



IDENTITY AND PIETY: CRITICAL DISCOURSE ANALYSIS ON INDONESIAN ULEMA COUNCIL'S FATWA ABOUT THE LAW USING NON-MUSLIM RELIGIOUS ATTRIBUTES

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Abstrak: Pada bulan Desember 2016, tak lama setelah Aksi Bela Islam 212 digelar, Majelis Ulama Indonesia menerbitkan fatwa tentang Hukum Penggunaan Atribut Keagamaan Non-Muslim. Fatwa ini menuai kontroversi karena disusul aksi sapu bersih sejumlah ormas yang menentang atribut Natal. Karena fatwa ini menimbulkan kontroversi, maka penelitian ini berupaya mengkajinya dengan pendekatan analisis wacana kritis. Kajian ini mencakup tiga dimensi fatwa: dimensi tekstual, dimensi praktik kewacanaan, dan dimensi praktik sosial. Berdasarkan analisis yang telah dilakukan, penelitian ini mempunyai tiga temuan. Pertama, analisis kebahasaan fatwa ini menunjukkan bahwa fatwa tersebut merupakan teks ideologis. Lebih lanjut, fatwa ini memiliki intertekstualitas dengan nash lain, yaitu pendapat para ulama terdahulu yang juga melarang penggunaan atribut agama non-Muslim. Kedua, sebagai praktik diskursif, fatwa ini mengafirmasi pandangan beberapa ormas keagamaan yang tidak hanya melarang pemakaian atribut keagamaan non-Muslim namun sekaligus membenarkan sikapnya dalam melakukan penyisiran terhadap atribut keagamaan non-Muslim, misalnya Front Pembela Islam (FPI) dan Laskar Islam Klaten (LAKIK). Ketiga, secara situasional dan institusional, fatwa ini dimungkinkan dikeluarkan bukan hanya karena dorongan dari beberapa ormas yang menganggap penggunaan atribut keagamaan non-Muslim haram, namun juga karena pengaruh konsolidasi ormas-ormas tersebut, yang besar di mana puncaknya setelah rangkaian Aksi Bela Islam. Terakhir, sistem nilai yang memandang identitas sebagai sesuatu yang permanen dan tidak berubah dalam masyarakat Islam Indonesia masih sangat dominan sehingga ikut menentukan dikeluarkannya fatwa ini.

Kata kunci: CDA; fatwa; MUI; organisasi massa; non-Muslim

Abstract: In December 2016, shortly after the Action to Defend Islam 212 was held, the Indonesian Ulema Council published a fatwa on the Law Using Non-Muslim Religious Attributes. This fatwa reaped controversy because it was followed by sweeping action by a number of mass organizations against the Christmas attribute. Since this fatwa caused controversy, this study sought to examine it with a critical discourse analysis approach. This study covers three dimensions of the fatwa: the textual dimension, the dimension of discursive practice, and the dimensions of social practice. Based on the analysis that has been carried out, this study has three findings. First, linguistic analysis of this fatwa showed that the fatwa is an ideological text. Furthermore, this fatwa has intertextuality with other texts, namely the opinions of previous ulemas, which also prohibit the use of religious attributes of non-Muslims. Second, as a discursive practice, this fatwa affirms the view of several religious mass organizations that not only forbid wearing religious attributes of non-Muslims but also at the same time justified their attitude in sweeping against the religious attributes of non-Muslims, for example, Islamic Front Defense (FPI) and Klaten Islamic Paramilitaries (LAKIK). Third, situationally and institutionally, this fatwa is possible to be issued not only because of the encouragement of several mass organizations that consider that using religious attributes of non-Muslims is haram but also because of the influence of consolidation of these mass organizations, which rich their peak level after the series of Action to Defend Islam. Lastly, a value system that views identity as permanent and unchanging in Indonesian Muslim society is still very dominant, so it is also determining the issuance of this fatwa.

Keywords: CDA; Fatwa; MUI; Mass Organizations; non-Muslims

Introduction

On December 14th, 2016, the Fatwa Commission of Indonesia Ulama Council (MUI) issued a fatwa on The Law Using Non-Muslim Religious Attributes. In the fatwa No. 56 of 2016, more clearly in the *Ketentuan Hukum* section, the MUI affirms that “*menggunakan atribut keagamaan non-muslim adalah haram.*” [“using non-Muslim religious attributes is haram”]. While the religious attributes, in the *Ketentuan Umum* section, are defined as “*sesuatu yang dipakai dan digunakan sebagai identitas, ciri khas atau tanda tertentu dari suatu agama dan/atau umat beragama tertentu, baik terkait dengan keyakinan, ritual ibadah, maupun tradisi dari agama tertentu.*” [“something that is used as an identity, characteristic or certain signs from a particular religion and/or religious community, whether related to beliefs, rituals of worship, or traditions of a religion.”] (Majelis Ulama Indonesia 2016, 7). Regardless of whether the content contained in the fatwa is right or wrong, it must be acknowledged that this fatwa has caused controversy. This can be seen at least through some people’s reactions to this fatwa. For example, the National Police Chief, Tito Karnavian, warned the Bekasi police chief and Kulonprogo police chief regarding the notification letters based on the fatwa and the Coordinating Minister on Politics statement. Law and Security, Wiranto, condemned the Islamic Defender Front (FPI) actions for making the fatwa as an excuse for sweeping non-Muslim religious attributes ahead of Christmas (‘Wiranto Perintahkan Ormas Pelaku Sweeping Ditangkap’ 2016).

In addition to the controversy it has caused, the interesting thing to note is the concept of religious identity described in this fatwa. Through quotes from the hadith of the Prophet Muhammad PBUH and the opinion of scholars in the classical books, the perfect Islamic identity in the fatwa is described by referring to the concept of space and time that is different from the space and time the fatwa was issued—for example, the inclusion of the Prophet’s hadith. Which contains the command to grow and lengthen the beard to differentiate the Jewish customs in maintaining a moustache, the inclusion of the hadith “*whoever resembles a people, then he belongs to their group*”, the opinion of al-Sharbinī who ordered the punishment of *ta’zīr* (punishment less than that prescribed by Islamic law) for those who wished another religious holiday, al-Suyūṭī’s opinion about the haram of *tashabbuh* (following the unbeliever’s customs, especially in wearing their clothes and their fashion) and calling it sinful,

al-Haytamī's opinion on *tashabbuh* and the prohibition on providing the needs of other religious festivals, Ibn Taymiya's opinion on *tashabbuh*, Ibn Qayyim's opinion about congratulating the greatness of heathenism, and al-Qāri's opinion in *tashabbuh* with the clothes of unbelievers.

