



# Navigating Fatwa Governance: A Comparative Study of Institutional Centralisation and Religious Legitimacy

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#### **ABSTRACT**

The institutionalization of fatwa represents a pivotal shift in modern Islamic legal governance, transitioning from decentralized individual muftis to state-regulated fatwa bodies. This article offers a critical and comparative analysis of fatwa governance structures in Malaysia, Indonesia, Egypt, and Saudi Arabia to examine how centralization influences institutional legitimacy, scholarly autonomy, and the capacity of fatwas to respond to contemporary socio-legal challenges. Employing a qualitative comparative methodology grounded in doctrinal and institutional analysis, the study reveals that while the centralized models of Egypt and Saudi Arabia enhance doctrinal coherence and policy alignment, they often constrain intellectual pluralism and the dynamic exercise of ijtihad. In contrast, the dual or semi-autonomous frameworks observed in Malaysia and Indonesia provide greater latitude for interpretative diversity, yet encounter structural limitations in enforcement consistency and fatwa harmonisation. This study argues for a hybrid fatwa governance model that synthesizes centralisation's regulatory strengths with the discursive openness of decentralized systems. Such a model must incorporate interdisciplinary scholarly participation, adapt to digital platforms, and respond proactively to evolving sociocultural contexts to sustain fatwa institutions' relevance, authority, and responsiveness in contemporary Muslim societies.

Keywords: Fatwa, institutionalization of fatwa, governance, Islamic states

# INTRODUCTION

Fatwa is pivotal in the Islamic intellectual tradition, functioning as an authoritative legal advisory mechanism, albeit without the binding legal force of judicial rulings. Its significance is particularly evident in its capacity to address multifaceted issues confronting contemporary Muslim societies, encompassing religious, sociocultural, economic, and legal domains (Chiroma et al., 2015; Pongoliu, 2019). The process of fatwa issuance is inherently grounded in ijtihad—a methodological effort by qualified jurists to derive rulings from primary sources of Islamic law, namely the Qur'an, Sunnah, ijma', and qiyas, while being guided by the principles of Usul al-Fiqh and the objectives of Shariah (Maqasid al-Shariah).

In modern Islamic administration, fatwas have become a strategic tool for managing diverse aspects of Muslim life, including worship, financial transactions, biomedical ethics, public administration, and state policy (Rumaithah et al., 2018; Ismail & Baharuddin, 2023; Rosidi et al., 2022a; Harun et al., 2024). Traditionally, fatwas were issued through decentralized scholarly networks, reflecting the diversity of madhhab-based jurisprudence and independent scholarly reasoning. However, the structural evolution of political and administrative authority across the Muslim world has led to state-regulated fatwa institutions, such as the Sheikh al-Islam office during the Ottoman period, Egypt's Dar al-Ifta, and Malaysia's National Fatwa Committee. This institutional transformation signals a significant realignment in the relationship between religious authority and the modern nation-state, particularly regarding government influence over religious discourse (Md Nor et al., 2016; Kamali, 2021; Akhtar, 2024).

The institutionalizations of fatwa is often intended to strengthen the legitimacy of religious authority, standardize legal doctrine, and integrate Islamic legal principles into national legal systems in a more structured manner (Mamadiev, 2021; Setyaningsih, 2022). Nonetheless, this process raises critical concerns



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regarding the preservation of scholarly autonomy, public trust in fatwa institutions, and the actual efficacy of fatwa in responding to contemporary life's legal and social complexities.

The digital era further compounds these challenges. Emerging technologies—artificial intelligence (AI), online fatwa platforms, and social media—have transformed public access to fatwas, facilitating rapid dissemination and destabilizing traditional gatekeeping mechanisms (Khasani, 2022; Rosidi, 2024). While these platforms enhance accessibility, they also risk undermining institutional authority by enabling a proliferation of unregulated opinions and doctrinal inconsistency (Singer, 2021; Rosidi et al., 2021; Hamdani, 2023). Moreover, the tension between state-regulated fatwa bodies and independently operating scholars or institutions remains a pressing governance dilemma (Chiroma et al., 2014; Ibrahim et al., 2016; Akhtar, 2024).

