

Public Perception of MUI Fatwa Number 1 of 2021 concerning Giving Money to Beggars in Makassar City, South Sulawesi: Perspectives on Positive Law and Islamic Law

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Abstract

This study aims to analyze public perceptions of MUI Fatwa Number 1 of 2021 which regulates giving money to beggars from the point of view of positive law and Islamic law. In social and religious contexts, the issue of giving money to beggars has become a complex debate with significant social and economic implications. This study uses a comparative legal approach between positive law and Islamic law to understand the prevailing legal view. The research method used is a qualitative approach by collecting data through in-depth interviews and analysis of documents related to fatwas and related regulations. The study respondents consisted of various walks of life, including academics, legal practitioners, and religious leaders. The results of the analysis show variations in views in society regarding the effectiveness and compliance with MUI Fatwa Number 1 of 2021 on positive legal considerations, while other views refer to interpretations of Islamic law and social values. From a positive legal perspective, the fatwa reflects an attempt to regulate the practice of giving money to beggars in order to address potential exploitation and abuse. However, from the perspective of Islamic law, there are nuances of humanity and solidarity that must be taken into account in the context of giving alms. This study also illustrates how people's views can be influenced by cultural factors, social environment, and religious understanding. The results of the study show that MUI fatwa Number 1 of 2021 concerning Exploitation and begging activities on the streets and public spaces turns out that there are still many who do not know about the existence of the fatwa, and do not agree with the existence of the fatwa. The existence of a haram fatwa regarding giving money to beggars is done to stop human exploitation, the fatwa is the result of a study. The issuance of MUI Fatwa number 1 of 2021 concerning exploitation and begging activities on the streets and public spaces to support Regional Regulation Number 2 of 2008 concerning the development of street and sprawl children so that the government prioritizes making programs that further suppress high social problems. While in Islamic law, MUI fatwas do not contradict Islamic law. The fatwa does not necessarily prohibit Muslims from giving or receiving alms in its entirety or universally. Only in certain places and through other means. The implication of this research is that in upholding law and justice, law enforcement should conduct socialization related to legal problems that often occur, so that ordinary people can understand the legal consequences they cause in public life.

Keywords: Public Perception; MUI Fatwa Number 1 of 2021; Giving Money to Beggars; Positive Law; Islamic Law

Abstrak

Penelitian ini bertujuan untuk menganalisis persepsi masyarakat terhadap Fatwa MUI Nomor 1 Tahun 2021 yang mengatur tentang pemberian uang kepada pengemis dari sudut pandang hukum positif dan hukum Islam. Dalam konteks sosial dan agama, isu pemberian uang kepada pengemis telah menjadi perdebatan kompleks dengan implikasi sosial dan ekonomi yang signifikan. Penelitian ini menggunakan pendekatan hukum komparatif antara hukum positif dan hukum Islam untuk memahami pandangan hukum yang berlaku. Metode penelitian yang digunakan adalah pendekatan kualitatif dengan mengumpulkan data melalui wawancara mendalam dan analisis dokumen terkait fatwa dan regulasi terkait. Responden penelitian terdiri dari berbagai lapisan masyarakat, termasuk akademisi, praktisi hukum, dan tokoh agama. Hasil analisis menunjukkan variasi pandangan dalam masyarakat terkait efektivitas dan kepatuhan terhadap Fatwa MUI Nomor 1 Tahun 2021 pada pertimbangan hukum positif, sementara pandangan lainnya merujuk pada interpretasi hukum Islam dan nilai-nilai sosial. Dari perspektif hukum positif, fatwa ini mencerminkan upaya untuk mengatur praktik pemberian uang kepada pengemis demi mengatasi potensi eksploitasi dan penyalahgunaan. Namun, dari perspektif hukum Islam, terdapat nuansa kemanusiaan dan solidaritas yang harus diperhitungkan dalam konteks pemberian sedekah. Penelitian ini juga menggambarkan bagaimana pandangan masyarakat dapat dipengaruhi oleh faktor budaya, lingkungan sosial, dan pemahaman agama. Hasil Penelitian menunjukkan fatwa Mui Nomor 1 Tahun 2021 tentang Eksploitasi dan kegiatan mengemis di jalanan dan ruang publik ternyata memang masih banyak yang belum tau tentang adanya fatwa tersebut, dan tidak sepakat adanya fatwa tersebut. Adanya fatwa haram mengenai memberikan uang ke pengemis tersebut dilakukan untuk menghentikan adanya eksploitasi manusia, fatwa tersebut merupakan hasil kajian. Dikeluarkannya Fatwa MUI nomor 1 tahun 2021 tentang eksploitasi dan kegiatan mengemis di jalanan dan ruang publik untuk mendukung Peraturan Daerah Nomor 2 tahun 2008 tentang pembinaan anak jalanan dan gepeng agar pemerintah lebih memprioritaskan pembuatan program yang lebih menekan tingginya permasalahan sosial. Sedangkan dalam hukum islam fatwa MUI tidak bertentangan dengan syari'at Islam. Fatwa tersebut tidak serta merta melarang umat Islam untuk memberi maupun menerima sedekah secara keseluruhan atau universal. Hanya pada tempat tertentu dan melalui cara yang lain. Implikasi Penelitian ini yakni dalam menegakkan hukum dan keadilan, penegak hukum seharusnya melakukan sosialisasi terkait permasalahan-permasalahan hukum yang kerap terjadi, sehingga masyarakat awam dapat memahami akibat hukum yang ia ditimbulkan dalam kehidupan bermasyarakat.

