

Measuring the *Maslahah* of South Sulawesi MUI Fatwa Number 003/2023 on Crop Transactions for Pig Fodder in Minority Areas

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Abstract

The purpose of this study is to reassess the application of the *maslahah* (public interest) framework in a minority Muslim setting, specifically through an analysis of the 2023 MUI South Sulawesi Fatwa (No. 003) regarding the permissibility of selling crops for pig feed in Toraja. By examining this fatwa, the study aims to contribute to the broader discourse on how Islamic legal reasoning adapts within pluralistic and socio-economically diverse contexts. The research employs a qualitative methodology that combines library research and field study. The library research encompasses Islamic legal sources, previous fatwas, and scholarly literature on *maslahah* (public interest) and transactions involving prohibited elements in Islam. The field study complements this with interviews involving MUI South Sulawesi scholars and Muslim community members in Toraja, providing insights into both the rationale behind the fatwa and the community's reception. The findings demonstrate that the fatwa represents a shift from the conventional reliance on blocking the *sadd al-dharī'ah* (means to harm) toward a more pragmatic application of *maslahah* (public interest) and *istihsān* (juridical preference). By allowing the sale of crops for pig feed, the fatwa acknowledges the socio-economic realities faced by minority Muslims in Toraja and highlights the adaptability of Islamic law in non-majority settings. The originality of this study lies in situating the fatwa within the lived experiences of minority Muslims, showing how *maslahah* (public interest) functions beyond abstract legal theorization. The implications extend to the development of a more contextual and responsive Islamic jurisprudence that remains relevant to diverse Muslim communities navigating pluralistic societies.

Keywords: *Maslahah*; South Sulawesi MUI Fatwa 2023 Fatwa (No. 003); Pig feed; Toraja community.

Abstrak

Tujuan studi ini adalah untuk mengevaluasi kembali penerapan kerangka *maslahah* (kepentingan umum) dalam konteks minoritas Muslim, khususnya melalui analisis Fatwa MUI Sulawesi Selatan Tahun 2023 (No. 003) mengenai keabsahan penjualan tanaman pangan untuk pakan babi di Toraja. Dengan mengkaji fatwa ini, penelitian ini bertujuan untuk berkontribusi pada diskusi yang lebih luas mengenai bagaimana penalaran hukum Islam beradaptasi dalam konteks pluralistik dan beragam secara sosio-ekonomi. Penelitian ini menggunakan metodologi kualitatif yang menggabungkan penelitian perpustakaan dan studi lapangan. Penelitian perpustakaan mencakup sumber-sumber hukum Islam, fatwa-fatwa sebelumnya, dan literatur akademik tentang *maslahah* (kepentingan umum) serta transaksi yang melibatkan unsur-unsur terlarang dalam Islam. Studi lapangan melengkapi ini dengan wawancara melibatkan ulama MUI Sulawesi Selatan dan anggota komunitas Muslim di Toraja, memberikan wawasan tentang

alasan di balik fatwa dan penerimaan komunitas terhadapnya. Temuan ini menunjukkan bahwa fatwa tersebut mewakili pergeseran dari ketergantungan konvensional pada pemblokiran *sadd al-dharī'ah* (cara untuk menimbulkan bahaya) menuju penerapan yang lebih pragmatis terhadap *maslahah* (kepentingan umum) dan *istihsān* (preferensi yudisial). Dengan mengizinkan penjualan tanaman untuk pakan babi, fatwa ini mengakui realitas sosial-ekonomi yang dihadapi oleh Muslim minoritas di Toraja dan menyoroti fleksibilitas hukum Islam dalam konteks non-mayoritas. Keunikan studi ini terletak pada penempatan fatwa dalam pengalaman nyata umat Muslim minoritas, menunjukkan bagaimana *maslahah* (kepentingan umum) berfungsi melampaui teorisasi hukum yang abstrak. Implikasinya mencakup pengembangan fiqh Islam yang lebih kontekstual dan responsif, yang tetap relevan bagi komunitas Muslim yang beragam dalam menghadapi masyarakat pluralistik.

Kata kunci: *Maslahah*; Fatwa MUI Sulawesi Selatan 2023 (No. 003); Pakan babi; Komunitas Toraja.

1. Introduction

The pig farming industry in Indonesia is a complex phenomenon, particularly in areas with a majority non-Muslim population (Kurniawan et al., 2025), such as Bali, Toraja, East Nusa Tenggara, and Papua. The existence of the pig farming industry directly creates a need for a supporting supply chain, one of which is the large-scale distribution of pig feed (Shyaka et al., 2022). Pig feed has become an important commodity whose economic turnover impacts various segments of society, not only farmers but also traders and distributors.

