ILSIIS
Islamic Law and Social Issues in Society

Vol. 2, No. 2 (November, 2026), 175-194
P-ISSN: 3109-6344 | E-ISSN: 3110-0147
DOI: https://doi.org/10.64929/ilsiis.v2i2.110
https://ejournal.tuah.or.id/index.php/ilsiis/index

| Research Article |

Mapping Citations to Islamic Legal Maxims in DSN-MUI Economic Fatwas: A Content Analysis of 166 Rulings, 2000–2026

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Received: July 6, 2026 | Accepted: November 9, 2026 | Published: November 23, 2026

Abstract: Islamic legal maxims (*qawā'id fiqhīyah*) are among the legal bases cited in fatwas issued by the National Sharia Council of the Indonesian Ulema Council (DSN-MUI). Prior research on Fatwas Nos. 1–152 leaves a key question unanswered about whether the leading categories retain comparable citation shares in later rulings. This study aims to measure how often DSN-MUI cites fiqh maxims, identify the leading categories, and compare citation patterns across the two periods. Its novelty lies in recoding the 152 fatwas covered by prior research and coding 14 subsequent rulings under a single scheme, enabling direct comparison of category shares and overall concentration. Using quantitative content analysis and descriptive statistics, the study examines the sections listing legal bases in Fatwas Nos. 1–166 (April 2000 to February 2026), counting each category at most once per ruling. Of the 166 fatwas, 163 (98.2%) cite at least one fiqh maxim. The corpus contains 560 citation occurrences across 52 categories of fiqh maxims and one principle of Islamic legal theory. Default permissibility accounts for 28.6% of citations. Fatwas Nos. 153–166 cite more categories per ruling than Nos. 1–152 (5.29 versus 3.20). Default permissibility remains the leading category, with its share falling from 30.0% to 18.9%. The combined share of the five leading categories remains nearly unchanged (59.9% versus 59.5%). This study contributes to empirical Islamic legal scholarship by providing a benchmark and documented coding rules for comparing the frequency and concentration of maxim citations in future DSN-MUI fatwas with those in the historical corpus.

Keywords: Islamic Legal Maxims, DSN-MUI, Economic Fatwa, Citation Patterns, Islamic Finance.

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Introduction

Indonesia's Islamic finance sector has expanded steadily over the past two decades, but public participation remains limited. The 2022 National Survey on Financial Literacy and Inclusion (SNLIK) recorded a sharia financial literacy index of 9.14% and a sharia financial inclusion index of 12.12%, up from 8.93% and 9.10% in 2019. The corresponding national indices for all financial services were far higher, at 49.68% for literacy and 85.10% for inclusion (Otoritas Jasa Keuangan, 2022). The gap between the overall figures and those for sharia finance shows that sharia products still reach a relatively small share of the population, underscoring the importance of rulings with a doctrinal basis that consumers and regulators can understand. Fatwas are one source of such guidance. Ansori (2022) situates MUI's fatwas alongside those of NU and Muhammadiyah in the broader practice of issuing fatwas in Indonesia. The National Sharia Council of the Indonesian Ulema Council (*Dewan Syariah Nasional Majelis Ulama Indonesia*, hereafter DSN-MUI) addresses Islamic finance specifically. Its fatwas guide product approval for sharia banks, takaful operators, sharia mutual funds, and emerging fintech-based instruments. These fatwas become binding once incorporated into the national regulatory framework (Nasrudin et al., 2025; Suhendar et al., 2023).

In issuing these fatwas, DSN-MUI translates principles of Islamic jurisprudence into operational guidance. Between its first plenary session on April 1, 2000, and February 2026, the council issued 166 numbered fatwas spanning every major segment of the Islamic economy. The most recent was Fatwa No. 166/DSN-MUI/II/2026 on bullion business activities (DSN-MUI, n.d., 2026). Each fatwa lists four categories of legal sources in the *Mengingat* (whereas) clause: Qur'anic verses, Prophetic hadith, scholarly consensus and analogy, and Islamic legal maxims (FLM, *qawā'id fiqhīyah*). Derived from specific rulings, these general propositions help jurists apply established Islamic legal norms to new transactions (Ahmed, 2025; Hasanudin et al., 2023; Hidayah et al., 2025; Mu'adzah, 2022).

Research on the council's fatwas has examined its legal reasoning, institutional role, and patterns of maxim citation. Doctrinal studies examine the basis for using fiqh maxims (Antonio, 2003), their application in selected fatwas (Hidayah et al., 2025), and the interpretation of individual maxims, as in Ghazali et al.'s (2024) critique of the risk-return maxim *al-ghurm bi-al-ghunm*. Sector-specific studies offer a closer look at the council's reasoning. In three digital finance fatwas, for example, Hidayati et al. (2023) identify *ta'līlī* and *istiṣlāḥī* reasoning. Institutional studies examine fatwa issuance procedures (Jauhari et al., 2023), the authority of juristic opinions cited in fatwas (Mustofa & Hasanudin, 2022), and the harmonization of DSN-MUI fatwas with OJK regulations in Islamic fintech (Suaidi et al., 2025). These studies are part of a broader literature on the political foundations of MUI's authority to issue fatwas (Menchik, 2022). Corpus studies, in turn, document the distribution of maxims: Novia (2016) coded 89 economic fatwas, Muamar (2018) surveyed those issued during 2014–