Kata kunci: Persepsi Masyarakat; Fatwa MUI Nomor 1 Tahun 2021; Memberi Uang ke Pengemis; Hukum Positif; Hukum Islam

1. Introduction

Islam is a religion that consistently provides guidance for its followers in both worldly and afterlife matters (Basyir, 2020). Therefore, every aspect of life—ranging from the smallest to the most significant—is governed by Islamic teachings. The Qur'an and the Sunnah of the Prophet Muhammad (peace be upon him) serve as the primary sources for Muslims in navigating their lives. Submitting to the commands within these two sources is a manifestation of faith in Allah and His Messenger. A person cannot be considered a true believer until they adhere to the shari'ah of Allah (Kamali, 2017). Islam can be classified into three interrelated and harmonious dimensions: *'aqidah* (faith), *'ibadah* (worship), and *mu'amalah* (social transactions) (Arisandy et al., 2022). These three components must be implemented by humans in the course of their lives.

The Qur'an and Sunnah are not merely moral reference points, but are obligatory frameworks that guide the life of every Muslim (El Fadl, 2017). The Prophet Muhammad (peace be upon him) was sent to bring about holistic and universal transformation, reforming

a society that was rife with injustice. The religion he brought carried with it aspirations and concepts of monotheism (*tauhid*), noble character, and social justice that corresponded to the intellectual and societal development of that era. The presence of the Qur'an and Hadith as sacred texts plays a central role in shaping the epistemological character and civilizational identity of Islam (L. Hakim et al., 2018). Interpretation of the Qur'an, therefore, serves as one of the key cultural mechanisms in the production of knowledge.

Islam does not recognize social stratification by privileging any particular class. Instead, in Islam, the strong are considered weak if they oppress others, and the weak are considered strong when they demand and attain their rights (Dalimunthe, 2021). All human beings are equal in Islam, regardless of skin color, gender, or nationality; all are equal before Islamic law (Rozihan, 2020). Within the framework of Islamic teachings, economic activities undertaken by individuals are bound by ethical guidelines and moral values. These principles govern how one fulfills material needs and engage in transactions with others (Mustafa et al., 2016).

Indonesia is a developing country grappling with poverty. In every urban area, there are pockets of poverty characterized by overcrowded housing, street children, beggars, and various other markers of urban deprivation (Iqbal et al., 2019). The persistence of poverty and poor living conditions demonstrates that this issue cannot be fully explained as a mere economic reality. It signifies not only limited access to employment, income, education, and healthcare but also reflects a broader systemic issue encompassing structural deficiencies and societal values. Poverty, in this context, becomes a cultural reality, manifesting in attitudes of resignation and helplessness (Abdul Nasir, 2020).

