur in society, including existing social movements and social solidarity.

4. Conclusions

MUI Fatwa No. 83 of 2023 concerning the Law on Support for the Palestinian Struggle is a legal product issued by the MUI which confirms the support of the Indonesian people for the struggle of the Palestinian people to escape Israeli colonialism. In it, it is explained that the law of supporting the struggle of the Palestinian people is obligatory for Indonesian Muslims and supporting military aggression carried out by Israel is unlawful. From the perspective of legal sociology, the birth of this fatwa was driven by the existence of social movements based on a sense of social solidarity in society which was carried out in various forms on a large scale. MUI Regarding this social phenomenon finally responded to issue MUI Fatwa No. 83 of 2023 as a form of support for social movements carried out by the community to show support for the struggle of the Palestinian people. Therefore, it can be concluded that the birth of a legal product is greatly influenced by social phenomena that occur in society, including being driven by the existence of existing social movements and the sense of social solidarity that develops in a society.

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