Considering that fatwa is a form of language use practice, we can first categorize the fatwa as a discourse. Some points seem interesting to note as a discourse concerning the fatwa to the description of identity through classical piety. For example, the concept of piety in terms of identity which is described in the MUI's fatwa, why the MUI's Fatwa Commission uses the concept of classical piety to discuss Islamic identity in the fatwas, how is the dialectical relationship of the fatwa with other fatwas which also talk about religious identity, are we still able to maintain the concept of classical piety in limiting our identity today, how does the MUI's fatwa relate to socio-cultural practices that exist in our society, and a number of other questions that might arise. Some of these questions relate to other explanations about trying to understand the fatwa. In relation to the fatwa to the socio-cultural practice of our society today and the possibility of its dialectical relationship with other fatwas that discuss similar themes, for example, we can ask whether the fatwa is the only discourse. In the end, these questions can lead us to further questions regarding the possibility of fatwas as a means of affirmation and struggle for certain ideologies.

Fatwa's research titled "Cyber Fatwa and Da'wah Acceptance in New Media: How Technology Affects Religious Message by Female Ulama" conducted by Subchi et al. (2022) found that female clerics in the modern era remain unpopular. This unpopularity occurs because of the traditional lecture model without technology. In addition, a modern approach to delivering religious messages is needed to solve the problem and increase the impact of cyber da'wah and fatwa by female clerics in Indonesia.

Another was conducted by Muslimin et al., (2021) with the title "*al-Islām wa Qadāyā Kurūnā: Dirāsāt Muqāranat Bayna al-Fatwā fī Mishr wa Indūnisiyā*". The study found that the fatwa regarding Covid-19 in Egypt is responsive to the rapid transmission of the virus. Therefore, Muslims have guidelines for carrying out worship during the Covid-19 period. The sharia arguments used in formulating fatwas on the implementation of worship during the COVID-19 period are *qiyās*, *maṣlahah*, *sad al-dharā'i*, and the opinions of the mujtahids.

Furthermore, a research about fatwa in linguistic studies conducted by Alnizar et al. (2021) titled “The Language of Fatwa: Understanding Linguistic Violence in the Indonesian Ulama Council’s Fatwa on Ahmadiyah”. The study indicated that there are two forms of linguistic violence in the two fatwas on Ahmadiyah. First, the subtle form of linguistic violence. Second, the abusive form of linguistic violence. Language is used as a medium to dominate other parties. In addition, language in negative speech is used to attack other parties. Therefore, MUI needs to regulate fatwa related to this verbal violence.

This paper attempts to explain fatwas as a discursive practice, the dialectical relationship between fatwas, the relationship between fatwas and socio-cultural practices of society, and its possibilities as a means of affirmation and struggle for certain ideologies. We need an analytical tool that can accommodate all these explanations. As will become more apparent in the following discussion, the discipline that makes it possible to achieve this goal is critical discourse analysis (CDA).

Critical Discourse Analysis

In describing the characteristic discourse analysis (CDA), Fairclough mentions the term dominant ideological-discursive formation (IDF) in a speech community that has the ability to naturalize ideology into a common sense that seems non-ideological. Fairclough (2010) further argues that CDA aims to denaturalize these seemingly non-ideological discourses.

To use CDA that Fairclough developed operationally, two key concepts proposed by Fairclough seem to be very important to consider in analysis: communicative events and order of discourse. Communicative events refer to the actual use of language, such as those found in newspapers, magazines, films, books, and daily conversations. Conversely, the order of discourse refers to the configuration of all discourse types used socially (Jorgensen and Philips, 2002).

Furthermore, in terms of analysis, as cited by Blommaert, Fairclough designed a three-dimensional framework. *First*, discourse is discussed as text. At this level, the analysis is carried out on the linguistic features contained in the text (Blommaert, 2005). *Second*, discourse is as discursive practice. At this level, discourse is considered something produced for, circulated in, distributed for, and consumed

by the community (Blommaert, 2005). *Third*, discourse is managed as a social practice. At this stage, the analysis aims to explain how a discourse plays a role in ideological processes and produces ideological effects (Blommaert, 2005).

Practically, to analyze the three dimensions of the discourse, Fairclough proposed three methods of analysis, including (1) description, used to analyze text; (2) interpretation, used to show the relationship between discursive processes (production and interpretation) and the text; and (3) explanation, used to explain the relationship between discursive processes and social processes (Fairclough, 2010; Blommaert, 2005).

Text Dimension

Fairclough proposes two tools for analyzing texts: linguistic and intertextual (Fairclough, 2010). Because it combines linguistic analysis and interdiscursive analysis, Fairclough also calls this text dimensional analysis an interactional analysis (Fairclough, 2001).

Linguistic Analysis

The linguistic analysis of the text of the MUI's fatwa on *The Law of Using Non-Muslim Religious Attributes* can be started by examining the superstructure, namely the conventionalized form of a macrostructure, of the text of the fatwa. No single form of text is considered valid as a fatwa in Indonesia. All institutions, which have their bodies tasked with providing fatwas, use forms agreed upon by the institution internally, and the MUI is no exception.

In the First Part of the book entitled *Himpunan Fatwa Majelis Ulama Indonesia sejak 1975* (the anthology of fatwas of the Indonesian Ulama Council since 1975), in the Introduction of point 1, the Fatwa Commission of the Indonesian Ulama Council outlined the guidelines for determining the fatwa. The issue of guiding the stipulation of the fatwa was then repeated in the third section of this book. Point 1 is the *Keputusan Ijtima' Ulama Komisi Fatwa se-Indonesia tahun 2003* 'Ijtima Decree' Ulama of the Indonesian Fatwa Commission in 2003' (Amin, 2010). Those two sections have specific sub-discussions regarding the fatwa standard.