Poverty brings about numerous adverse consequences. To meet daily needs, many individuals must exert significant effort, while others resort to theft or other forms of crime. Conversely, some may become increasingly devoted to religious practices or isolate themselves from society. One manifestation of compassion and mutual assistance in Islam is the act of giving charity (*sadaqah*), which is highly encouraged (Mustafida et al., 2020). The Qur'an presents the concept of charity in a compelling and motivational manner. Indonesia, as a developing nation, faces the dual challenges of low per capita income, underdeveloped infrastructure, and a relatively low Human Development Index (HDI) compared to global standards.

These economic challenges have been exacerbated by recurring crises and natural disasters, which have significantly worsened the living conditions of many people. Many businesses have closed, resulting in layoffs and rising prices of basic necessities. This has left many families struggling to survive and afford food. These circumstances not only lead to increased unemployment but also elevate the risk of crime.

Homelessness and begging have long existed as entrenched social phenomena. In many urban areas, vagrants and beggars are managed to avoid disrupting public life. For the urban poor—particularly those who are unskilled and unemployed—begging, reciting

prayers, or seeking sympathy are often perceived as viable means of survival. In cities like Makassar, red lights, intersections, parking lots, markets, and other public spaces become hotspots where individuals solicit money by simply raising their hands, performing songs, or using musical instruments.

These individuals often present themselves in a manner that emphasizes extreme poverty—wearing tattered clothing, bandaging limbs to simulate injury, sometimes with visible fake blood, or pretending to be paralyzed. It is not uncommon for such activities to be organized, with leaders or coordinators taking a share of the collected earnings. Social issues such as economic instability, limited employment opportunities, and the inability of the job market to absorb labor contribute to the prevalence of vagrants and beggars in Indonesia. Homelessness has thus long been a focus of social concern, particularly in urban areas where their presence has become increasingly visible and difficult to avoid.

This phenomenon also discourages productive behavior. Many of these individuals are physically capable of working but choose not to seek employment. Instead, they linger in public places, especially traffic lights and roads, depending on others' compassion. Life on the streets fosters a sense of comfort and normalcy for them, preventing them from contemplating the negative aspects and long-term consequences of such a lifestyle. Furthermore, this disrupts public order and security. The continued act of giving alms to such individuals inadvertently sustains their dependency and reinforces street begging as a livelihood.

From the perspective of Islamic law, giving alms to beggars or street performers can be subject to *ta'zir* (discretionary punishment) (Abdillah et al., 2022), as such acts may be considered as supporting unlawful or unproductive behavior. Although Islam emphasizes the virtue of generosity and the promise of divine reward for giving to others, this principle is not absolute. Giving charity to individuals who exploit public sympathy in deceptive or non-productive ways may, in fact, be discouraged or even prohibited. In this light, a more discerning and structured approach to charitable giving is necessary—one that supports genuine need and promotes self-sufficiency rather than dependence.

2. Research Methods

This study employs a qualitative research design. Qualitative research is a methodological model that occurs in a natural setting, allowing the researcher to explore the research phenomenon in depth through actual experience and a high degree of engagement. The research will be conducted in Makassar City, South Sulawesi. This study adopts an empirical juridical approach, which aims to examine how laws are implemented in practice, including the processes of law enforcement. Through this approach, the study seeks to identify the challenges encountered and the underlying factors contributing to those issues. The data sources for this research consist of two types: primary and secondary data. Primary data will be obtained directly from fieldwork, while secondary data will be collected from

literature and documentation relevant to the research topic. The data collection techniques include references to books, documents, and interviews. The collected data will then be analyzed using an inductive reasoning method and processed through qualitative analysis techniques.

