

## Implications of the MUI Fatwa on the Prohibition of 3 Kg LPG for the Wealthy in the Perspective of Islamic Law

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### Keywords:

MUI Fatwa, Prohibition of 3 Kg LPG, Rich People, Islamic Legal Perspective.

**Abstract:** This study aims to analyze the legal basis, formal validity, and social implications of the 2025 Indonesian Ulema Council (MUI) fatwa regarding the prohibition of 3-kilogram LPG use for the wealthy based on Islamic law perspectives. The study uses a qualitative approach with normative-sociological analysis through document studies and in-depth interviews. The results show that normatively, this fatwa has a strong basis in the Qur'an (QS. An-Nahl: 90 and QS. Al-Baqarah: 188), the principle of maqāṣid al-syarī'ah (hifz al-māl and hifz al-'adl), and is in line with national energy regulations. However, formally, this fatwa does not yet have binding legal force because it has not been ratified through an official Fatwa Commission hearing. Sociologically, the effectiveness of the fatwa is limited due to low legal literacy among the public, limited access to non-subsidized energy in rural areas, and the absence of standard economic indicators. This analysis confirms that without strong technical regulations, fatwas only serve as moral appeals without any executory impact. This study recommends the need to integrate fatwas into formal government policies through memoranda of understanding (MoUs), the establishment of objective economic criteria, and increased public education to realize subsidy distribution based on social justice and sharia values.

**Kata Kunci:**

Fatwa MUI, Larangan LPG 3 Kg, Orang Kaya, Perspektif Hukum Islam.

**Abstrak:** Penelitian ini bertujuan menganalisis dasar hukum, keabsahan formil, dan implikasi sosial fatwa Majelis Ulama Indonesia (MUI) tahun 2025 mengenai keharaman penggunaan LPG 3 kilogram bagi kalangan orang kaya berdasarkan perspektif hukum Islam. Penelitian menggunakan pendekatan kualitatif dengan analisis normatif-sosiologis melalui studi dokumen dan wawancara mendalam. Hasil penelitian menunjukkan bahwa secara normatif, fatwa ini memiliki landasan kuat dalam Al-Qur'an (QS. An-Nahl: 90 dan QS. Al-Baqarah: 188), prinsip *maqāṣid al-syarī'ah* (*hiḏ al-māl* dan *hiḏ al-'adl*), serta selaras dengan regulasi energi nasional. Namun, secara formal fatwa ini belum memiliki kekuatan hukum mengikat karena belum disahkan melalui sidang resmi Komisi Fatwa. Secara sosiologis, efektivitas fatwa ditemukan terbatas akibat rendahnya literasi hukum masyarakat, terbatasnya akses energi non-subsidi di perdesaan, dan ketiadaan indikator ekonomi yang baku. Analisis ini menegaskan bahwa tanpa regulasi teknis yang kuat, fatwa hanya berfungsi sebagai imbauan moral tanpa dampak eksekutorial. Penelitian ini merekomendasikan perlunya integrasi fatwa ke dalam kebijakan formal pemerintah melalui nota kesepahaman (MoU), penetapan kriteria ekonomi yang objektif, serta peningkatan edukasi publik untuk mewujudkan distribusi subsidi yang berbasis keadilan sosial dan nilai syariah.

**INTRODUCTION**

The Indonesian Ulema Council (MUI) has a very strategic position in the legal system and religious social life of Indonesian society.<sup>1</sup> As a religious institution that functions to provide Islamic legal guidance, the MUI plays an important role in bridging sharia values with public policy, especially in socio-economic issues related to the public interest (*maslahah 'āmmah*).<sup>2,3</sup> Fatwas issued by the MUI often serve as moral guidelines and ethical references for Muslims, while also having a significant influence on the formation of legal awareness and social behavior in society.<sup>4</sup> As explained by Asrorun Niam Sholeh<sup>5</sup>, differences in public perception of fatwas are often caused by misunderstandings about their true nature. Fatwas are non-coercive

<sup>1</sup> Lutfi.