If these guidelines is made as a benchmark to evaluate the MUI fatwa, which is the main data in this study, it can be stated that the fatwa

text has followed these guidelines very tightly. Almost all the elements mentioned in the guidelines can be found in the fatwa text. This means that, formally, the MUI has complied with the guidelines it made.

As for *macrostructure*, we must use a fatwa definition to evaluate it. That is, the fatwa is an opinion about the law of a problem, and, more technically, a fatwa is an answer to the question asked by the *mustaftī* to the mufti (al-Asyqar, 1976). The legal problem in this fatwa is that the law uses non-Muslim religious attributes. We can see this from the title in the fatwa's text. However, the title is insufficient to prove that this is a legal problem, and the MUI is certainly well aware of this issue. Therefore, it is not surprising that in the preamble of *MENIMBANG* 'CONSIDER' in this fatwa, there are expressions "... *saat peringatan hari besar agama non-Islam, sebagian umat Islam atas nama toleransi dan persahabatan, menggunakan atribut dan/atau simbol keagamaan non-Muslim ...*" ['... when commemorating the feasts of non-Islamic religions, some Muslims in the name of tolerance and friendship, use attributes and / or non-Muslim religious symbols ...'] and "... *untuk memeriahkan kegiatan keagamaan non-Islam, ada sebagian pemilik usaha ..., bahkan kantor pemerintahan mengharuskan karyawannya, ... menggunakan atribut keagamaan dari non-Muslim*" ['... that in order to enliven the non-Islamic religious activities, there are some business owners ... require employees, ... to use religious attributes of non-Muslim] (Majelis Ulama Indonesia 2016, 1).

In addition to mentioning the underlying issues requiring legal decisions, the fatwa text also shows the basis for making a legal decision. In the fatwa, the legal basis can be seen in the preamble of *MENGINGAT* 'REMEMBER' and *MEMPERHATIKAN* 'NOTICE'. Some of the issues in the preamble are related to the legal basis of the problem of the use of non-Muslim attributes, which in this fatwa are used to justify its prohibition. The specific discussion is as follows.

First, to decide that using non-Muslim religious attributes is haram, MUI affirms the obligation of Muslims to distinguish themselves from non-Muslims. We can see this in *MENGINGAT number 1 letter a* and in *MENGINGAT number 2*, which contains four things: (1) a quote from QS al-Baqarah verse 104, which contains the command to distinguish oneself from unbelievers with the recommendation to replace the word *nā'inā* with *unẓurnā*; (2) a quote from hadith containing an order for

Muslims to distinguish themselves from polytheists by recommending shaving the moustache and growing the beard; (3) a quote from a hadith containing an order not to resemble people of other religions (*tashabbuh*); and (4) an excerpt from a hadith that contains an order for Muslims to distinguish themselves from Jews and Christians by advising them not to use their greetings (Majelis Ulama Indonesia, 2016). The MUI's affirmation of the obligation of Muslims to distinguish themselves from other people can also be seen in *MEMPERHATIKAN number 5 and number 7*, which contains the opinion of Ibn Taimiyyah that the similarity of birth can have an impact on the similarity of morality and the opinion of Al-Qari regarding sin or goodness due to resembling a particular group (Majelis Ulama Indonesia, 2016).

Second, the fatwa asserts that using non-Muslim religious attributes is an act of mixing the true (*ḥaqq*) and false (*bāṭil*). The linguistic evidence of this is the use of QS. al-Baqarah: 42, "... do not confuse the right with the false ..." as one basis for determining the law in *MENGINGAT number 1 letter b*. MUI then reaffirmed through the Islamic legal maxim (*qā'idah fiqhīyyah*), *sadd al-dharī'ah* in *MENGINGAT number 3* that is using non-Muslim religious attributes is an outwardly permissible act but prohibited because it mixes *ḥaqq* and *bāṭil* (Majelis Ulama Indonesia, 2016).

Third, MUI also emphasized that wearing non-Muslim religious attributes violates the basic principles of Islamic teachings in terms of worship and can lead to polytheism, as in the phrase *MENGINGAT number 1 letter c*, which contains QS. Al-Kafirun 1-6 is one of the bases for determining the law in this fatwa (Majelis Ulama Indonesia, 2016).

Fourth, MUI also emphasized that using non-Muslim attributes is an act of going out of the way of Allah and can separate Muslims from the way of Allah. MUI's attitude can be seen through QS. al-An'ām: 153 is one of the legal reasons for determining the prohibition contained in *MENGINGAT number 1 letter d* (Majelis Ulama Indonesia, 2016). MUI later confirmed this by including a hadith about the Prophet's prediction that Muslims would follow Jews and Christians even to the pit of lizards. This hadith is the second in the *MENGINGAT number 2* (Majelis Ulama Indonesia, 2016).

Fifth, by using QS. al-Mumtahanah: 8 as one of the legal bases, MUI indirectly wants to reveal that an order or invitation to use non-

Muslim attributes is equivalent to being hostile to Islam as mentioned in *MENGINGAT number 1 letter e* (Majelis Ulama Indonesia, 2016). The MUI opinion that orders, suggestions, and or invitations to use non-Muslim attributes are equivalent to acts against Islam can be seen more clearly in the third hadith cited in *MENGINGAT number 2* (Majelis Ulama Indonesia, 2016). The issue of this act of being hostile to Islam, which, according to MUI can cause unwanted damage, can also be understood from the quote of Islamic legal maxim (*qā'idah fiqhiyyah*) in *MENGINGAT number 4* (Majelis Ulama Indonesia, 2016).

Sixth, by utilizing QS. Al-Mujadilah: 22 as one of the legal bases, MUI categorizes that using non-Muslim attributes is an act of mutual affection for non-Muslims, and it is prohibited. This can be seen in *MENGINGAT number 1, letter f* (Majelis Ulama Indonesia, 2016).

Seventh, citing Al-Syarbini's opinion in the book "Mughni al-Muhtaj ila Ma'rifati Alfazh al-Minhaj", MUI categorizes the use of non-Muslim religious attributes as a criminal offence and can be subject to physical punishment. We can see this in *MEMPERHATIKAN to number 1*.