3. Discussion

3.1. Background of the Emergence of the MUI Fatwa on the Exploitation of Beggars in Public Spaces

The Indonesian Council of Ulama (Majelis Ulama Indonesia/MUI) of South Sulawesi issued a fatwa as stated in Fatwa No. 1 of 2021 concerning the exploitation and activity of begging on streets and in public spaces. This fatwa, which prohibits giving money to beggars, was intended to curb human exploitation that poses safety risks and disrupts public order. The fatwa was the result of studies responding to the growing phenomenon of street children and beggars, particularly in the city of Makassar. The findings revealed that begging is frequently exploited by certain parties for personal gain. These concerns were formalized in MUI South Sulawesi Fatwa No. 01 of 2021, which stipulates:

- a. It is forbidden (*ḥarām*) to exploit individuals for the purpose of begging.
- b. For donors, it is forbidden to give money to beggars in the streets and public spaces, as this supports those who exploit beggars and fails to cultivate good character.

As for beggars:

- a. It is forbidden if the individual is physically able and healthy but chooses to beg due to laziness.
- b. It is reprehensible (*makrūh*) if the individual begs in public areas that pose a risk to personal safety.
- c. It is obligatory (*wājib*) for the government to care for, support, and guide such individuals properly.

In addition, the MUI urges the government to pay greater attention to neglected children and the poor, in accordance with existing laws. The issuance of this fatwa serves as a preventive measure to ensure that the issue can be effectively addressed by the government.

As explained by Nasrullah Sapa, a member of the MUI South Sulawesi Fatwa Commission, in an interview:

"The issuance of this fatwa is not solely aimed at prohibiting the exploitation of beggars. Because many people continue to give, the fatwa would be ineffective if it only addressed exploitation. Hence, the MUI concluded that it is equally important to prohibit giving. Does this fatwa mean that giving is absolutely forbidden? No. The prohibition applies specifically to giving in the streets. Can one give elsewhere? Yes. Donations should be directed to foundations and institutions that manage charitable funds properly. The essence is that there is a cause-and-effect relationship, and both the cause and the effect must be regulated or restricted."

Abd. Wahid Haddade, Secretary of the MUI South Sulawesi Fatwa Division, also stated in an interview:

“The fatwa was not issued to outright forbid people from giving. Rather, it aims to discourage creating a culture of laziness. Additionally, it is intended to protect lives. What the public must understand is that the MUI does not prohibit charity, but encourages giving to those who are genuinely in need and ashamed to beg. Donations can be directed to orphanages or zakat distribution institutions to ensure aid reaches the right recipients. It is in line with the Islamic principle that what your right hand gives should not be known to your left hand.”

Syamsul Bahri, another member of the MUI South Sulawesi Fatwa Commission, emphasized in an interview:

“Although the Qur’an does not explicitly prohibit giving money to beggars, considering the current conditions—with beggars increasingly found in streets and intersections—the MUI issued a fatwa prohibiting donations to beggars in public places. This is to prevent traffic congestion and maintain public order. In principle, Islam discourages begging except in cases of emergency. However, the reality is that many beggars are physically and mentally healthy. The Makassar city government has also attempted to control this issue through enforcement. With this fatwa, the MUI hopes to raise awareness and discourage giving to beggars, as continued donations only empower those who organize begging rings and encourage others to become beggars.”

Based on the author’s analysis of public interviews and Fatwa No. 1 of 2021 on giving money to beggars, it was found that some members of the public disagreed with the fatwa. They believe that giving to beggars is a form of worship practiced by Muslims. However, the author supports the issuance of this fatwa, as there have been documented cases of individuals pretending to be in need and exploiting the act of begging (Siregar, 2021). Moreover, some donors share their acts of charity on social media, which can trigger public gatherings and endanger lives (S. F. A. Al Hakim, 2019). Such actions also risk cultivating poor character, especially among children who should not yet bear the responsibility of earning a living. As humans—and particularly as Muslims—we are taught to avoid harm (*maḍarrah*) when it outweighs benefit (*maṣlaḥah*) (Syarifuddin, 2020).