2016, Kamaluddin et al. (2024) analyzed the 152 fatwas issued through 2022, and Musadad et al. (2026) examined necessity-based maxims specifically. These studies establish that maxims appear widely in fatwas. Two questions remain open. How concentrated are citations among a few maxims? Do newer rulings follow the earlier pattern? The choice of maxim matters because different maxims can frame the same legal issue in different ways: a fatwa anchored in *al-aṣl fī al-muʿāmalah al-ibāḥah* (the original permissibility of *muʿāmalah*) leans toward facilitation, whereas one grounded in *darʾ al-mafāsid muqaddam ʿalá jalb al-maṣāliḥ* (averting harm takes precedence over securing benefits) emphasizes avoiding harm.

The closest corpus-level comparison comes from Kamaluddin et al. (2024), who report that 148 of 152 fatwas (97.4%) cite at least one maxim, that the corpus contains 459 maxim citations drawn from 49 fiqh maxims and one *uṣūl al-fiqh* principle, and that *al-aṣl fī al-muʿāmalah al-ibāḥah* is the most frequent maxim, with 143 citations. The present study extends the earlier analysis in three ways. First, it recodes the original 152 rulings from the official texts and adds the fourteen rulings issued between June 2022 and February 2026 (Nos. 153–166), so that the newest rulings can be compared directly with Nos. 1–152 using the same coding scheme. Second, it measures the shares of all citations accounted for by the leading category, the top three categories, and the top five categories. These shares show how concentrated citations are, even when category rankings remain unchanged. Third, it documents the coding rules, the separation of related but distinct formulations, and how sensitive the results are to those decisions, so that other researchers can verify and reproduce the counts. The recoding also corrects one point in the earlier literature: Fatwa No. 122, listed by Kamaluddin et al. (2024) as a non-citing ruling, cites three maxims. Table 2 in the Results sets out the comparison.

Using Fatwas Nos. 1–166 as a single dataset, the study asks two related questions. First, how frequently are fiqh maxims cited in DSN-MUI fatwas on Islamic economic matters issued between April 2000 and February 2026? The study measures the proportion of fatwas citing at least one maxim and the mean number of citations per fatwa, both across all fatwas and among those citing at least one maxim. Second, which maxims appear most often, and how concentrated are the citations? Together, these measures show how prominently maxims figure among the council's stated legal bases and how widely citations are distributed. The remainder of the article describes the data, coding, and reliability procedures; presents the findings on annual output, citation intensity, and concentration; compares the findings with those of earlier corpus studies; and discusses what citation counts can and cannot show about the council's reasoning.

Method

The study used quantitative content analysis and descriptive statistics to count and classify Islamic legal maxims cited in the Mengingat clause in a fixed corpus of fatwas

(Krippendorff, 2019; Neuendorf, 2017). The analysis required interpretive judgment at two points: deciding whether two differently worded formulations express the same legal proposition (see Coding Procedure and Appendix A) and interpreting the resulting counts in light of earlier studies and the classical literature, as explained in the Discussion. The study did not conduct a qualitative analysis of how individual maxims function in particular fatwas. Interpretations of their role or weight are therefore hypotheses for future testing (Creswell & Creswell, 2018). Accordingly, the unit of analysis was the individual fatwa, and the unit of observation was each maxim cited under its Mengingat clause.

1. Data Sources

The study used primary and secondary sources. Its primary sources were all 166 numbered fatwas issued by DSN-MUI from Fatwa No. 01/DSN-MUI/IV/2000 to Fatwa No. 166/DSN-MUI/II/2026 on *Kegiatan Usaha Bulion Berdasarkan Prinsip Syariah* (Bullion Business Activities Based on Sharia Principles), downloaded as signed PDFs from the council's official online repository (DSN-MUI, n.d.). Data collection closed on April 20, 2026, when Fatwa No. 166 was the most recent ruling available in the repository. Fatwas Nos. 167–169, dated September 2026 and announced publicly by MUI in October 2026 (Majelis Ulama Indonesia, 2026), were issued after the cutoff and were excluded. The corpus thus covers April 2000 through February 2026. The coding scheme also drew on peer-reviewed journal articles, theses, and authoritative monographs on Islamic finance and *qawā'id fiqhīyah* as secondary sources. Coding was limited to the fatwas.

2. Coding Procedure

The coding procedure had four steps. First, the *Mengingat* section was identified. When a fatwa used a different heading (for example, a second *Menimbang* heading in No. 22), the list of legal bases was treated as the *Mengingat* clause. Second, every maxim listed under a heading such as *kaidah fikih* or *kaidah ushul* was marked for coding. Items listed under other headings, notably the *Mabda' al-Iftā' DSN-MUI* (the council's fatwa-making principle) in later rulings and the scholarly opinions under *Memperhatikan*, were not coded. Third, each maxim was classified by its Arabic wording because the Indonesian translations can obscure distinctions between formulations. Several fatwas render *al-aṣl fī al-ashyā' al-ibāḥah* (the general permissibility of things) as "all forms of *mu'āmalah* are permissible," the same wording used for *al-aṣl fī al-mu'āmalah al-ibāḥah*. Formulations were merged only when they differed in spelling, transliteration, particles such as *illā an*, *mā lam*, or *ḥattá*, or in an optional clause, following the synonymy rules outlined by Firmansyah (2019). Related but distinct propositions were coded separately. Two distinctions are particularly important for the analysis. The first is between *al-aṣl fī al-ashyā' al-ibāḥah* (FLM-01a) and *al-aṣl fī al-mu'āmalah al-ibāḥah* (FLM-01). The second is between *al-ḍarar yudfa'u bi-qadr al-imkān* (harm is to be prevented as far as possible, FLM-11) and *al-ḍarar yuzāl* (harm is to be removed, FLM-02). The main tables group FLM-01 and FLM-