Eighth, MUI also categorizes the use of non-Muslim religious attributes as heresy and evil by quoting the opinions of Imam Jalaluddin Al-Suyūti and Ibn Hajar Al-Haytami. This is contained in *MEMPERHATIKAN angka 2* dan *MEMPERHATIKAN angka 3*.

The text of this fatwa ends with a dictum that includes *Ketentuan Umum, Ketentuan Hukum, dan Rekomendasi*. *Ketentuan Umum* 'General Limitation' include limitations on what is meant by religious attributes, *Ketentuan Hukum* 'Legal Verdict' covering the law on using non-Muslim religious attributes and orders or invitations to use them, and *Ketentuan Rekomendasi* 'Recommendation' regarding the consequences resulting from the decision of the law regarding the use of non-Muslim religious attributes by the MUI.

Finally, it is necessary to consider the CDA's role in expressing ideology in discourse. Thus, this linguistic analysis seems to end with a study of the fatwa on the *Law Using Non-Muslim Religious Attributes* as an ideological text. In this regard, what van Dijk stated about the characteristics of ideological texts seems to need to be considered, namely that ideological texts usually have several characteristics, which include polarization, use of exclusive pronouns (we-they), identification, ideological squares, activities, norms and values, and interests (van Dijk, 2015).

In the description above, the polarization in this fatwa has even been carried out through the title by distinguishing the category of Muslims from non-Muslims. This polarization also functions as an ideological square by providing evaluative statements based on Islamic values and norms that are believed and declared by MUI to be the only actual values that should be adhered to and followed. We can see this, for example, from the quotation used by the MUI, which mentions the act of using non-Muslim attributes such as *bāṭil*, *bid'ah*, *munkar*, violating the main principles in matters of worship, breaking the law, and straying from God's path. As we can see above, all of these negative terms are justified by the the Quran and Hadith, the two primary sources of law in Islam. This shows the characteristics of ideological texts that describe the categories of norms and values in the ideological schematic structure.

In terms of ideological categories of action, elements of activity that characterize ideological texts can be seen from the opinion of the MUI that invitations and suggestions to use non-Muslim attributes are acts of hostility to Muslims. The perpetrators deserve physical punishment. In more detail, the category of activity embodied in the ideological characteristics of action can be seen in ... *MEMPERHATIKAN number 1* that cites al-Sharbinī's opinion in *Mughni al-Muḥtāj ila Ma'rifati Alfaz al-Minhaj*, "*Dihukum ta'zir terhadap orang-orang yang menyamai dengan kaum kafir dalam hari-hari raya mereka, dan [Those who match the unbelievers in their feast days, punished with ta'zir] ...*" (Majelis Ulama Indonesia, 2016).

Interdiscursive Analysis

The second stage of text analysis is intertextual analysis or interdiscursive analysis, which Fairclough developed from the thoughts of Julia Kristeva and Michael Bakhtin. Fairclough categorizes intertextuality into two: manifest intertextuality and interdiscursivity. Manifest intertextuality refers to an intertextuality where one text appears within another text explicitly, for example, in the form of a quote. In contrast, in interdiscursivity, other texts underlie a different configuration of elements through an order of discourse (Fairclough, 2003).

As we can see in the text of the fatwa, there are many manifest intertextualities in this fatwa. There are six quotations in the form of the Quran verses in this fatwa with one function in common: to provide

a value basis to justify negative terms attached to activities using non-Muslim religious attributes. In addition to quoting the Quran, MUI also quotes five hadiths that function as quotations from the Quran. MUI also directly quotes a *qā'idah fiqhiyyah*. All of these quotations are contained in the preamble to *MENGINGAT*. Lastly, direct quotations from the opinions of the seven Islamic scholars are contained in the preambles *the MUI also uses MEMPERHATIKAN* for the same function.

In addition to having a manifest intertextuality relationship, this MUI fatwa also has an indirect interdiscursive relationship with other texts. This interdiscursivity simultaneously shows the influence of the issues that contributed to the issuance of this fatwa.

In the form of a statement, for example, the *Laskar Islam Klaten*' Klaten Islamic Warriors' (LAKIK) issued a statement "*Tadzkiroh and Maklumat*" on December 15th 2014, or two years before the MUI issued a fatwa on the *Law Using Non-Muslim Religious Attributes*. In the LAKIK statement there are two points whose contents are similar to those contained in the MUI fatwa regarding non-Muslim religious attributes, namely (1) "... wearing Christmas attributes or clothes ... the law is HARAM for a Muslim based on the hadith of the Prophet Muhammad SAW"; and (2) "... shop owners and other public places not to order and not force Muslim employees to wear Christmas attributes or clothes" (Panjimas, 2014)

The second and third points in the excerpt from the *Memutuskan 'Decide'* section of "*Tadzkiroh and Maklumat*" have in common with what is contained in the dictum part *Kedua: Ketentuan Hukum 1* 'Second: Law Ruling 1' and *Ketiga: Rekomendasi 4* 'Third: Recommendation 1' in the MUI fatwa on the issue of non-Muslim religious attributes, namely "*Using non-Muslim religious attributes is haram*" and "*Company leaders should ... not force the use of non-Muslim religious attributes on Muslim employees*" (Majelis Ulama Indonesia 2016, 8). For information, this *Tadzkiroh* and Declaration were jointly signed by LAKIK members, which included Jama'ah Ansharut Tauhid (JAT), Front Pembela Islam (FPI), Kokam Muhammadiyah, Majelis Mujahidin Indonesia (MMI), Hizbullah, Forum Komunikasi Aktivistis Masjid, Forum Umat Islam (FUI), Dewan Dakwah Islamiyah Indonesia (DDII), Laskar Prambanan, Barisan Muda Klaten, and Jama'ah Ansharusy Syari'ah (JAS).

A few days before the MUI published the fatwa on the Law on Using Non-Muslim Religious Attributes, Didin Hafidhuddin, one of

the official leader of PKS, as reported by *Republika*, stated his objection to companies ordering their Muslim employees to wear non-Muslim religious attributes. In the Prayer for Capital Leadership held at the Istiqlal Mosque, Didin said that this action was against the spirit of tolerance (*Republika Online*, 2016). Further, the Secretary General of PP Muhammadiyah, Abdul Mu'ti argued that Muslim employees do not need to use non-Muslim religious attributes (*Republika Online*, 2016).