<sup>2</sup> Yuli Darti, "Peran Fatwa Majelis Ulama Indonesia (MUI) Dalam Pembangunan Hukum di Indonesia," *Reformasi Hukum* Vol. 21, no. 1 (2017): 139–67. <https://doi.org/10.46257/jrh.v21i1.19>

<sup>3</sup> Nora Maulana, Safwan, and Nurul Khansa Fauziyah, "Contemporary Ijtihad Method in Determining Sharia Business Law: Addressing Legal Needs in an Era Of Economic and Technological Change," *Al-Mawarid: Jurnal Syari'ah Dan Hukum* 7, no. 1 (2025): 153–76, <https://doi.org/10.20885/mawarid.vol7.iss1.art9>.

<sup>4</sup> Zenal Setiawan, "Urgensi Fatwa Majelis Ulama Indonesia (MUI) Bagi Ummat Islam Indonesia," *Jurnal Cerdas Hukum* 1, no. 2 (2023).

<sup>5</sup> Muhammad Zufikar, "MUI: Pro dan Kontra Fatwa Dipicu Kesalahpahaman Masyarakat," *Antara News*, 2020.

and have no positive legal force, but they have strong *moral authority* and *social influence* in shaping the religious and social behavior of the people.

One fatwa that sparked widespread public debate was the 2025 fatwa issued by the Indonesian Ulema Council (MUI) regarding the prohibition of the use of 3-kilogram LPG cylinders by those who can afford it. This legal opinion was first announced on the official website of the Central MUI<sup>6</sup>, then received widespread coverage and dissemination through various mainstream media outlets such as *Detik.com*<sup>7</sup>, *Tempo.co*<sup>8</sup>, *CNBC Indonesia*<sup>9</sup>, *Liputan6.com*<sup>10</sup>, *Republika*<sup>11</sup>, and a number of other national media outlets. The fatwa was issued out of concern over the widespread misuse of energy subsidies by the upper-middle class, which has resulted in the subsidy program missing its intended target of low-income communities and micro-businesses.

Normatively, the fatwa is based on the principles of social justice and equitable distribution of subsidies as stipulated in *Presidential Regulation No. 104 of 2007* concerning the Provision, Distribution, and Pricing of Certain LPG.<sup>12</sup> From an Islamic legal perspective, this fatwa reflects the application of the principle of *fiqh siyasah iqtishadiyyah* (Islamic political economy), whereby the state has an obligation to manage public resources fairly and proportionally to achieve the common good. Through the *maqashid syariah* approach, this fatwa seeks to maintain economic justice and protect the rights of vulnerable groups in society.

However, the implementation of this fatwa has sparked various responses. Some support it as a moral step in line with the values of distributive justice and protection of the rights of the poor, while others highlight its formal validity and effectiveness of implementation. Some academics question whether the statement by the Secretary of the Central MUI Fatwa Commission has gone through the official fatwa hearing mechanism, while others argue that even though it is not yet formal, the substance of the fatwa reflects the spirit of justice in Islamic law. This debate reveals the dynamics between religious authority, the state legal structure, and the increasingly complex social conditions of society.

This phenomenon indicates epistemological and sociological challenges in the application of religious fatwas that directly intersect with public policy and the socio-economic behavior of society. In a number of areas, including rural areas, many middle- and upper-class people still use subsidized LPG due to habit, ease of access, and limited distribution of non-subsidized LPG. This situation shows that the

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<sup>6</sup> Sadam.

<sup>7</sup> Hawari.

<sup>8</sup> Abdurrahman.

<sup>9</sup> Sadam.

<sup>10</sup> Muhammad Radityo Priyasmoro, "MUI Haramkan Orang Kaya Konsumsi Gas 3 Kg dan Peralite, ini Penjelasannya," *Liputan 6*, 2025.

<sup>11</sup> Amanda.

<sup>12</sup> Esa.

effectiveness of fatwas does not only depend on their normative power, but also on structural factors such as energy distribution, government policy, and public legal awareness.

Several previous studies have examined 3 kg LPG from an Islamic law perspective, such as an analysis of price fairness by Sandra Rizka Amelia<sup>13</sup>, the validity of gas cylinder sales contracts in fiqh muamalah by Apriani<sup>14</sup>, an investigation into distribution irregularities by Zarul Arifin<sup>15</sup>, and the practice of subsidy diversion, which is considered *ghasab* by Daipon et al.<sup>16</sup>. Initial ethical views have also been presented by the Indonesian Ulema Council (MUI).<sup>17</sup> However, these studies have not touched on the dynamics after the 2025 MUI Fatwa, particularly regarding legal legitimacy and implementation challenges at the regional level. Therefore, this study aims to fill this gap by analyzing the fatwa from the perspective of Islamic law academics in Jember Regency, focusing on the aspects of legitimacy, *maqāṣid al-syariah*, and implementation.