There are, in fact, many more reliable channels through which to distribute aid, such as the National Amil Zakat Agency (Baznas) and orphanages (Haris, 2020). These institutions are considered more effective in helping those truly in need. From the perspective of some ḥadīths and scholarly opinions, begging is seen as a disgraceful act when performed by those who are able to work, as it reflects a preference for asking from others over self-reliance.

3.2. Public Perception of MUI Fatwa Number 1 of 2021

Following interviews with several members of the community regarding MUI Fatwa Number 1 of 2021 on the exploitation and practice of begging in public spaces and on the streets, it was found that many individuals were still unaware of the fatwa's existence and disagreed with its issuance. Etta Malik, a community member who has previously given money to beggars and was unaware of the fatwa, stated:

“I did not know that there is a fatwa prohibiting us from giving money to beggars. Even though the fatwa was issued to stop parties or individuals deemed to be exploiting others, as members of the public, we are unable to distinguish between beggars who are being exploited and those who are genuinely in need. As fellow human beings, we have a moral responsibility to help one another.”

Mr. Irwan also remarked:

"With the issuance of this fatwa, I feel that the MUI has contradicted Islamic teachings themselves, as Islam teaches that the hand that gives is better than the hand that receives. So, what is wrong with sharing what we have with those in need?"

Mustafa Dg. Ngerang added:

"I am not in full agreement with the fatwa, as I firmly uphold Islamic law which encourages acts of charity and helping fellow Muslims."

Abdul Syukur commented:

"The MUI has carelessly prohibited giving money to beggars, whereas in Islam we are encouraged to give charity."

Additionally, Rustam, a neighborhood head (RT), stated:

"I do not agree with the issuance of this fatwa because, as Muslims, we are strongly encouraged to give in charity. Moreover, the fatwa has not been effectively socialized to the public."

This concern was affirmed by Nasrullah, a member of the MUI Fatwa Commission, who said:

"Indeed, the fatwa has not yet been effectively disseminated, and this is one of its shortcomings. At MUI, we have several channels for dissemination, such as our website and news media, but not all members of the public engage with these sources. Many have yet to understand the core message of the fatwa—especially if they judge it only by its title, which states that giving is prohibited. Therefore, broader public outreach is essential."

In response to these findings, the researcher sought to provide outreach and clarification to both givers and recipients of alms on the street. This was deemed necessary, considering that many individuals may have turned begging into a profession as a means of earning money without working, while others may be victims of exploitation by irresponsible parties. During these awareness efforts, the researcher explained that the rationale behind prohibiting the act of giving and receiving money in public spaces was rooted in concerns about safety, exploitation, and the negative impact on character development. However, following the researcher's explanation, Dg. Sutte stated:

"I beg to meet my daily needs. If I don't beg, how will my family eat? Yes, I do receive government assistance every three months, but it is not enough for our daily expenses. I have children and a wife to care for, and I do not beg every day—only three times a week. If the MUI issued this fatwa on the grounds of safety or risk to life, I believe that life and death are ultimately in God's hands. When the time comes, we will die wherever we are."

Similarly, Dg. Rannu added:

"Even though the fatwa has been issued, we will continue to beg in the streets. How else can we eat if not by begging? Begging is our only source of income, especially now that my husband has passed away and I am solely responsible for supporting my child."

Several beggars also expressed their hope that the government would play a more active role in supporting beggars and street children. They explained that their circumstances and harsh socio-economic conditions have forced them into begging. Without this means of survival, they would not have food. This situation is largely attributed to low levels of education and prevailing social inequalities. Therefore, it is imperative that the government gives greater attention to and provides effective solutions for these issues.

3.3. The Correlation Between Positive Law and Islamic Law in Relation to MUI Fatwa Number 1 of 2021

Begging is often seen as a last resort for individuals who perceive no other viable means of meeting their basic needs due to various limitations. One form of legal violation committed by beggars is their infringement of Article 504 of the Indonesian Criminal Code (KUHP) (Irawadi et al., 2019). Article 504 KUHP explicitly states that anyone who begs in public shall be sentenced to imprisonment for up to six weeks. If the act of begging is carried out collectively by three or more individuals over the age of sixteen, the sentence may be extended to a maximum of three months.