In a more neutral statement, Ridwan Kamil, a Mayor of Bandung, argued that forcing Muslim employees to wear Christmas attributes could not be justified. He also explained that using these attributes is not a problem as long as the employee concerned does not mind (*Republika Online*, 2016). The General Chairperson of PP Pemuda Muhammadiyah, Dahnil Azhar, stated, "No one can be forced to wear or no one can prohibit wearing certain religious symbols..." (*Republika Online*, 2016).

An interesting problem with the interdiscursivity of the statements of these figures and fatwas, particularly in the dictum section, is the use of viewpoints that are not entirely the same. That is, even though they both advocate not to use non-Muslim religious attributes and/or prohibit coercion against their use, some of them differ on the matter of whether this is done voluntarily. This shows a different point of view and, at the same time, shows that this issue can be explained not only from the point of view of Islamic doctrine. This issue will be explained further in the next sub-chapter.

Discursive Practice Dimension

As part of the Fairclough CDA analytical framework, the analysis of discursive practice is closely related to the production, consumption and distribution of texts (Jorgensen and Philips, 2002). At this level, text producers depend on existing discourses and certain authoritative sources in producing texts. Likewise, the text recipients use existing discourse and specific authoritative sources that constitute the order of discourse to consume and interpret texts socially (Jorgensen & Philips, 2002). Distribution, which can be seen as a particular way of circulating text in the order of discourse, is examined in terms of a chain relationship rather than a choice relationship.

MUI Fatwa and the Order of Discourse of Islamic Identity

As described above, in terms of non-Muslim religious attributes, MUI fatwas have intertextuality, both manifest and interdiscursive intertextuality, with other previous texts. This means other texts shape the text, especially those directly mentioned in the fatwa. In other words, other texts that are quoted directly by the MUI or those that have influenced them are part of the order of discourse in terms of the use of non-Muslim religious attributes. Based on what is contained in the text of the fatwa, it can be said that the fatwa refers to one of the ideas contained in the order of discourse regarding Islamic identity, namely the idea that religious attributes as markers of identity are fixed and unchanging.

However, it should be noted that the notion of a permanent Islamic identity, especially regarding religious attributes as a marker of a permanent Islamic identity, is not the only idea that has developed in the order of discourse. Another notion that has developed regarding identity, including Islamic identity, is that identity is historical and constantly transforming due to the ongoing play of history, culture, and power. In other words, identity is not essence but positioning, which – arising from certain patterns of struggle and struggle – makes meaning possible, and the meaning here is more arbitrary and conditional than natural and permanent. That is, identity can only be seen in terms of articulation, the process by which collective identity, position, and several interests become explicit and incorporate certain identities into certain political positions (Li, 2000).

That is, identity can only be understood in terms of articulation, the process by which collective identity. We may be able to take an example from calligraphy as an Islamic art that is considered the most original and the main marker of Islamic cultural identity. Martin stated, “*Writing in Arabic script soon became a hallmark of Islamic civilization, found on everything from buildings and coins to textiles and ceramics, and scribes and calligraphers became the most honored type of artist*” (Martin 2004, 123). As an Islamic cultural identity, calligraphy has a history traced to Islam’s core doctrines, the Quran’s first revelation (Martin 2004, 123). However, many people think calligraphy can be the main Islamic identity because of the prohibition against drawing living things in Islamic dogma based on many hadith, which shows this. Even though we can accept this opinion, according to Abdul Hadi WM (2004), the hadith narrations regarding the prohibition of drawing living things were related to the influence of the

iconoclastic Byzantine culture. This is due to the position of the central government of the Umayyad dynasty in Damascus, Syria, which the Eastern Roman Empire formerly occupied. That is why not all Muslims agree that it is an absolute prohibition. Islam only prohibits drawing living objects as far as it is intended as idols, so painting is permissible. After all, many calligraphic works are shaped like living things. Therefore, it is not entirely true that ideological factors push calligraphy to appear as the main identity of Islam (Abdul Hadi WM, 2004).

Another reason Arabic calligraphy emerged as the main identity of Islamic culture is Muslims' respect for the Quran as their holy book. In this case, calligraphy is understood as a form of respect for the Quran, unique to Islam. However, this opinion is also problematic. Respect for the Quran cannot be separated from the fact that the Quran consists of words and appreciation for written words existed in Arabic before Islam. Leaman pointed out that the Arabs used to hang their poets' best poems on the Kabah. It means that calligraphy can be derived from the traditions of the Arabs before Islam, which means it is not unique to Islam (Leaman, 2004). Likewise, the ornamental motifs developed in Islamic decorative art and often included with calligraphy can be derived from Byzantine and Persian decorative art patterns (Lapidus, 1999). So, it is true what Parves Mansour (1984) said, as quoted by Abdul Hadi WM, *"Islamic art does not emerge from a vacuum. It absorbed various traditions that appeared earlier in history ... it also incorporated a unique synthesis, which was then developed according to its characteristics"* (Hadi, 2004).

The emergence of calligraphy as an Islamic cultural identity will become clearer if we consider how calligraphy differentiates Islamic culture from other cultures. In this case, (Leaman, 2004) argued that as a new religion that continues the traditions of Judaism and Christianity, apart from emphasizing some similarities with the two predecessor religions, Islam must also present itself differently. Since the Christian culture of the Middle East in the early days of the spread of Islam after the era of the Prophet Muhammad and the era of the Prophet Companion is representative, the right strategy for Islam is non-representational. This shows that calligraphy is related not only to theological issues but also to issues of cultural strategy (Leaman, 2004). Calligraphy, as is often found in mosques, is not only made to honor the Quran or read and understand its meaning. Because of its complicated

design, calligraphy is sometimes very difficult to read and understand, so sometimes, its function is no more than a painting.

The same thing applies equally to the main identity markers of each religion in the form of clothing and or whatever. More specifically, this also means that the headscarf, robe, turban, cap, and other things considered typical Islamic clothing experience the same thing as calligraphy being one of the main markers of Islamic cultural identity. Thus, clothing as an identity that remains and does not change from Islamic identity is not the only discourse that develops in the order of discourse. Therefore, we need to study the MUI fatwa in terms of its selection of the fixed and unchanging concept of identity.