The selection of Jember Regency as the research location is based on several academic and empirical considerations. First, Jember Regency has a heterogeneous social character with a relatively high level of economic inequality, even ranking second highest in poverty levels in East Java Province.<sup>18</sup> Second, Jember has an active and critical community of Islamic legal scholars, has the largest number of Islamic boarding schools in East Java<sup>19</sup>, and religious institutions such as the regional MUI, which are often referenced in contemporary Islamic legal discourse even at the national level.<sup>20</sup> Third, Jember also represents a typical semi-rural community in Eastern Indonesia, where socio-cultural factors and economic access are important determinants of compliance with legal norms and religious fatwas. Therefore, Jember is a relevant and representative context for examining how religious fatwas are accepted, understood, and implemented in community life.

Based on this background, this study focuses on analyzing the implications of the 2025 MUI fatwa on the prohibition of the use of 3-kilogram LPG for the wealthy, highlighting the views and responses of Islamic law academics in Jember Regency. This study aims to understand the legal basis and considerations of *maqashid sharia* that underlie the fatwa, assess its validity and institutional legitimacy, and analyze the

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<sup>13</sup> Sandra Rizka Amelia, "Penetapan Harga Gas Elpiji 3 Kilogram di Tingkat Pangkalan Perspektif Hukum Ekonomi Syariah (Studi di Kecamatan Teluk Segara Kota Bengkulu Tahun 2022)" (UIN Fatmawati Sukarno Bengkulu).

<sup>14</sup> Apriani, "Tinjauan Fiqh Muamalah Terhadap Bentuk Praktek Jual Beli Tabung Gas Elpiji 3kg Studi Toko Marni Kasus Jl. Sersan Zaini Lr. Kebumen III 2 Ilir Palembang" (UIN Raden Fatah Palembang, 2017).

<sup>15</sup> Arifin.

<sup>16</sup> Daipon et al.

<sup>17</sup> MUI.

<sup>18</sup> Apriliyas.

<sup>19</sup> Maheswara.

<sup>20</sup> Ramadhan.

extent to which this fatwa has implications for public legal awareness and public policy related to energy subsidy distribution. Thus, this research is expected to contribute to strengthening the integrative paradigm between Islamic law, social justice, and public policy in contemporary Indonesia.

## RESEARCH METHOD

This study uses a qualitative approach<sup>21</sup>, with a normative-sociological method that combines Islamic legal analysis with social realities in society. The normative approach<sup>22</sup> is used to examine the 2025 MUI fatwa on the prohibition of the use of 3 kg LPG for the wealthy from the perspective of Islamic law, *fiqh muamalah*, *maqāṣid al-syarī'ah*, and relevant government regulations. Meanwhile, the sociological approach is applied to understand the social dynamics and responses of Islamic law academics to the fatwa in Jember Regency. The data sources for this study consist of primary and secondary data. Primary data was obtained through official documents of the 2025 MUI fatwa and in-depth interviews with a number of academics and religious leaders who are competent in the fields of Islamic law and *fiqh muamalah*. The main informants for this study include:

**Table 1. Research Informants**

No	Informant Name	Position/Affiliation	Field of Expertise
1	Dr. Hj. Mahmudah, S.Ag., M.E.I.	Academic, Faculty of Sharia, KHAS State Islamic University, Jember	Fiqh Muamalah
2	Dr. Hj. Busriyanti, M.Ag.	Member of the Women, Youth, and Family Commission, MUI Jember	Islamic Law and Gender
3	Dr. H. Ahmad Junaidi, M.Ag.	Lecturer in Islamic Legal Philosophy, Faculty of Sharia, UIN KHAS Jember	Islamic Legal Philosophy
4	Dr. Muhammad Faisol, M.Ag.	Expert in Religious Courts and Islamic Public Law	Islamic Public Law and Jurisprudence
5	Dr. Abdul Wahab, M.H.I.	General Secretary of MUI Jember; Researcher at Aswaja NU Center East Java	Fatwa, Contemporary Fiqh, and Islamic Thought

<sup>21</sup> Widiyani.