Official institutions such as Egypt's Dar al-Ifta and Saudi Arabia's Council of Senior Scholars have achieved doctrinal standardization and enhanced the state's religious legitimacy. However, critics argue that such bodies are susceptible to political co-optation, often at the expense of scholarly independence and critical thought (Agrama, 2010; Farouk & Fakir, 2021; Mamadiev, 2020; Al-Kandari & Dashti, 2014; Rabie, 2021). Conversely, decentralized approaches encourage broader ijtihad and intellectual pluralism but face significant legal enforcement issues, state recognition, and internal consistency in jurisprudential methodologies (Masud et al., 2000; Wahrey, 2021; Brown, 2017).

Given these complexities, there is an urgent need for a comprehensive and critical evaluation of fatwa governance mechanisms in the modern Islamic administrative landscape. This includes focusing on the formulation, dissemination, and reception of fatwa within contemporary Muslim societies, particularly in navigating the interplay between state authority, scholarly independence, and technological advancement.

#### LITERATURE REVIEW

Fatwa governance across Muslim-majority countries demonstrates significant variation, shaped by foundational legal philosophies, local juridical traditions, and the degree of state intervention in religious administration. While some countries adopt centralized models to ensure legal uniformity, others implement semi-centralized systems that encourage diversity of ijtihad and scholarly perspectives (Mamadiev, 2021; Idrisov & Ibragimov, 2023; Chiroma et al., 2014).

Malaysia: A Dual-Tier Fatwa Governance Model

Malaysia employs a dual-tier fatwa governance framework comprising federal and state levels (Mehmood, 2015; Ibrahim et al., 2016; Rosidi, 2024). At the national level, the National Fatwa Committee (Muzakarah Jatakas' Fatwa Kebangsaan) functions as an advisory body that formulates general fatwa guidelines. However, these fatwas possess no legal enforceability unless formally gazetted by individual state religious authorities, by state jurisdiction as enshrined in the Federal Constitution (Rosidi, 2024; Ibrahim et al., 2016).

This model yields several implications. Chief among them is the autonomy of individual states to accept or reject federal fatwas, which challenges legal uniformity nationwide (Chiroma et al., 2014; Kamali, 2021; Ibrahim et al., 2016). For instance, divergent state-level enforcement of fatwas concerning the prohibition of electronic cigarettes (vape) and the permissibility of investments in Amanah Saham Bumiputera (ASB) has prompted recurring debates and necessitated continuous harmonisation efforts (Rosidi et al., 2022; Mat Salleh et al., 2021).

Indonesia: A Semi-Autonomous Advisory-Based Religious Authority Model

Indonesia adopts a semi-autonomous model of fatwa governance, with the Indonesian Council of Ulama (Majelis Ulama Indonesia, MUI) serving as the principal fatwa-issuing institution, albeit without direct legal authority. MUI fatwas function as moral guidelines and are not subject to prior government approval before dissemination (Achmad, 2022; Mustafid et al., 2024). This grants the MUI significant social influence, although it faces limitations in ensuring uniform fatwa implementation nationwide (Basyari, 2019; Baidhowi et al., 2023).



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A defining characteristic of this model is the high level of intellectual autonomy accorded to scholars in the formulation of fatwas (Mursyidi, 2020; Firdaus & Achmad, 2024). Although these fatwas are not legally binding, several strategic rulings—particularly in areas such as halal certification and Islamic finance—frequently inform public policy formation (Kharrazi et al., 2024; Lindsey, 2012; Mujahidin, 2022; Prayogo et al., 2024). However, the selective nature of MUI-government collaboration (Kharrazi et al., 2024; Mustafid et al., 2024; Lindsey, 2012) often results in inconsistencies in the reception and application of fatwas (Mun'im, 2022; Baidhowi et al., 2023).