Fatwa and the Technologization of Discourse

To explain this problem, we must consider Fairclough's opinion regarding the technologization of discourse, which is the intervention process by certain institutions towards discursive practices to develop a hegemony. The digitalization of discourse is related to five things, namely (1) the emergence of certain discursive practices of discourse technology experts; (2) controlling discursive practices, like providing sanctions and corrections; (3) the design of discursive techniques in discourse technologists; (4) simulating or systematically incorporating certain discourse techniques into discursive practices; and (5) the standardization and normalization of certain discourse practices (Fairclough, 1996; Fairclough, 2010).

Functioning as a discourse technology expert in a legal discourse on the use of non-Muslim attributes is the MUI. Of the many existing ideas regarding the use of non-Muslim attributes in orders of discourse, MUI chose to "accredit" the opinion, stating that this is haram. As mentioned, the prohibition of using non-Muslim religious attributes has been stated by scholars whose opinions were quoted by the MUI in the fatwa, namely al-Sharbinī, al-Suyūfī, Ibn Ḥajar al-Haytamī, and Ibn Qayyim al-Jauzī. In the Indonesian context, this opinion had been urged by a group of mass organizations calling themselves LAKIK. At this stage, the MUI functions as a discourse technology expert, accredits opinions regarding non-Muslim attributes as forbidden and rejects opinions that allow it. Thus, according to his opinion, MUI believes that Islamic identity in terms of clothing and attributes is fixed and does not change. Therefore, the law on wearing non-Muslim religious attributes is unlawful.

After the fatwa was published, several parties shared opinions (agreeing and disagreeing) regarding the fatwa. Wiranto, Coordinating Minister for Political, Legal and Security Affairs, for example, after learning about this fatwa, sparked sweeps in several places and responded negatively to the MUI fatwa: “Considerations for issuing a fatwa should not come from one perception or *source of consideration*. *But it also has to be considered from various perspectives so that the fatwa does not disturb the public*” (Viva.co.id, 2016). Negative comments also came from Masinton Pasaribu, a PDIP politician, not towards the fatwa directly, but towards the Kulonprogo Police Chief and the Bekasi Police Chief, who based their form letter on the MUI fatwa, and asked the National Police Chief to remove both of them, “*The National Police Chief should just replace the Police Chief, who does not understand the hierarchy of constitutional rules and laws in Indonesia. ...*”(Viva.co.id, 2016). Negative comments also emerged regarding this fatwa from business sectors. Haryadi Sukamdani, the Chairperson of the Indonesian Employers’ Association (Apindo) and Chair of the Indonesian Hotel and Restaurant Association (PHRI) stated “... *if there are many non-Muslim consumers, this is hospitality. Years ago, hotel employees did not refuse*” (Republika Online, 2016). Therefore, Haryadi considers that the fatwa is counterproductive to the business area, which tries to provide hospitality, especially to non-Muslim consumers, when certain religious holidays are celebrated.

However, several figures who agree with this fatwa expressed their support, even using different points of view. As stated by Tengku Zulkarnain, one of the important figures who drove the ABI 212, for example, who considers that this fatwa is in line with Bhinneka Tunggal Ika, “*Each Bhinneka Tunggal Ika goes with its religion and culture. It’s not that I have to follow your culture, follow your religion*” (Demokrasi News, 2016). Another statement was also given by the General Secretary of Youth Muhammadiyah, Pedri Kasman, when responding to Wiranto, “*This statement is a form of government intervention against MUI ...*” and “... *a form of restriction on the right to expression and express opinions ...*” (Warta Ekonomi, 2016). He also commented on the Chief of Police’s statement that fatwas are not a positive law in Indonesia, so they cannot be used as a reference in law enforcement. Pedri considers that the statement by the Chief of Police is counterproductive in realizing tolerance and national unity (Dakta.com, 2016).

Another interesting opinion also comes from politicians. For instance, Jazuli Juwaini, Chair of the PKS fraction, argued that the MUI fatwa was to maintain tolerance (Republika Online, 2016). As another example, we can see the statement by Romahurmuziy, General Chairperson of the PPP version of the Pondok Gede Conference. Taking Brunei as a case example, he considers that wearing certain religious attributes means celebrating the rituals of that religion and—because of that—can only be done in certain places, like places of worship (Republika.co.id, 2016).

Apart from council members, although with a little emphasis on coercion, regional heads also shared the opinion of the MUI fatwa. For example, Ridwan Kamil, who at that time was still the Mayor of Bandung, although he has no problem if the use of non-Muslim religious attributes is voluntary, still urges employers not to force their Muslim employees to use non-Muslim religious attributes (Republika.co.id, 2016). Fahira Idris, Deputy Chairman of Commission III DPD RI in charge of religious affairs, supports Ridwan Kamil's stance. He stated, "... *I urge the heads of other regions to also issue letters of encouragement to all employers in their regions not to force their employees to wear Christmas attributes*". Like Jazuli Juwaini, she argues that such a regional regulation reinforces tolerance (Republika.co.id, 2016).

Other regional heads who issued a ban on forcing the use of non-Muslim religious attributes were the Governor of West Sumatra and the Mayor of Makassar. Mohammad Ramdhan Pomanto, Mayor of Makassar, issued a ban on forcing the use of non-Muslim religious attributes on Muslim employees (Viva.co.id, 2016). Going further than just banning the use of non-Muslim religious attributes, the Governor of West Sumatra, Irwan Prayitno, even forbade the public from selling non-Muslim religious attributes because it is the same as mixing the beliefs of different religions (CNN Indonesia, 2016).

If we look further, all statements by mass organization figures and politicians who support the MUI fatwa regarding non-Muslim religious attributes are similar. They use freedom of religion and tolerance to respond to the fatwa. This, of course, is not a problem that needs to be discussed. However, although it does not necessarily show the same final opinion, it shows the same discursive technique in responding to the problem. This offers one feature that Foucault calls the technologicalization of discourse: the standardization and normalization of discursive practices. More

specifically, we can say that the same discursive technique is most likely based on the same view of religious identity that is fixed and unchanging. On the other hand, Pedri Kasman's response to the statements by the Chief of Police and the Coordinating Minister for Political, Legal and Security Affairs shows another feature of technological discourse, namely controlling discursive practices through corrections.