<sup>22</sup> Arifin M and Ningtiyas M. A.

6	Dr. H. Fathor Rahman, M.Ag.	Academic, Faculty of Sharia, UIN KHAS Jember	Islamic Law and Social Ethics
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Source: Compiled by the author, 2025.

The informants were selected using *purposive sampling* techniques, considering their expertise and involvement in contemporary Islamic law studies in Jember. Through in-depth interviews, various perspectives were obtained regarding the legal basis, principles of *maqāṣid al-syarī'ah*, and the social implications of the implementation of the MUI fatwa. Meanwhile, secondary data included Islamic law literature, previous research results, academic publications, and current news relevant to the issue of energy subsidies and religious fatwas. Data collection techniques were carried out through literature studies and semi-structured interviews, with the aim of obtaining a comprehensive understanding of both the theory and social reality surrounding the issue of 3 kg LPG use by the wealthy.

The collected data was analyzed using descriptive-qualitative analysis<sup>23</sup> through three main stages: 1) Data reduction, namely the selection and grouping of data according to legal, social, and public policy themes; 2) Data presentation, namely the systematic compilation of findings to be interpreted using theory; 3) Drawing conclusions by formulating the legal and social implications of the MUI fatwa based on normative and empirical analysis. This combination of methods enabled the research to produce a comprehensive study of the legal basis, academic perceptions, and social and policy impacts of the MUI fatwa on the use of 3 kg LPG by the wealthy (affluent).

## RESULTS AND DISCUSSION

### Legal Basis for Declaring the Use of 3 kg LPG Cylinders by the Wealthy to be Unlawful

The statement by the Secretary of the Central MUI Fatwa Commission in 2025 regarding the prohibition of the use of 3 kg LPG for the wealthy<sup>24</sup> has sparked significant discourse in contemporary Islamic legal discourse. Although this statement has not been formalized in the form of an official decision through a Fatwa Commission hearing, it still carries strong moral and religious weight. From the perspective of *ushul fiqh*, this view can be understood as a form of *istinbath* (derivation) of actual social phenomena, rooted in *naqli* and *aqli arguments*, as well as comprehensive consideration of *maqashid al-syarī'ah* (the objectives of Sharia law). Thus, this statement reflects a religious response to the problems of social justice and the misuse of public subsidies, which are strategic national issues.

<sup>23</sup> Milles and Huberman.

<sup>24</sup> Muidgital, "Bukan Kategori Miskin Tapi Gunakan Elpiji dan BBM Bersubsidi, Apa Hukumnya?", *mui.or.id*, <https://mui.or.id/baca/berita/bukan-kategori-miskin-tapi-gunakan-gas-dan-bbm-bersubsidi-apa-hukumnya>

## 1. Social Background as the Basis for Legal Determination

The socio-economic conditions of society are the starting point for this view of prohibition. Facts on the ground show that 3 kg LPG, which is a form of energy subsidy from the government for the poor and micro-businesses, is widely used by the wealthy, including large restaurant owners, catering entrepreneurs, and upper-middle-class households. A study found evidence that around 40% of the 3 kg LPG subsidy is enjoyed by affluent households, while some poor communities do not have access to it.<sup>25</sup> This misuse of subsidies causes public policy distortions, social inequality, and disrupts the principle of distributive justice. In the view of contemporary scholars, this action constitutes a form of *ghasab* (taking something that is not one's right) because it involves the use of state facilities intended for the poor.<sup>26</sup>

In its legal methodology, the MUI applies the *tashawwur al-wāqī'* approach, which involves a deep understanding of empirical reality before establishing a ruling (*istinbāt al-hukm*).<sup>27</sup> By understanding the context of the subsidy distribution deviation, the MUI assesses that the use of subsidized LPG by the wealthy is not merely a violation of administrative rules, but also an act that contradicts Islamic moral values regarding justice and social responsibility.