Egypt: A Centralised Model with Strong Legal Integration

Egypt exemplifies a highly centralised fatwa system, with Dar al-Ifta al-Misriyyah as the sole official fatwa institution. Operating under the direct supervision of the Ministry of Justice, the institution ensures close integration between religious edicts and the national legal framework (Faishal, 2019; Al-Marakeby, 2022). Additionally, Dar al-Ifta assumes a regulatory role in shaping public religious discourse, particularly through mass media, to ensure that religious narratives align with national policy and contribute to social and political stability (Brusi, 2012; Dahlan et al., 2023).

The main strengths of this model include doctrinal consistency (Al-Marakeby, 2022; Rabie, 2021) and formal recognition of fatwas within both judicial and civil legal systems (Faishal, 2019; Wright, 2023). Nevertheless, the model is often criticised for its susceptibility to political interference, which may undermine scholarly independence, particularly on sensitive issues such as national security and religious ideology in public communication (Rabie, 2021; Barvi & Al-Azhari, 2021; Brusi, 2012).

Saudi Arabia: A Fully Centralised State-Controlled Fatwa System

Saudi Arabia adopts an ultra-centralised fatwa governance model under comprehensive state control (Mamadiev, 2020; Mouline, 2015; Waheedi, 2021). The Council of Senior Scholars (Hay'at Kibar al-'Ulama) is the sole official fatwa authority, with members appointed directly by the King (Mouline, 2015; Mamadiev, 2020). This model seeks to preserve doctrinal uniformity and prevent the issuance of fatwas that contradict government policy (Mouline, 2015; Mamadiev, 2022).

One distinctive feature of this system is the authoritative status of fatwas within the national legal and administrative apparatus, where they function as tools of socio-political regulation (Waheedi, 2021; Mamadiev, 2022). The unauthorised issuance of fatwas is strictly prohibited and punishable by law. Furthermore, the Saudi government actively employs technology in the digital era to ensure that only official fatwas are disseminated through social media and digital platforms (Waheedi, 2021; Mamadiev, 2022).

## METHODOLOGY

This study adopts a qualitative research design using a comparative doctrinal analysis approach. This methodology integrates historical, socio-legal, and doctrinal perspectives to critically examine the implications of fatwa institutionalisation within the broader framework of contemporary Islamic governance. The primary objective is to assess how fatwa governance's structural configuration influences religious institutions' authority, the effectiveness of legal rulings, and the degree of fatwa acceptance within modern Muslim societies.

The core method involves a comparative case study of four strategically selected Muslim-majority countries: Malaysia, Indonesia, Egypt, and Saudi Arabia. These countries were chosen for their distinct approaches to fatwa governance. Malaysia represents a hybrid dual-tier model, combining federal and state-level fatwa institutions. Indonesia adopts a semi-autonomous model, whereby leading religious bodies issue fatwas without direct government control. In contrast, Egypt and Saudi Arabia employ highly centralised models, where fatwa institutions operate under strict state oversight.

Data for this study were obtained from primary sources, including official government documents, published fatwas, and institutional reports from the selected countries. In addition, a wide range of secondary sources



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was consulted, such as peer-reviewed academic journals, reference books, research reports, and other scholarly literature. This combination of sources ensures a robust and comprehensive analysis of each country's fatwa governance structure.

The comparative analytical framework enables the identification of key patterns, strengths, and limitations within each governance model. By systematically contrasting these cases, the study offers critical insights into how the degree of centralisation in fatwa governance impacts the legitimacy of religious authority, scholarly autonomy, and implementation effectiveness. Ultimately, the findings contribute to broader discourses on Islamic legal reform and the adaptive capacity of religious institutions to meet the evolving needs of contemporary Muslim societies.

#### **DISCUSSION**

## The Degree of Centralisation in Fatwa Institutions within Contemporary Islamic Governance

The degree of institutional centralisation in fatwa governance is a key determinant in shaping the relationship between religious authority and the state, the effectiveness of fatwas, and scholars' autonomy in the modern context. Generally, the spectrum of centralisation ranges from Saudi Arabia (most centralised), followed by Egypt (highly centralised but relatively open), Malaysia (semi-centralised/hybrid), and Indonesia (decentralised/semi-autonomous). Saudi Arabia maintains the highest degree of centralisation through its Council of Senior Scholars, whose members are appointed by the King. Unofficial fatwas are legally prohibited to preserve doctrinal uniformity and alignment with state policies (Waheedi, 2021; Mouline, 2015; Mamadiev, 2022). Although this model effectively prevents conflicting rulings, it significantly restricts the intellectual autonomy of scholars.