01a as one default-permissibility family because both establish the same presumption when applied to a transaction. The tables retain FLM-11 as a separate category. The sensitivity analysis shows how the results change when the permissibility formulations are split or the two harm categories are merged. When a fatwa cited two or more formulations of the same category (for example, two versions of the custom-as-condition maxim in No. 84), the category was counted once. Fourth, the coded data were entered in a spreadsheet recording, for each fatwa, its full identifier, title, year, product domain, source file, and the code for each maxim cited (Appendix B). Appendix A lists all 53 categories along with their frequencies and the rationale for grouping or separating formulations.

Claude (Anthropic) helped extract the Mengingat sections from the PDFs and suggested preliminary codes. Because many of the files are image scans or contain Arabic text that cannot be extracted reliably, the Arabic formulation of each maxim, including the distinction between *al-ashyā'* and *al-mu'āmalah*, was checked against the page image in each fatwa. When an identifier was unavailable in the PDF text layer, the author read it from the letterhead image and checked it against the issuance date. The author read and manually coded all 166 fatwas. The AI output served as a supplementary check for possible omissions. The author checked flagged items against the original PDFs and retained responsibility for classification, interpretation, and all final coding decisions.

3. Reliability Checks

To check coverage across the corpus, the author examined Fatwas Nos. 1–166 in numerical order. For each legal maxim (*qā'idah fiqhīyah*), such as *al-aṣl fī al-mu'āmalāt al-ibāḥah illā an yadulla dalīl 'alá taḥrīmihā*, the author examined every fatwa for that maxim and manually recorded each occurrence in a Microsoft Word document. The supplementary AI check described above identified no omissions. Discrepancies were resolved by consulting the fatwa texts and the printed *Mawsū'at al-Qawā'id al-Fiqhīyah*. As an external check, the study compared its results for Nos. 1–152 with the findings of Kamaluddin et al. (2024), as shown in Table 2. Both studies agree that three of the four fatwas classified by Kamaluddin et al. (2024) as containing no maxims were correctly classified (Nos. 24, 28, and 89). They differ on No. 122, which cites three maxims in the official text. Percentages are reported to one decimal place.

4. Analytical Procedure

The results are presented in the order of the four analytical phases. Phase one tabulated the annual distribution of fatwas by the year stated in each fatwa's official identifier. Phase two computed the proportion of fatwas employing at least one maxim and the mean number of citations across all 166 fatwas and across the 163 citing fatwas. Phase three ranked categories by citation frequency and calculated the citation shares of the leading category, the top three, and the top five. Phase four compared Nos. 1–152 with Nos. 153–166 and compared both groups with the totals published by Novia (2016) and Kamaluddin et al. (2024). These comparisons use a

common counting rule: each category counts once per fatwa in which it appears. Because each category is recorded at most once per fatwa, the number of occurrences of a given maxim equals the number of fatwas in which it appears. For the corpus as a whole, the study reports the total number of citation occurrences (560) and the total number of fatwas (166) as separate measures. The total includes occurrences of one principle of legal theory: *al-ḥukm yadūru ma'a 'illatihi wujūdan wa-'adaman* (a ruling exists or lapses with its effective cause; USL-01). It is labeled *kaidah ushul* in No. 77 and listed among the *kaidah fikih* in eight later fatwas. Its nine occurrences are included in the 560-occurrence denominator. No inferential statistics were used because the dataset covers the full population of numbered DSN-MUI fatwas available at the cutoff rather than a sample of the series.

Annual Distribution of DSN-MUI Fatwas (2000–February 2026)

From April 2000 to February 2026, DSN-MUI issued 166 numbered fatwas. Annual output first peaked in 2000 and 2002, at 18 fatwas each, reflecting the council's initial agenda after its inaugural plenary session on April 1, 2000. Output peaked again in 2007 and 2008, at 10 and 9 fatwas, respectively. Between 2016 and 2021, DSN-MUI issued between five and nine fatwas each year. This period of steady output coincided with the emergence of new instruments in sharia fintech, capital markets, and social security. After this period, annual output was lower: six fatwas in 2022, three in 2023, four in 2024, five in 2025 (Nos. 161–165), and one in 2026 before the cutoff (No. 166). Each fatwa is assigned to the year stated in its official identifier. Using the official identifiers corrects an earlier tabulation that placed fifteen fatwas in an adjacent year. Figure 1 shows the annual counts, and Appendix B lists each fatwa.

Figure 1. Annual distribution of DSN-MUI sharia economic fatwas, Nos. 1–166 (n = 166).