## 2. Naqli Arguments as a Normative Basis

Normatively, the prohibition of the use of 3 kg LPG by the wealthy is rooted in the basic principles of justice (*al-'adl*) and the prohibition of taking the rights of others unlawfully. These principles are emphasized in two main verses of the Qur'an. First, QS. *An-Nahl* (16: 90) commands humans to be fair and do good deeds, while prohibiting unjust acts:

﴿إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَائِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ ۙ﴾<sup>90</sup>

"Indeed, Allah commands justice, kindness, and giving to relatives. He forbids immorality, wrongdoing, and hostility. He admonishes you so that you may remember."<sup>5</sup>

Meanwhile, QS. *Al-Nisa* '(4:29) prohibits taking other people's property in an unjust manner:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۚ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

<sup>25</sup> Muharam et al.

<sup>26</sup> Sheikh Abdul Jabbar Syararah, *Ahkamu Al-Ghasabi Fi Al-Fiqh Al-Islami* (Baghdad: Maktabah Dar al-Tarbiyah, 1975).

<sup>27</sup> Zakirman.

"O you who believe, do not consume one another's wealth unjustly, except in a manner that is mutually agreed upon. Do not kill yourselves. Indeed, Allah is Most Merciful to you."

These two verses form the moral and legal basis for assessing the abuse of public rights. Al-Baghawi explains that *ghasab* is considered an *evil* and *invalid* act, because in essence it is a form of injustice that places something where it does not belong.<sup>28</sup> Based on this view, taking or utilizing public rights such as LPG subsidies intended for the poor—without legal rights can be categorized as a form of *ghasab*. In the framework of muamalah fiqh, *ghasab* means using someone else's property without justified permission. Therefore, both textually and substantively, the use of 3 kg LPG by the wealthy contradicts the values of justice (*al-'adl*) and honesty (*al-amānah*), and reflects oppressive behavior towards the social rights of the community.

### 3. Aqli Arguments and Considerations of Maqashid Syariah

From the perspective of legal rationality (*rational argument*), this view is in line with the principle of *maqashid al-syari'ah*, which emphasizes the protection of the public interest (*maslahah 'āmmah*). Energy subsidies are a fiscal policy that aims to create social justice and reduce the burden on the poor. Although at first glance the involvement of the wealthy in enjoying the 3 kg LPG subsidy may be considered to bring *maslahah* to certain individuals (*maslahah khāṣṣah*), behind this lies a bigger social problem, namely the emergence of *mafsadah* in the form of the deprivation of the rights of vulnerable groups who should be the main recipients of subsidies.

From the perspective of *maqāṣid al-syari'ah*, if an action contains a conflict between *maslahah* and *mafsadah*, then the principle of priority must be upheld: eliminating the greater harm (*izālat al-maḥṣadah al-'uẓmā*) takes precedence over obtaining limited benefits<sup>29</sup> Therefore, in the context of subsidized LPG use, preventing social inequality and the deprivation of public rights must take precedence over the interests of individuals from affluent backgrounds.

Two relevant maqashid objectives here are *hifz al-māl* (preserving public property) and *iqāmat al-'adl* (upholding social justice). The MUI fatwa can be understood as an effort at *saddu al-dzari'ah*<sup>30</sup>, namely closing the door to social harm in the form of inequality and misuse of the state budget. In addition, the fiqh principle of *al-dhararu yuzāl*<sup>31</sup> (harm must be eliminated) provides a normative justification for prohibiting actions that could harm the wider community.

### 4. Compliance with Positive Law

<sup>28</sup> Abu al-Hasan Ali Al-Mawardi, *Al-Hawi Al-Kabir* (Beirut: Dar al-Kutub al-'Ilmiyah, 1999).

<sup>29</sup> Al-Zubaidi.

<sup>30</sup> Abdullah Al-Jadi', *Taysir 'Ilm Ushul Fiqh* (Beirut: Muassasat al-Rayyan li al-Thaba'ah wa al-Nasyr wa al-Tawzi', 1997).

<sup>31</sup> Jalaluddin Al-Suyuthi, *Al-Asybah Wa an-Nadzoir* (Egypt: Dar Ihya al-Kutub, n.d.).