Egypt also operates a highly centralised model through Dar al-Ifta al-Misriyyah, which is under direct state control. However, institutions such as Al-Azhar University play an influential—albeit unofficial—role in public religious discourse (Rabie, 2021; Barvi & Al-Azhari, 2021). The primary challenge lies in the political pressures imposed on scholarly freedom and the marginalisation of alternative religious voices (Brusi, 2012).

Malaysia adopts a hybrid two-tier system that combines a non-binding national fatwa body with full state authority over fatwa enforcement, as stipulated by the Federal Constitution. While this model seeks to balance centralised coordination and state autonomy, it also produces inconsistent legal applications, as demonstrated by varying fatwas on issues such as ASB investments (Mat Salleh et al., 2016; Rosidi et al., 2022).

Indonesia, representing the least centralised model, allows the Indonesian Ulama Council (MUI) to issue non-binding moral guidance without legal authority. This ensures greater intellectual freedom but creates challenges in terms of national coordination and fatwa legitimacy (Achmad, 2022; Baidhowi et al., 2023).

## **Integration of Fatwa into the National Legal Framework**

The degree to which fatwas are integrated into the legal system significantly influences public reception, enforceability, and the broader state-religion relationship. Among the four models studied—Saudi Arabia, Egypt, Malaysia, and Indonesia—each demonstrates a distinct approach to legal institutionalisation.

Saudi Arabia exhibits full integration, whereby fatwas issued by the Council of Senior Scholars carry immediate legal authority. Judges routinely reference fatwas in court rulings, yet this model compromises legal flexibility and scholarly independence (Waheedi, 2021).

Egypt demonstrates strong legal integration, particularly through Dar al-Ifta's influence in family law, criminal law, and Islamic finance. Despite Dar al-Ifta's official status, institutions like Al-Azhar influence religious discourse. However, political interference constrains academic freedom within these institutions (Al-Marakeby, 2022; Wright, 2023).

Malaysia applies a partial integration model where individual states must gazette fatwas to attain legal status. This system permits more interpretive freedom than centralized models but results in inconsistent fatwa





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enforcement across states (Rosidi, 2024). Issues such as the permissibility of vaping or ASB investments illustrate this legal fragmentation.

In contrast, Indonesia demonstrates the lowest level of integration. MUI fatwas function as non-binding advisory opinions. Although some rulings, such as those on halal certification, influence public policy, their legal standing depends heavily on social acceptance (Mustafid et al., 2024; Lindsey, 2012). This model fosters broader scholarly freedom but faces persistent coordination and implementation challenges.

#### Scholarly Autonomy and Freedom of Ijtihad

Scholarly freedom enables jurists to explore independent legal reasoning (ijtihad) without political or administrative constraints. The degree of such autonomy varies depending on state control over fatwa institutions.

Indonesia offers the highest scholarly freedom due to the absence of formal legal oversight. This facilitates dynamic religious discourse but generates doctrinal inconsistencies, with different fatwas appealing to different segments of society (Firdaus & Achmad, 2024).

Malaysia presents a moderate level of autonomy. State muftis possess interpretive discretion but remain subject to national fatwa guidelines. The hybrid structure allows for divergent legal opinions across states. For example, fatwas concerning vaccination differed by state, reflecting decentralized authority despite procedural oversight (Ibrahim et al., 2016).

Egypt restricts scholarly autonomy more significantly due to political pressures and government control. Although Al-Azhar provides an alternative platform for legal scholarship, its operations remain tightly regulated. Fatwa institutions are often mobilised as instruments of state ideology, particularly on national security and political stability (Rabie, 2021).