However, it should also be noted that corrections as a way of controlling discursive practices are not only made for those who disagree or slightly object to the MUI fatwa regarding non-Muslim religious attributes but also for those who overly agree with this fatwa. We can see this in the matter of sweeping non-Muslim religious attributes. We can see this objection in the statement by the Chairman of the MUI at that time, KH. Ma'ruf Amin, in response to the sweeping action carried out by FPI (Viva.co.id, 2016). Muhammad Baharun, Head of the MUI's Legal Affairs Commission, responded similarly. For him, such control is the authority of legitimate law enforcers, namely the National Police (Detik.com, 2016). Apart from the ranks of the MUI, a correction to the sweeping action was also proposed by Jusuf Kalla. He stated, "*Mass organizations cannot implement those regulations. ... That is the function of the police.*" (Viva.co.id, 2016). As part of the government, Wiranto, as the Coordinating Minister for Political, Legal and Security Affairs at that time, reacted even more harshly by calling the mass organization's sweeping action a violation of the law and had to be arrested (kompas.com, 2016). In line with Wiranto, Rina Sari Ginting, Head of Public Relations of the North Sumatra Regional Police, stated that "*Polri will take firm action against anyone who conducts sweeping. ... There are threats or confiscation, they will be processed*" (Detik.com, 2016). In response to FPI's sweeping action in Surabaya, Rina Sari Ginting's statement was justified and confirmed by Kombes Pol. Martinus was the then-head of the Police Public Relations Division (Viva.co.id, 2016).

Social Practice Dimensions

The social practice dimension of discourse is related to the social context, which is not directly related to shaping and influencing the production and reproduction of certain texts. According to (Jorgensen and Philips, 2002), when discussing the CDA developed by (Fairclough, 2010), the analysis of the social practice dimension emphasizes the

following two points. First, it explains the relationship between discursive practice and the order of discourse. For example, what social networks dominate certain discourses and how discourses are distributed and regulated into texts. Second, mapping non-discursive issues also affects the production and interpretation of discourse. For example, social structures and relations are the locus of a discursive practice (Jorgensen and Philips, 2002).

Furthermore, in the analysis of social practice, Fairclough (2010) divides it into three levels: situational, institutional, and social. The situational level relates to the immediate situation when the text was produced. At this level, it must be understood that every text is produced in a unique situation so that it is different. The institutional level is related to the influence of institutions on discourse production practices, both internally and externally. At this level, texts are understood as the result of the discursive practices of certain institutions with interests and ideologies. The socio-cultural level refers to the socio-cultural system in which a text is produced. In this way, a text must be understood regarding its social and cultural systems (Fairclough, 2010).

Taking into account that every communication event functions as a form of social practice in reproducing an order of discourse, critical discourse analysis becomes a multilevel analysis that links analysis at the micro (text) level with analysis at the meso and/or macro level, namely by interpreting findings in context and a particular situation (social practice). Thus, it can also be understood that this analysis of socio-cultural practices aims to provide an overview of how ideological forces spread their influence in society. According to Fairclough, the struggle for and the spread of ideological power is not direct but is mediated by discursive practices, which, as stated above, cover two things, namely first, how the text is produced and second, how the public consumes and receives the text.

In explaining the social practice dimension of the MUI fatwa regarding the *Hukum Menggunakan Atribut Keagamaan Non-Muslim* 'Law of Using Non-Muslim Religious Attributes', an analysis will be carried out on three issues, namely how the fatwa related to situational problems, institutional issues, and socio-cultural issues.

Situational Level

The situational aspects that need to be considered in understanding this fatwa have been partly stated in the fatwa. We can see in the *MENIMBANG* section, for example, the situational aspects behind the publication of this fatwa are (1) “... *during the commemoration of non-Islamic religious holidays, some Muslims in the name of tolerance and friendship, use non-Muslim religious attributes and/or symbols ...*”; (2) “... *that to enliven non-Islamic religious activities, there are some business owners ..., even government offices require their employees, including Muslims to wear religious attributes from non-Muslims*; and (3) “... *questions arose regarding the law on using non-Muslim religious attributes*” (Majelis Ulama Indonesia, 2016).

The situation stated in the fatwa, namely that there were solicitations, orders, and or perhaps coercion of other religious attributes, was also put forward by other parties, for example, Ridwan Kamil (Republika Online, 2016). On the other hand, although he did not state that there was coercion, Haryadi Sukamdani’s statement as Chairman of Apindo also indirectly shows that there is an invitation or suggestion to wear non-Muslim religious attributes (Republika Online, 2016). We might see this more clearly in LAKIK’s statement claiming to have information about the forced use of non-Muslim religious attributes at KFC two years before the MUI fatwa on the law on wearing non-Muslim religious attributes was published (Panjimas, 2014).

Based on what has been stated above, complaints regarding coercion, solicitation, orders, or suggestions to use other religious attributes by employers against Muslim employees, as stated by the MUI in the preambles *MENGINGAT* “*REGARDING*” the fatwa may exist. However, this does not appear to be the only factor. If you only rely on complaints like this, this fatwa should have been decided and published at least two years earlier. This means other factors caused the MUI to decide and publish the fatwa. One of the factors that support the MUI to decide and publish this fatwa seems to be the tendency of the strengthening of the Islamic movement at the end of 2016, especially the movement that demanded Ahok be convicted, which at that time was the Governor of DKI Jakarta, which was named the Action to Defend Islam 411 (November 4th 2016) and Action to Defend Islam 212 (December 2nd 2016). We can catch this from the statement of the spokesperson for HTI, Ismail Yusanto, who stated that the company should learn from the

Ahok case in the case of Christmas attributes. Due to this coercion, do not let the tension in interreligious relations escalate (Republika, 2016).