This MUI view also has a strong basis in Indonesian positive law. Legally, Presidential Regulation No. 104 of 2007 concerning the Provision, Distribution, and Pricing of Certain LPG, as well as ESDM Regulation No. 26 of 2009, explicitly state that 3 kg LPG is only intended for poor households and micro businesses. Thus, the MUI's statement serves as moral and ethical reinforcement of these regulations. From the perspective of *fiqh siyasah*, state policies aimed at the welfare of the people (*tasharruf al-imām 'alā ra'iyatihi manūṭun bil-maslahah*) must be obeyed as long as they do not conflict with the principles of sharia<sup>32</sup>. Therefore, the use of subsidized LPG by the wealthy constitutes a violation of two authorities at once: state law and sharia law.

## 5. Purpose and Social Implications of the Fatwa

This fatwa not only has normative legal value, but also moral and educational functions. Its main objectives include:

- a. Upholding social justice and honesty in the distribution of resources.
- b. Educating the community not to use something that is not their right.
- c. Supporting public policy so that subsidies are targeted and fair.

Socially, this fatwa is expected to foster ethical awareness among the community to participate in maintaining economic justice. Legally, it strengthens the spiritual dimension of state regulations, so that compliance with public law is not merely administrative, but also religious. As for the government, the MUI's views can serve as *normative input* for improving subsidy management to make it more transparent and oriented towards *maslahah al-'āmmah*.<sup>33</sup>

## Islamic Legal Scholars' Views on the Validity and Basis of the Fatwa

Islamic law academics in Jember Regency have provided diverse but constructive responses to the Indonesian Ulema Council's (MUI) view on the prohibition of the use of 3-kilogram LPG by the wealthy. They distinguish between the formal validity of fatwas and their legal substance. This difference shows the dynamics of academic thought that reflects caution in understanding the relationship between religious authority, Islamic law, and public policy.

### 1. Formal Validity of Fatwas: Between Institutional Procedures and Personal Opinions

Most Islamic law scholars consider that the statement made by KH. Miftahul Huda, Secretary of the Central MUI Fatwa Commission, on February 6, 2025, did not meet the formal procedures stipulated by the MUI.<sup>34</sup> A valid fatwa must go through a Fatwa Commission hearing, be signed by the Chair and Secretary of the Fatwa

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<sup>32</sup> Al-Suyuthi.

<sup>33</sup> Dianova, bila, and Surahman.

<sup>34</sup> Rahmat Abd. Rahman, 'Metode Ijtihad Komisi Fatwa Majelis Ulama Indonesia', *Nukhbatul 'Ulum*, 2.1 (2016), 66-159, <https://doi.org/10.36701/nukhbah.v2i1.11>

Commission, and be officially published in writing through the MUI's official media.<sup>35</sup> According to Mahmudah, "This is not a fatwa, but a personal opinion. An official MUI fatwa must go through a commission hearing and be decided collectively." This opinion is in line with Pujiono's view, who explained that the validity of a fatwa is not determined solely by individual authority, but by an institutional process that reflects the collective deliberation of the ulama. He added, "If it has not gone through a fatwa hearing, then it cannot be considered valid. Even the state does not yet have clear regulations on the boundaries between who is poor and who is rich."

However, some other academics, such as Busriyanti and Ahmad Junaidi, believe that even though it has not gone through official procedures, this view still has high moral and religious value. Busriyanti stated, "I personally agree with the substance, because from the beginning I have argued that 3-kilogram gas should only be for the poor. However, its implementation needs to take into account social and geographical conditions." Meanwhile, Junaidi emphasized the importance of social context: "If it is difficult to obtain non-subsidized gas in villages, then of course the law will be different. Fatwas should not ignore the reality on the ground." Thus, despite differences in interpretation regarding the formal status of the fatwa, academics agree that the statement carries ethical weight and can serve as a moral guide for Muslims in upholding social justice and targeted distribution.

## 2. Legal Basis of the Substance of the Fatwa from an Islamic Law Perspective

Substantively, Islamic law academics support the content of the fatwa because it is considered to be in line with the three main pillars of Islamic law, namely *fiqh muamalah*, *fiqh siyasah*, and *maqāṣid al-syarī'ah*.