Saudi Arabia permits the least intellectual freedom. The state exercises complete control over fatwa production, with only government-sanctioned fatwas allowed. This model eliminates open dissent and narrows the scope of independent ijtihad, undermining academic freedom (Mouline, 2015).

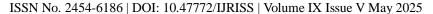
# Contemporary Challenges of Fatwa Governance in the Digital Age

The digital era has profoundly transformed the dissemination of fatwas and posed critical challenges to the legitimacy of formal fatwa institutions. Once access to fatwas was limited to official religious bodies, digital platforms, such as social media, websites, and mobile applications, now enable the rapid and unregulated spread of religious opinions. This evolution undermines traditional authority and complicates doctrinal consistency and control efforts.

Saudi Arabia and Egypt have enacted cyber laws to tightly regulate online fatwa dissemination tightly, allowing only official content to circulate (Waheedi, 2021; Dahlan et al., 2023). While this preserves institutional authority, it constrains religious discourse and is sometimes criticized as a political tool to suppress dissenting voices.

Malaysia faces considerable challenges in the digital space. The decentralized nature of its fatwa system allows differing state-level fatwas to spread widely on social media, often resulting in public confusion (Rosidi et al., 2022). Moreover, independent preachers and social media influencers, many lacking formal fatwa credentials, have emerged as alternative authorities. These dynamics necessitate more effective digital harmonisation strategies by official institutions.

Indonesia is perhaps most vulnerable to digital disruption due to the non-binding nature of MUI fatwas. Unofficial fatwas, particularly on contentious issues such as democracy, interfaith relations, and gender roles, often gain traction online and fragment public understanding. MUI and other religious institutions must adopt a more proactive and strategic digital presence to maintain relevance and guide public opinion in a rapidly evolving digital landscape (Firdaus & Achmad, 2024).





# **CONCLUSION**

This study has provided a critical and comprehensive examination of the implications of fatwa institutionalizations within the framework of contemporary Islamic governance through a comparative analysis of four key Muslim-majority countries: Malaysia, Indonesia, Egypt, and Saudi Arabia. The comparative findings reveal that each country adopts a distinctive fatwa governance model shaped by its unique political philosophy, legal infrastructure, and socio-cultural context.

On one end of the spectrum, highly centralized fatwa systems, exemplified by Saudi Arabia and Egypt, promote doctrinal uniformity and facilitate integration with state political and legal frameworks. However, these models raise significant concerns regarding the erosion of scholarly autonomy and the intellectual integrity of religious authorities, as state dominance often limits critical engagement and independent reasoning. Conversely, Indonesia and Malaysia's semi-autonomous or dual-tier models offer greater space for ijtihad and intellectual diversity. However, these systems face persistent challenges in ensuring doctrinal consistency, legal legitimacy, and effective national enforcement.

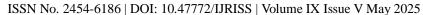
The emergence of the digital age further complicates fatwa governance. States with centralized systems actively deploy digital regulation to control religious narratives and restrict unofficial fatwas. In contrast, countries with decentralized models struggle to manage the proliferation of alternative fatwas on unregulated digital platforms, which often undermine the authority and credibility of official fatwa institutions. The digital landscape has thus become a critical arena in testing the legitimacy and operational effectiveness of fatwa governance in modern Muslim societies.

Drawing from this comparative analysis, the study concludes that an ideal fatwa governance model for contemporary Islamic administration must strategically integrate the strengths of both centralized and decentralized frameworks. Such a hybrid approach should ensure doctrinal coherence while safeguarding the intellectual autonomy of scholars. Modern Muslim states must advance toward a more flexible and responsive fatwa institutionalizations model that protects the integrity of Islamic legal reasoning, adapts to technological change, and addresses dynamic socio-political realities.

In conclusion, this study argues that fatwa governance should not be viewed solely as a matter of religious administration but as a strategic component in shaping a dynamic, adaptive, and inclusive ecosystem of Islamic knowledge. Future research should focus on developing innovative fatwa governance models capable of meeting global Muslim communities' increasingly complex and pluralistic demands.

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