This Action to Defend Islam contributed to MUI in terms of at least two things that were mutually contradictory to one another. First, interreligious relations in the situation when the Islamic Defending Action was carried out must be admitted to be heating up, so there is a possibility that the MUI will publish this fatwa precisely to minimize unnecessary friction in society. This is because Muslims, especially those who are directly involved with the Action to Defend Islam, are at the peak of the movement's consolidation capabilities. Second, on the contrary, with the Action to Defend Islam, MUI has additional motivation to issue this fatwa. This is because the use of non-Muslim religious attributes by Muslim employees has been going on for a long time, but the political momentum to publish this fatwa is not strong enough. Of the two trends, the second factor contributed more. This becomes clear when considering the institutional dimension contributing to this fatwa.

Institutional Level

At the institutional level, as mentioned above, we can see that this fatwa has received political support from various groups. This political support came not only from Islamic groups but also from politicians and regional heads, such as Jazuli Juwaini, who was the head of the PKS faction, Romahurmuzyi who was the Ketum PPP, Fahira Idris from DPD RI, Ridwan Kamil, Mayor of Padang, Governor West Sumatra, and Mayor of Makassar.

Interestingly, those mass organizations approved this fatwa and implemented it through sweeping or socialization. Organizations that are members of LAKIK, for example, all agree on sweeping movements against non-Muslim religious attributes, such as *Jama'ah Ansharut Tauhid (JAT)*, *Front Pembela Islam (FPI)*, *Kokam Muhammadiyah*, *Majelis Mujahidin Indonesia (MMI)*, *Hizbullah*, *Forum Komunikasi Aktivistis Masjid*, *Forum Umat Islam (FUI)*, *Dewan Dakwah Islamiyah Indonesia (DDII)*, *Laskar Prambanan*, *Barisan Muda Klaten*, dan *Jama'ah Ansharusy Syari'ah (JAS)* (Panjimas, 2014). This explains how the Action to Defend Islam movement, which became the culmination of the consolidation of the Islamic movement at that time, became a contributing factor to issuing a fatwa regarding the *law on the Use of Non-Muslim Religious*

Attributes. This is also reinforced by the fact that the GNPF-MUI, which has now changed to become the GNPF-Ulama, also supports this fatwa and takes an affirmative stance against sweeping carried out by religious organizations on non-Muslim religious attributes.

Socio-cultural Level

Finally, at the socio-cultural level, we must admit that in the Islamic legal literature, the dominant opinion has developed regarding the use of non-Muslim religious attributes by Muslims that the law is haram. This can be found easily in the opinions of previous scholars quoted by the MUI in the preambles MEMPERHATIKAN. Most social organizations, including moderate ones such as Nahdlatul Ulama and Muhammadiyah, also hold this opinion. This also explains why the MUI chose a fixed, frozen, and unchanging concept of identity rather than the concept of Islamic identity, which is fluid, moves with the times, and can experience change.

In addition, as explained in the situational and institutional level analysis, deciding on a fatwa regarding using non-Muslim religious attributes by holding a more fluid concept of identity is not possible due to at least two factors. First, until now, the fatwa is still the authority of religious institutions that view religious identity as fixed and unchanging, concerning previous scholars who lived in space and time far from what we face today. Second, academics and scientists who believe that identity can change over time are primarily outside religious institutions. They are usually academics or researchers at universities or research institutes where fatwas are not part of their intellectual work. With these two factors, it is impossible to expect a fatwa regarding Islamic religious attributes that are more flexible and adhere to a fluid concept of identity that can change over history.

Conclusion

Based on the analysis, there are some important conclusions to note in this study. First, a linguistic analysis of the legal fatwa using non-Muslim Religious Attributes can show that the fatwa is an ideological text. This can be proven by the polarization in this fatwa through the title by distinguishing the Muslim category from non-Muslims, which at the same time functions as an ideological square by negative other

description. We can see this, for example, from a quote used by the MUI, which mentions the act of using non-Muslim attributes such as *bāṭil*, *bid'ah*, *munkar*, violating the main principles in matters of worship, breaking the law, and straying from God's path.

Furthermore, the interdiscursive analysis shows that there is a lot of intertextuality that is manifest in this fatwa. There are six quotations in the form of the Quran verses in this fatwa with one function in common: to provide a value basis to justify the designation attached to activities using non-Muslim religious attributes. Apart from citing the the Quran, MUI also cites five hadiths that function as quotations from the the Quran. MUI also directly quotes a *qā'idah fiqhīyyah* and seven opinions of previous Muslim scholars. Apart from having a manifest intertextual relationship, this MUI fatwa text also has interdiscursive with other texts, which, at the same time, shows the influence of issues that develop outside this fatwa text, which also contribute, for example, by the statement of the attitude of the Klaten Islamic Warriors (LAKIK) in the form "Tadzkiroh and Maklumat" on December 15th, 2014.

Second, as a discursive practice, all statements by mass organization figures and politicians who support the MUI fatwa regarding non-Muslim religious attributes are similar. They use freedom of religion and tolerance to respond to the fatwa. Although not necessarily showing the same final opinion, this shows the same discursive technique in responding to the problem. At the same time, this offers one feature that Foucault calls the technologicalization of discourse, namely the standardization and normalization of discursive practices, which are most likely based on the same view of religious identity that is fixed and unchanging.

On the other hand, the digitalization of discourse is also carried out by correcting discursive practices that are different, disagree, and slightly objectionable, for example, Pedri Kasman's response to the statements by the Head of the Indonesian National Police and the Coordinating Minister for Political, Legal and Security Affairs; and also to those who too much agree with this fatwa so that it manifests itself in action in the form of sweeping non-Muslim religious attributes.

Third, an analysis of the socio-cultural dimension of this fatwa shows that: (1) situationally, this fatwa was driven by complaints about the discomfort of the community when using non-Muslim religious attributes on their holidays and the consolidation of Islamic movements

after the 212 Action to Defend Islam; (2) institutionally, this fatwa became possible to publish because of the support from various groups, including politicians and religious mass organizations who had initially wanted non-Muslim religious attributes to be banned; and (3) the dominant view that the use of non-Muslim religious attributes by Muslims is haram, including those developed within moderate Islamic organizations, such as Nahdlatul Ulama and Muhammadiyah. This also explains why the MUI chose a fixed, frozen, and unchanging concept of identity rather than choosing the concept of Islamic identity, which is fluid, moves with the times, and can experience change.

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