Note: The horizontal axis indicates the year stated in each fatwa's official identifier, and the vertical axis shows the number of fatwas issued. The 2026 bar includes only fatwas issued by the data collection cutoff date.

Frequency of Fiqh Maxim Citations

Of the 166 fatwas examined, 163 (98.2%) cite at least one fiqh legal maxim in the *Mengingat* clause. Only three fatwas (1.8%) cite no maxims: No. 24 on Safe Deposit Box, No. 28 on currency exchange (*al-ṣarf*), and No. 89 on Sharia Refinancing. The number of categories cited per fatwa ranges from zero to thirteen, with a median of three. Forty-three fatwas cite a single maxim, and four (Nos. 118, 130, 135, and 165) cite eleven or more. In aggregate, the corpus includes 52 fiqh-maxim categories and one *uṣūl* principle, which together account for 560 citation occurrences. The mean is 3.37 citations per fatwa across all 166 rulings and 3.44 per fatwa among those citing maxims. These figures establish that maxim citation is routine. The next section asks whether those citations are spread evenly across the available categories.

Concentration of Maxim Citations

Although almost all fatwas cite maxims, a small number of categories account for most citations. Each category's share of citations is its number of citations divided by the corpus total of 560. Its prevalence is the proportion of the 166 fatwas that cite it. The default-permissibility family accounts for 160 occurrences, or 28.6% of the total. Because each category is recorded at most once per fatwa, the family also appears in 160 of the 166 fatwas (96.4%). In other words, it is present in all but three of the 163 citing fatwas. The exceptions are Nos. 19, 105, and 136. The top three categories account for 255 occurrences (45.5%), and the top five for 331 (59.1%). The remaining 229 occurrences (40.9%) are spread across the other 48 categories, 27 of which occur only once or twice. Table 1 and Figure 2 show the five leading categories. Appendix A lists all categories.

Table 1. Five most frequently cited maxim categories in DSN-MUI sharia economic fatwas Nos. 1–166 (April 2000–February 2026).

Rank	Maxim (transliteration)	Citations	Share (%)
1	*al-aṣl fī al-muʿāmalah al-ibāḥah illā an yadulla dalīl ʿalá taḥrīmihā*[a]	160	28.6
2	*al-ḍarar yuzāl*	54	9.6
3	*taṣarruf al-imām ʿalá al-raʿīyah manūṭ bi-al-maṣlaḥah*	41	7.3
4	*al-ḍarar yudfaʿu bi-qadr al-imkān*[b]	40	7.1
5	*aynamā wujidat al-maṣlaḥah fa-thamma ḥukm Allāh*	36	6.4
	Subtotal (top five)	331	59.1
	All other categories	229	40.9
	Total citations	560	100.0

Note. Share = occurrences ÷ 560. Cumulative shares: 28.6% for the top category, 45.5% for the top three, and 59.1% for the top five. Because each category is recorded at most once per fatwa, a category's count equals the number of fatwas in which it appears. The next categories are *dar' al-mafāsid muqaddam ʻalá jalb al-maṣāliḥ* (35), *al-ḥājah qad tanzilu manzilat al-ḍarūrah* (30), and *al-thābit bi-al-ʻurf ka-al-thābit bi-al-sharʻ* (29). [a] Default-permissibility family: *al-aṣl fī al-muʻāmalah al-ibāḥah* (147) and *al-aṣl fī al-ashyā' al-ibāḥah* (13), which never occur in the same fatwa. [b] Coded separately from *al-ḍarar yuzāl*; see the sensitivity analysis.

Figure 2. The Five Most Frequently Cited Maxim Categories in Fatwas Nos. 1–166 (n = 166).