### a. Fiqh Muamalah:

In this perspective, subsidies are viewed as a *social mandate* from the state for the benefit of the poor. The use of 3-kilogram LPG by the rich falls under the category of *ghasab*, which is the taking of public rights without entitlement. Abdul Wahab states, "If the government has determined subsidies for the poor, then taking a portion of those subsidies without entitlement is haram. However, in an emergency, for example, when there is no other gas available, it is permissible because it falls under the category of *al-dharurat tubih al-mahdhurat*." This view emphasizes the flexibility of Islamic law in complex social contexts.

### b. Fiqh Siyasah:

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<sup>35</sup> Dewan Pimpinan MUI, "Majelis Ulama Indonesia Edisi Revisi 2018 Dewan Pimpinan," 2018, 422.

Within the framework of *fiqh siyasah*, subsidy policies are included in *tasharruf al-imām 'ala ra'iyatihi manutun bil maslahah*<sup>36</sup>, namely the policies of the ruler that must be directed towards the welfare of the people. Violating this policy means opposing legitimate authority and potentially disrupting the social order. As Faisol said, "If the state has stipulated that 3-kilogram LPG is only for the poor, then violating this policy is tantamount to violating the state's mandate and the principle of social justice."

c. *Maqāṣid al-Syarī'ah*:

From the perspective of *maqāṣid*, this prohibition is in line with two main objectives of Sharia: *hifz al-māl* (protection of public property) and *hifz al-'adl* (enforcement of justice). Mahmudah emphasized, "The fatwa reflects the desire to maintain the public interest and protect the rights of the poor. The principle is not merely about what is halal and haram, but how the state and the people should act justly."

Thus, although formally the fatwa is still an individual opinion, its substance is recognized as valid by Islamic legal scholars. This fatwa reflects the basic values of distributive justice, public trust, and Islamic social solidarity. Scholars consider the MUI's statement to be important as a moral discourse that strengthens the integration between Islamic law and public policy in the contemporary socio-economic context.

### Effectiveness and Challenges of Social Implementation

The effectiveness of the MUI fatwa on the prohibition of the use of 3-kilogram LPG by the wealthy in changing people's behavior still faces serious challenges, both in terms of legal awareness, law enforcement, and legal substance. Based on Soerjono Soekanto's theory of legal compliance, the effectiveness of a legal norm is determined by three main elements, namely public legal awareness, law enforcement officials, and the substance of the law itself.<sup>37</sup> These three elements are interrelated and determine the extent to which rules and norms can be obeyed by the public.<sup>38</sup>

First, in terms of public legal awareness, the interviews showed that the public's understanding of the target of the 3-kilogram LPG subsidy is still low. Many affluent people are unaware that subsidized LPG is only intended for poor households and micro-businesses. Fathor Rahman said, "Many residents do not know that 3 kg gas is for the poor because it is commonly used by all groups." In rural areas, this habit is even stronger due to ease of access and the lack of alternative energy sources. This condition shows that legal and social literacy related to LPG use is still limited, so that the fatwa has not been able to significantly encourage behavioral change.

Second, from the perspective of law enforcement and institutional aspects, the MUI fatwa does not yet have legal force because it has not been integrated into the

<sup>36</sup> Al-Suyuthi, *Al-Asybah Wa an-Nadzoir*.

<sup>37</sup> Soekanto.

<sup>38</sup> Amirullah Usman, *Teori Kebijakan Publik*, Cetakan Pertama (Deepublish: Budi Utama), 2020), *Rak Kebijakan Publik / Ilmu Sosial Terapan*, <https://deepublishstore.com>.

national legal system. Without formal regulatory support, the fatwa only functions as a moral appeal. Busriyanti stated, "As long as the fatwa is not incorporated into the formal legal system, it is difficult for the public to comply with it consistently." This shows that religious authorities need to work together with the government so that the fatwa's can obtain legal and institutional legitimacy, for example through derivative regulations or memoranda of understanding with the Ministry of Energy and Mineral Resources and local governments.

Third, from a legal substance perspective, this MUI fatwa still faces technical obstacles in its implementation. The absence of standard indicators for the criteria of "rich" and "poor" communities has resulted in the contextual and varied application of the fatwa in each region. Pujiono emphasized, "The state has not yet fully established these boundaries. If the boundaries have not been fully established, we cannot determine who is eligible and who is not." This ambiguity causes confusion at the community level, especially in areas with diverse socio-economic conditions.