Thus, the enforcement against beggars is clearly and firmly stipulated in the Criminal Code. Begging is classified as a criminal offense categorized under public order violations. This reflects a form of criminalization of begging within the KUHP. The provisions emphasize that only public acts of begging that disturb public order may be subject to penal sanctions.

Begging in public is regulated under Book III of the Criminal Code and is classified as a misdemeanor against public order. Article 504 outlines two main points: a. Anyone who begs in public shall be subject to imprisonment for a maximum of six weeks. b. If begging is carried out collectively by three or more individuals aged over sixteen, the penalty increases to a maximum of three months of imprisonment. The intent of Article 504 is to deter activities that disrupt public order and may harm the interests of the broader society. Its objective is to maintain societal order and public tranquility.

The rationale behind penalizing public begging, as stated in Article 504, lies in concerns over public order, potential criminal activity such as theft, and the intent to mask the visibility of poverty and squalor in Indonesia. However, imposing penalties indiscriminately on all beggars, without distinguishing between types or motivations, is considered irrational—especially in the context of overcapacity in correctional facilities and the inadequacy of shelters. Moreover, poverty remains the primary driver behind begging. The legal structure demands that every violation be prosecuted; however, in practice, this is rarely applied to beggars. Many beggars operate openly—even in front of law enforcement officers—yet court decisions prosecuting violations of Article 504 are extremely rare. This indicates a significant dysfunction in the legal system with respect to the enforcement of this article.

Beggars who do not engage in criminal elements such as fraud, child exploitation, coercion, or robbery, and whose actions are driven purely by economic hardship, should be decriminalized as part of a broader social defense strategy. This aligns with Article 34 paragraph (1) of the 1945 Constitution of Indonesia, which states: “The poor and abandoned children shall be cared for by the state.” Since such acts do not typically harm others or violate public interests—as evidenced by the lack of public complaints—they should be approached with compassion rather than punishment.

There is a pressing need for criminal law reform concerning Article 504 KUHP. At minimum, there should be a distinction or prerequisite for determining when begging

constitutes a punishable offense. Not all beggars should be treated equally under the law; differentiation is essential to determine who deserves punitive measures and who instead falls under the state's responsibility for social welfare. The purpose of law is not solely to ensure legal certainty but also to promote societal benefit and uphold justice. Thus, a humane and functional criminal law system is needed—one that balances the interests of the state, society, and the individual, in accordance with the true aims of law enforcement.

Since 2008, the Makassar city government has introduced a program for the rehabilitation of street children, as outlined in Regional Regulation No. 2 of 2008 on the development of street children, vagrants, beggars, and buskers. The government's responsibilities in implementing this regulation include: a. Guidance; b. Social rehabilitation efforts; c. Empowerment; d. Continued counseling; e. Community participation.

However, efforts by the Department of Social Affairs—such as establishing temporary shelters—have proven insufficient in reducing their presence on the streets. Consequently, greater priority should be placed on developing programs that address the root causes of social problems involving street children and beggars in public spaces throughout Makassar. This persistent social phenomenon stems from multiple contributing factors.

a. Supporting Factors

Since the enactment of Regional Regulation No. 2 of 2008, several factors have facilitated its implementation, including: the existence of a regulatory framework, collaboration between local government and private companies, availability of resources to support the rehabilitation of street children, infrastructure to support the program, and sufficient budget allocations.

b. Inhibiting Factors

Despite these strengths, several challenges hinder the effective implementation of the regulation. These include: modernization, industrialization, urbanization, poverty, social transformation, and prevailing social conditions.

Both Article 504 of the Criminal Code and Regional Regulation No. 2 of 2008 demonstrate the government's commitment to addressing the widespread issue of street children, beggars, and buskers, particularly in Makassar. However, these policies have yet to achieve their desired impact, as efforts to rehabilitate street children and beggars remain inadequate. Although a regulatory framework and service mechanisms exist, they often fail to prioritize the rights and best interests of vulnerable groups. The implementation of Regional Regulation No. 2 of 2008 has yet to reach its full potential, partly due to the lack of comprehensive legal protections for street children.