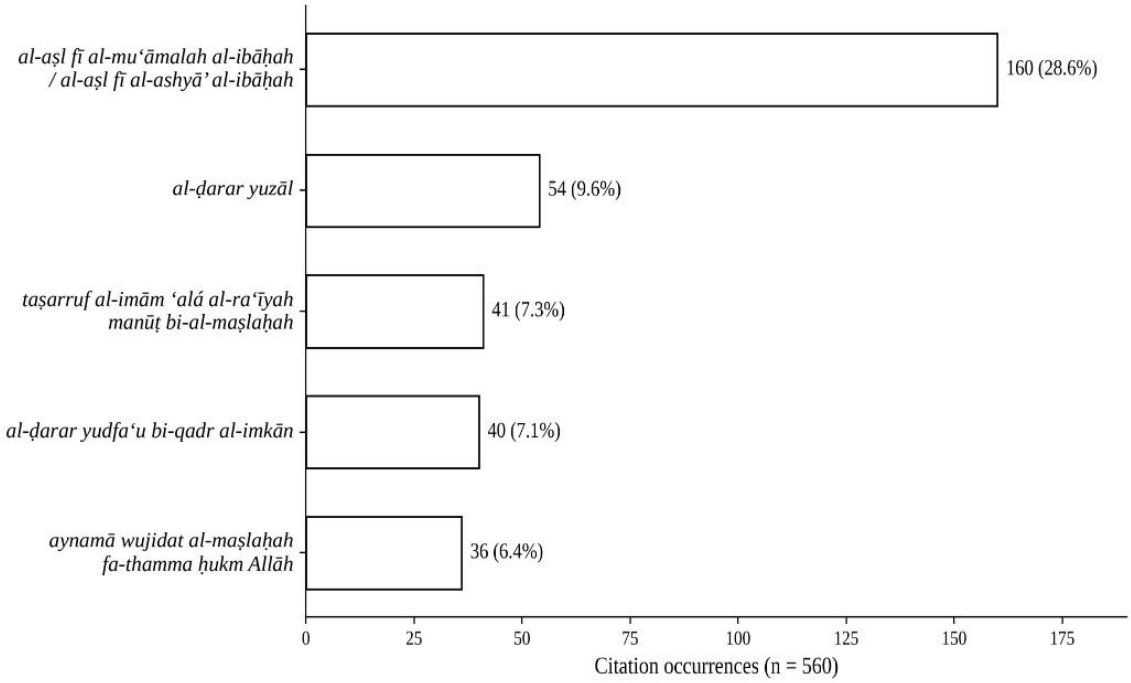


Table 1 shows that default permissibility is the most frequently cited category, appearing in 160 fatwas as a stated legal basis for commercial transactions. Whether it also serves as the starting point for the council's reasoning, as is sometimes assumed, cannot be determined from the *Mengingat* clause alone because it lists sources without showing how the council weighed them. The other four leading categories concern harm and public interest. The harm-related maxims are *al-ḍarar yuzāl* (54) and *al-ḍarar yudfaʻu bi-qadr al-imkān* (40), which are cited together in 39 fatwas. The public-interest maxims are *taṣarruf al-imām ʻalá al-raʻīyah manūṭ bi-al-maṣlaḥah* (the measures of those in authority must serve the public interest, 41) and *aynamā wujidat al-maṣlaḥah fa-thamma ḥukm Allāh* (where there is benefit, there is God's ruling, 36). The need and custom maxims that earlier studies placed in the top five, *al-ḥājah qad tanzilu manzilat al-ḍarūrah* (30) and *al-thābit bi-al-ʻurf* (29), rank seventh and eighth. Maxims of direct relevance to credit and risk-sharing appear less often. The maxim *kull qarḍ jarra manfaʻah fa-huwa ribā* (every loan that yields a benefit is riba) appears in ten fatwas,

and *al-ghurm bi-al-ghunm* in three. The discussion considers whether these low counts reflect a gap in doctrinal support or whether the same prohibitions already appear in the Qur'anic verses and hadith cited in those fatwas.

To assess whether that ranking depends on coding choices, the analysis tested two alternatives. Counting the two formulations of the permissibility family separately yields 147 occurrences for *al-aṣl fī al-mu'āmalah* and 13 for *al-aṣl fī al-ashyā'*. The denominator remains unchanged because the two formulations never occur in the same fatwa. The ranking of the top five also remains unchanged, while their cumulative shares fall to 26.3% (top one), 43.2% (top three), and 56.8% (top five). The thirteen *al-ashyā'* fatwas are Nos. 82–86, 88, 96, 134, 142, 143, 153, 155, and 162, all issued from 2011 onward. Merging *al-ḍarar yudfa'u* into *al-ḍarar yuzāl* reduces the denominator to 521, because the two co-occur in 39 fatwas. The merged category has 55 occurrences. With *dar' al-mafāsid* (35) entering the top five, the top-three and top-five shares rise to 49.1% and 62.8%. Under both alternatives, the most frequently cited category concerns default permissibility, followed by maxims on harm and public interest. The remaining mergers recorded in Appendix A involve wording variants only.

Comparison with Earlier Corpus Studies

The sensitivity analysis checks the effect of category definitions. Table 2 compares the findings with two earlier corpus studies and contrasts two groups coded under the same scheme: Nos. 1–152, the period covered by Kamaluddin et al. (2024), and Nos. 153–166, the fourteen rulings issued since June 2022.

Table 2. Fiqh Maxim Citation in DSN-MUI Fatwas: Comparison with Earlier Corpus Studies and Between Periods.

Indicator	Novia (2016)	Kamaluddin et al. (2024)	Present: Nos. 1–152	Present: Nos. 153–166	Present: Nos. 1–166
Fatwas analyzed	89	152	152	14	166
Fatwas citing ≥ 1 maxim	97%	148 (97.4%)	149 (98.0%)	14 (100%)	163 (98.2%)
Non-citing fatwas	n.r.	Nos. 24, 28, 89, 122	Nos. 24, 28, 89	none	Nos. 24, 28, 89
Citation occurrences	n.r.	459	486	74	560
Mean per fatwa (all fatwas)	n.r.	3.02	3.20	5.29	3.37
Mean per citing fatwa	n.r.	3.10	3.26	5.29	3.44
Maxims per fatwa (range)	1–7	0–8[c]	0–13	2–13	0–13
Categories in use	n.r.	49 + 1 *uṣūl*	46	25	53
Permissibility family, occurrences (share)	78	143 (31.2%)	146 (30.0%)	14 (18.9%)	160 (28.6%)
Top five categories, occurrences (share)	n.r.	269 (58.6%)[d]	291 (59.9%)	44 (59.5%)	331 (59.1%)

Note. n.r. = not reported. Shares and means for earlier studies are calculated from the published counts. [c] Kamaluddin et al. (2024) report a range of 1–8 in the abstract and mention fatwas with up to ten maxims in the body. [d] Sum of the counts reported for their five leading maxims (143, 43, 30, 28, 25). Each column reports the five leading categories for that dataset. For Novia (2016), the table follows the English abstract (78 occurrences). The Indonesian abstract reports 79.