In addition, there are structural and cultural factors that weaken the effectiveness of the fatwa. Ahmad Junaidi emphasized that in some areas, access to non-subsidized LPG is very limited, so that the community, including those who are financially capable, have no other choice. This was also acknowledged by Abdul Wahab, who stated, "If there is no other option because LPG is a basic necessity, then it's okay. That falls under the category of emergency." This statement shows that the flexibility of Islamic law remains relevant to be applied in emergency situations, as per the principle of *al-dharurat tubih al-mahdhurat*<sup>39</sup>.

The findings regarding the low effectiveness of fatwas due to structural barriers in Jember reinforce the results of Zarul Arifin's research<sup>40</sup>, which notes that the distribution of 3 kg LPG cylinders in the field often deviates from government regulations due to weak supervision and speculative behavior by traders. While Arifin emphasizes breaches of contract in distribution, this study broadens that perspective by showing that even the existence of the 2025 MUI fatwa has not been able to intervene in the behavior of the affluent as long as access to non-subsidized LPG remains limited. This is in line with Sandra Rizka Amelia's study<sup>41</sup> on distribution justice, which states that without a strict monitoring system at the base level, religious norms (fatwas) will only serve as moral appeals without any executive impact. This research position emphasizes that the moral integrity offered by the MUI fatwa requires 'hardware' in the form of technical regulations and certainty regarding the

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<sup>39</sup> Badruddin Al-Zarkasyi, *Al-Mantsur Fi Al-Qawaid Al-Fiqhiyyah* (Kuwait: Wizarat al-Awqaf al-Kuwaitiyyah, 1985).

<sup>40</sup> Arifin, "The Distribution Mechanism of Subsidized Liquid Petroleum Gas in Sajad District West Kalimantan: An Investigation Based on Islamic Law." *Al-Manāhij: Jurnal Kajian Hukum Islam* 15, no. 1 (2021): 1–18. <https://doi.org/10.24090/mnh.v15i1.3960>

<sup>41</sup> Amelia, "Penetapan Harga Gas Elpiji 3 Kilogram Di Tingkat Pangkalan Perspektif Hukum Ekonomi Syariah (Studi Di Kecamatan Teluk Segara Kota Bengkulu Tahun 2022)."

economic indicators of subsidy recipients to prevent a legal vacuum at the grassroots level.

Thus, the effectiveness of this fatwa is highly dependent on collaboration between religious authorities, the government, and the community. Synergy is needed in the form of supporting regulations, equitable energy distribution, and continuous public education to raise public legal awareness. These fatwas have great potential as moral and social instruments, but their success can only be achieved if they are followed by concrete public policies and legal and religious education programs that foster compliance based on awareness and social justice.

## CONCLUSION

This study concludes that the 2025 fatwa of the Indonesian Ulema Council (MUI) on the prohibition of the use of 3-kilogram LPG for the wealthy has a strong basis in terms of norms, rationality, and social considerations. Normatively, this fatwa is based on the principles of justice and the prohibition of consuming wealth unlawfully as stated in the Qur'an, Surah An-Nahl verse 90 and Surah Al-Baqarah verse 188. Rationally, this fatwa is supported by the *maqāṣid al-syarī'ah* approach, particularly in the aspects of *hifz al-māl* and *hifz al-'adl*, and is in line with state regulations such as Presidential Regulation No. 104 of 2007 and Minister of Energy and Mineral Resources Regulation No. 26 of 2009. However, its effectiveness still faces obstacles, ranging from low public legal awareness, the absence of formal official Fatwa Commission hearings, to the lack of technical indicators regarding the economic criteria for subsidy recipients. In general, this fatwa serves as a moral and legal guide oriented towards distributive justice and strengthening the synergy between Islamic law and public policy.

As a policy implication, it is necessary to integrate the fatwa into formal regulations through a memorandum of understanding between the government and the MUI so that it has more binding legal force. In addition, continuous public education is crucial to improve public legal literacy regarding the target recipients of energy subsidies. The government is also encouraged to establish standard indicators regarding the economic categories of "poor" and "capable" to ensure objectivity in implementation in the field. Finally, academic collaboration needs to be expanded through further research focusing on the synergy between religious institutions, the government, and civil society in order to realize a subsidy system based on social justice and sharia values.

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