The issuance of MUI Fatwa No. 1 of 2021 on exploitation and begging in public spaces supports Regional Regulation No. 2 of 2008 and emphasizes the need for government programs that more effectively address the social problems associated with street children and beggars in public spaces in Makassar.

Beggars are generally categorized as part of the *dhu'afa* (the economically disadvantaged), especially those genuinely facing economic hardship. However, some beggars engage in deceit, feigning poverty by wearing ragged clothes to evoke sympathy and gain alms from others.

The Qur'an addresses the issue of beggars in several verses. Allah (SWT) states in Surah al-Dhariyat (51:19):

"And in their wealth is a rightful share for the beggar and the deprived." (Kementerian Agama RI, 2019)

This verse affirms that beggars may rightfully claim support from the wealth of the righteous—not as an act of pity, but as a rightful entitlement. Nonetheless, Islam discourages reliance on begging when one is physically capable of working. The notion that reliance on divine providence alone (*tawakkul*) permits idleness is rejected. Heaven does not rain down gold or silver.

The Prophet Muhammad (peace be upon him) also warned against habitual begging. As narrated by Hakim bin Hizam (RA), the Prophet said:

"The upper hand (the giving hand) is better than the lower hand (the receiving hand). Begin with your dependents. The best charity is that which is given when one is self-sufficient. Whoever seeks to be chaste, Allah will make him chaste, and whoever seeks to be self-sufficient, Allah will make him self-sufficient."

This hadith emphasizes that a dignified life is one in which a person contributes to others rather than relying on them. Giving reflects compassion, care, and solidarity. The Prophet sternly cautioned against a life dependent on begging, emphasizing that every acquisition of wealth must be accountable before the Creator. Thus, begging without necessity is considered a reprehensible act in Islam.

4. Conclusion

The Indonesian Ulema Council (MUI) of South Sulawesi issued a fatwa codified in Fatwa Number 1 of 2021 concerning the exploitation and practice of begging on streets and in public spaces. This fatwa declares that giving money to beggars is **haram** (prohibited) as a preventive measure against human exploitation. The fatwa was the result of careful deliberation on the growing phenomenon of street children and beggars, particularly in Makassar. Additionally, MUI emphasized the need for the government to take greater responsibility for abandoned children and the impoverished, in accordance with national legislation.

Despite its issuance, public awareness of MUI Fatwa Number 1 of 2021 remains limited, and the fatwa has sparked disagreement among certain segments of society. Many argue that Islam strongly encourages acts of charity (*sadaqah*), and thus, prohibiting donations to beggars seems contradictory to Islamic values. One of the reasons behind the prohibition of both giving and receiving money in the streets is the potential danger it poses to the safety of beggars, as well as the concern that it may foster negative behavioral patterns.

A key shortcoming lies in the ineffective dissemination of the fatwa, which contributes to public misunderstanding and low compliance. From a legal standpoint, the act of begging constitutes a violation of Article 504 of the Indonesian Penal Code (KUHP), which clearly states that any person who begs in a public place may be subject to imprisonment for up to six weeks.

The issuance of MUI Fatwa Number 1 of 2021 on the exploitation and act of begging in public spaces was intended to reinforce Regional Regulation Number 2 of 2008 on the development and rehabilitation of street children and the homeless. The fatwa urges the government to prioritize the development of more effective social programs aimed at reducing these pressing social issues. From the perspective of Islamic law, the fatwa is not in contradiction with the *sharī'ah*. It does not categorically prohibit Muslims from giving or receiving charity in a general or universal sense. Rather, it provides specific guidance regarding appropriate places and methods for giving charity. The underlying objective of the fatwa is to ensure that alms are directed toward rightful recipients. Therefore, it encourages donations to be channeled through official institutions that specialize in managing *zakat*, *infaq*, and *sadaqah*. When charity is administered through such formal mechanisms, its impact is likely to be more substantial and far-reaching.

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