The comparison shows a stable overall citation rate and a shift in how citations are distributed. First, the citation rate is stable at about 97–98% across all three studies, indicating that the council's near-universal citation of maxims persists across coding schemes. For Nos. 1–152, the present study counts more citations than Kamaluddin et al. (486 vs. 459) and identifies one fewer non-citing fatwa. These differences are consistent with this study's more detailed categorization and the correction for No. 122. Second, the most recent rulings cite more categories per fatwa: 5.29 occurrences per fatwa for Nos. 153–166, compared with 3.20 for Nos. 1–152. No recent ruling cites fewer than two. Third, the recent rulings allocate a smaller share of citations to the default-permissibility category while maintaining nearly the same overall concentration. The permissibility family appears in all fourteen recent rulings but accounts for only 18.9% of their occurrences, compared with 30.0% in the earlier group. The combined share of the five leading categories remains nearly the same in the recent and earlier periods (59.5% and 59.9%, respectively), while harm-related maxims account for a larger share of recent citations. Together, *al-ḍarar yuzāl* and *al-ḍarar yudfa'u* account for 17 of the 74 recent occurrences (23.0%), compared with 77 of the 486 occurrences in the earlier group (15.8%). The recent rulings also introduce categories absent from the earlier period, such as the contractual-consent maxim *al-aṣl fī al-'uqūd riḍā al-muta'āqidayn* (Nos. 159–161 and 166). The newer rulings therefore continue to cite the permissibility default, cite more maxims alongside it, and devote a larger share of citations to harm-related maxims. Musadad et al. (2026) link the use of necessity-based maxims to complex transactions. Whether a change in the types of products covered accounts for this shift remains an open question.

Discussion

1. Islamic Legal Maxims as an Embedded Layer of Reasoning

The comparison across periods raises a separate question: what does the routine inclusion of maxims tell us about their role in fatwas? The 98.2% citation rate shows that Islamic legal maxims are a standard part of the council's stated legal bases, consistent with the doctrinal account offered by Antonio (2003). The analysis extends the finding of Kamaluddin et al. (2024) for rulings issued through 2022 to the full corpus of Fatwas Nos. 1–166. The three non-citing fatwas (Nos. 24, 28, and 89) concern safe deposit boxes, currency exchange, and refinancing. One possible explanation is that in such rulings the council relies on directly applicable hadith, as in the case of currency exchange, or on analogy (*qiyās*) to established contracts, rather than on

general legal propositions. This explanation has not been tested here. Three other fatwas cite maxims but omit the permissibility default. No. 19 on *qarḍ* cites only the maxim prohibiting benefit from a loan. No. 105 on guarantees of capital in profit-sharing contracts cites *al-ghurm bi-al-ghunm* and the maxim against imposing liability on a trustee. No. 136 on the conversion of conventional bank assets cites eight necessity, harm, and custom maxims. In these rulings, the listed maxims impose restrictions or govern a transition. This suggests that the council may omit the permissibility default when a ruling imposes restrictions. Testing this explanation would require comparing these rulings with fatwas in the same domains that cite the permissibility default. Case-focused studies offer a way to examine that question. Hidayah et al. (2025) analyze the use of maxims in selected fatwas, and Taufiki et al. (2022) study their use by Indonesian sharia economic courts. In a sector-specific example, Andriansyah (2023) finds that the maxims in the council's stock-market fatwas cluster around general principles of *maṣlaḥah*.

2. *Concentration on Permissibility, Harm, and Public Interest*

At the corpus level, the clearest pattern is the concentration of citations in a few categories. The top five account for 59.1% of all citation occurrences, and 27 of the 53 categories occur only once or twice. The five leading categories fall into three groups: a default affirmation of permissibility, maxims on removing and preventing harm, and maxims tying rulings to public interest, including the authority of the state to act in the public interest. Of the 163 citing fatwas, 89 (54.6%) list the permissibility family alongside at least one maxim concerning harm or need (*al-ḍarar yuzāl*, *al-ḍarar yudfa'u*, *dar' al-mafāsid*, *al-ḥājah*, or *al-ḍarūrāt tubīḥu al-maḥẓūrāt*). These maxims often appear together among the stated legal bases, which provide no indication of how the council weighs them. Another 42 fatwas cite only the permissibility family. The dominance of the permissibility maxim in this corpus is consistent with the role of that maxim as an interpretive starting point in the selected DSN-MUI fatwas examined by Hidayah et al. (2025). The frequent citation of harm-related maxims aligns with Musadad et al. (2026), who found that necessity-based maxims have evolved from exceptional devices into methodological tools concentrated in sectors with the most complex transactions of Islamic finance. The findings similarly complement work by Siddique and Rashid (2019) and Mustofa (2018) on the routine use of *ḍarūrah* and *ḥājah*, although in the present corpus the need maxim (30 occurrences) ranks below the harm and public-interest maxims. The prominence of *taṣarruf al-imām* (41 citations, largely in capital-market, social-security, and deposit-insurance fatwas) reveals a pattern that earlier counts did not show: maxims that legitimize regulatory and state action form a substantial share of the council's citations.

3. *Breadth of the Cited Repertoire*

The concentration of citations raises a further question: how broad is the cited repertoire? Maxims directly applicable to credit, profit-sharing, and risk-transfer contracts, including *kull qarḍ jarra manfa'ah fa-huwa ribā* (ten fatwas) and the risk-return

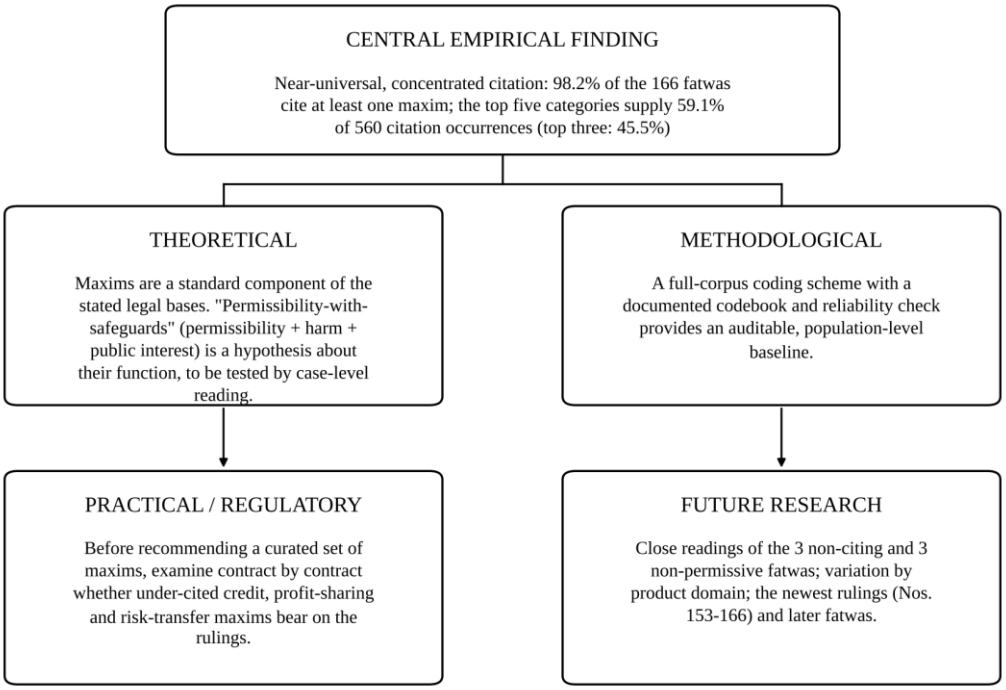
maxims *al-ghurm bi-al-ghunm* (three) and *al-kharāj bi-al-ḍamān* (two), scrutinized by Ghazali et al. (2024), are cited only sparingly. The relevance of risk-sharing maxims can be assessed more closely in product-specific studies. For instance, Novida et al. (2026) identify a tension between profit-and-loss sharing and depositor protection in *muḍārabah* savings. Citation counts alone cannot establish underuse. A benchmark would pair classical maxims with the contracts to which they might apply. Novia's (2016) set of 72 economic and financial maxims from the *Majallat al-Aḥkām al-'Adlīyah* provides a starting point. This study identified 52 fiqh-maxim categories. Future research can assess how these categories overlap with classical maxims and whether uncited maxims apply to the contracts examined. For example, a maxim may be absent from the *Mengingat* clause because its substance is already conveyed by a Qur'anic verse or hadith cited in the same fatwa, as is often the case with the prohibition of loan benefit. Effendi's (n.d.) account of the four-stage drafting protocol suggests a preference for broader analogical principles. Novia's (2016) comparison with the *al-Majallah* suggests a narrower working repertoire than classical compilations offer. The data do not resolve either explanation, but they show that the cited repertoire widened over time: 46 categories appear in Nos. 1–152, and the fourteen most recent rulings alone use 25, including several that appear only in this period. Studies of particular contracts reveal distinctions that aggregate counts can obscure. Pitriani et al. (2024) show that the council's hybrid-contract (*al-'uqūd al-murakkabah*) rulings rest on a more varied set of maxims than aggregate citation counts suggest. Contractual framing can also affect outcomes. For dropshipping, Chakim et al. (2025) find that DSN-MUI permits a *salam* structure, while Egypt's *Dār al-Iftā'* rejects the practice under a *murābaḥah* framework. Othman et al. (2026) demonstrate how broader use of *qawā'id fiqhīyah* can convert contested financing structures into broadly accepted alternatives.

4. Implications of the Findings

These patterns have implications for how fatwas are interpreted, compared, and applied. Theoretically, the near-universal citation of maxims indicates that they are a standard component of the council's stated legal bases rather than an occasional supplement. Citation frequency alone cannot establish whether the maxims influence the outcomes of individual rulings. For comparison, Alkhan and Hassan (2025) study the principles that guide institutional fatwas by examining AAOIFI Shariah Standard No. 29 directly. The frequent co-citation of a permissive default with harm and public-interest maxims is compatible with a pattern of "permissibility with safeguards", in line with Kamali's (2006) account of legal maxims as condensed expressions of the law's underlying objectives rather than free-standing rules. This public-interest dimension also figures in scholarship on Indonesian sharia economic law (Hariyanto et al., 2023). Close readings of individual fatwas can test whether the co-cited maxims work together in this way. The coding rules, sensitivity checks, and fatwa-level dataset provide a replicable baseline to complement case-centered readings (Karimullah, 2022; Solehudin et al., 2024).

The infrequent citation of maxims specific to credit, profit sharing, and risk transfer raises a question for fatwa drafting: Would a reference set of *qawā'id fiqhīyah* matched to specific contract types make the doctrinal basis for permitting complex products clearer? Answering that question would require the contract-level benchmark described above. The comparison should also consider practice. Khalidin et al. (2023), for example, find gaps between *murābaḥah* practice in Indonesian Islamic banks and DSN-MUI guidance. Implementation also entails coordination between the council, the Financial Services Authority, and industry practitioners, whose institutional roles in translating fatwas into enforceable standards have been emphasized in recent scholarship (Handayani et al., 2023; Tarmidzi et al., 2024). In the banking sector, Hidayah et al. (2024) show how stakeholder negotiations shaped the evolution of sharia regulation. In capital markets, the screening and compliance debates analyzed by Asyiqin (2023) illustrate how doctrinal anchoring relates to ongoing supervision. Figure 3 summarizes these implications and the questions they raise for future research.

Figure 3. Implications of the Findings.



5. Limitations and Future Research

The implications above depend on what the corpus and coding procedure can establish. First, citation frequency counts how often a maxim appears in the text. Assessing its role in the reasoning requires a close reading. A maxim cited only once may be decisive in a particular fatwa, while one cited in nearly every fatwa may serve as a standard formula. The *Mengingat* clause lists legal bases without showing how they were weighed, so claims about the maxims' role in rulings, how they work

together in the council's reasoning, and whether they are underused relative to the classical repertoire remain hypotheses. Second, the coding depends on judgments about which formulations express the same proposition and which listed items qualify as maxims. Some items listed as *kaidah fikih* are more precisely classified as a prophetic hadith (No. 161), a companion's report (Nos. 153 and 158), or a principle of legal theory (USL-01). Appendix A makes these judgments explicit, and the sensitivity analysis shows their effect, but other researchers may draw the boundaries differently. Third, the coding was AI-assisted. Although every Arabic formulation was checked against the page image, the reliability of the coding rests on the author's independent coding of a 20% subsample. Fourth, source quality also limits verification. Several older files are image scans, so some identifiers and three Arabic formulations (Appendix A, FLM-29, FLM-30, and FLM-32) were transcribed from images and flagged for verification. Fifth, the corpus ends with Fatwa No. 166 (February 2026). Fatwas Nos. 167–169 were issued after the cutoff. These limitations point to two complementary next steps: extending the corpus as new rulings appear and using close readings to assess how each cited maxim contributes to a ruling. Cases for further analysis include the three non-citing rulings, the three citing rulings without the permissibility default, and the fourteen most recent rulings. Comparing these cases across product domains could also test whether maxim selection varies systematically by sector.

Conclusion

This study measured the frequency and concentration of fiqh maxim citations across Fatwas Nos. 1–166, issued by DSN-MUI between April 2000 and February 2026. Islamic legal maxims appear in 163 of the 166 fatwas (98.2%), for a total of 560 citations. The mean is 3.37 citations per fatwa and 3.44 per fatwa that cites maxims. The default-permissibility family accounts for 28.6% of citations. The top three categories account for 45.5%, and the top five account for 59.1%. The permissibility default is frequently cited alongside maxims on harm and public interest. This pattern suggests permissibility with safeguards. Determining how the pattern functions in the council's reasoning requires a close reading of individual fatwas. Within that broader pattern, the comparison across periods shows that the fourteen most recent rulings cite more maxim categories per fatwa (5.29 vs. 3.20), devote a smaller share of citations to the permissibility maxim (18.9% vs. 30.0%), and devote a larger share to harm-related maxims. Despite these shifts, the combined share of the five leading categories remains nearly unchanged. The recoding also corrects the earlier literature on two points: there are three non-citing fatwas, not four, and the general and transactional formulations of the permissibility maxim, which the Indonesian translations obscure, need to be distinguished during coding. Together, the counts and coding decisions provide a fatwa-level baseline for evaluating future drafting practice. Subsequent research should test whether maxim selection varies by product domain (banking, capital market, takaful, fintech), whether uncited classical maxims bear on contracts

the council has ruled on, and how the council's working repertoire of maxims is established and updated.

Declarations

Funding. This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

Conflict of interest. The authors declare that they have no competing interests.

Ethical Statement. The study was conducted in accordance with the principles of voluntary participation, confidentiality, anonymity, and respect for participants' rights. The researchers obtained informed consent before collecting data. The authors declare that the study complies with applicable ethical research principles.

AI Usage Declaration. The authors used Claude AI to help formulate theoretical concepts. The authors bear full responsibility for all published content.

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