One of the challenges faced by minority communities is experienced by Muslim farmers residing in Tanah Toraja. In this region, where the majority of the population adheres to the Christian faith, Muslim farmers encounter difficulties and discomfort due to the disparities between religious obligations and their agricultural work, which may conflict with each other. While these farmers typically cultivate crops like cassava and sweet potatoes, essential for daily sustenance, the leaves of these crops are sold in a market primarily used for swine feed within the Christian community.

In this context, Muslim farmers must grapple with both moral and practical dilemmas. Although the crops they cultivate are vital for daily needs, the sale of cassava leaves for swine feed, which may be deemed inconsistent with Islamic principles, creates a complex situation. They must carry out their work while upholding their religious values, contributing to a unique dynamic among the coexisting religious communities in Tanah Toraja.

The discourse on the sale of pig feed to Muslims is closely intertwined with contemporary fiqh studies, particularly in the domain of fiqh muamalah, which regulates the economic interactions of Muslims. In classical and contemporary fiqh literature, the prohibition on the consumption of pork is absolute, as stipulated in the Qur'an and Hadith. However, regulations regarding the sale and purchase of goods related to pigs, including their by-products and supporting materials such as feed, remain an issue requiring further interpretation. A controversial issue in 2006 became a public concern

due to the use of non-halal ingredients in fish feed, which was deemed non-halal for Muslim consumption. This controversial issue led to a ban on fish fed with non-halal feed by the Malaysian National Agency (Saidin et al., 2022).

Religious institutions such as the Indonesian Ulema Council (MUI) have also issued a number of fatwas affirming the prohibition of pork and its legal implications for Muslims. Nevertheless, interpretations regarding the buying and selling of goods that support pig farming, such as animal feed, have not been regulated in detail and specifically in existing fatwas (Noordin et al., 2024). This opens up room for differing opinions, particularly among Islamic law academics and contemporary fiqh practitioners, regarding the limits of tolerance for Muslim economic interaction with prohibited industries.

This research aims to fill the knowledge gap and perspectives related to the issue of buying and selling swine feed in Islam. Despite creating uncertainty and debate, there is still a void in the understanding and interpretation of specific aspects. This research will approach the issue in-depth and detail, focusing on the fatwa MUI South Sulawesi Number 003 of 2023. The study will explore the contents of the Fatwa issued by the scholars of South Sulawesi in 2023 in a comprehensive manner. Through textual and contextual analysis, this research will attempt to comprehend the legal foundation, considerations, and objectives of the fatwa, as well as how it can provide guidance in the context of buying and selling swine feed.

Several studies have been conducted regarding the use of plants as pig feed; however, among these studies, none have analyzed the MUI Fatwa number 003 of 2023 from the perspective of *maslahah*. Notable research includes a study conducted by Riting in 2020 titled "Philosophical Legal Reasoning in the Utilization of Sweet Potato Leaves for Pig Feed: A Case Study in the Pentojangan Village, Telluwanua Subdistrict, Palopo City." Another study was carried out by Wahyuni S, S. in 2018 with the title "Buying and Selling Sweet Potato Leaves for Pig Feed from the Perspective of Islamic Economics in Lamasi Pantai Village, Walenrang Timur Subdistrict, Luwu Regency."

This research is a literature review that will conduct an in-depth analysis of relevant literary sources with the title "Reassessing Maslahah: Analyzing South Sulawesi MUI Fatwa 2023 (No. 003) Regarding Plant Transactions for Swine Feed in Minority Regions." Data retrieval will focus on Islamic law literature, fatwas (specifically MUI South Sulawesi Fatwa No. 3 of 2023), and previous research related to *maslahah*, the legal aspects of selling pig feed in Islam, and MUI fatwas. These sources will form a solid foundation for understanding to identify the perspectives and arguments put forth by scholars and researchers regarding this controversy.

The research will involve textual and contextual analysis of the South Sulawesi MUI Fatwa Number 003 of 2023. Data collection will include a detailed understanding of

the fatwa's text, exploring the legal arguments employed, and seeking contextual comprehension of the fatwa. With this approach, this literature review will provide comprehensive insights into the MUI fatwa and its impact on the practice of buying and selling plants for swine feed in minority regions.

2. Research Methods

This study uses a qualitative approach by combining field and library research methods. It focuses on a comprehensive and contextual understanding of the application of the Maslahah principle in the South Sulawesi MUI Fatwa No. 003 of 2023, as well as the community's response to it. This study is classified as descriptive qualitative research. The objective is to describe and analyse in depth the dynamics of contemporary Islamic law in the context of minority Muslim communities through the Maslahah approach. Field research was conducted in the Toraja region of South Sulawesi, a social environment relevant to the fatwa. Interviews were also conducted at the South Sulawesi MUI office in Makassar, the institution responsible for issuing the fatwa.

The data sources in this study are divided into two categories. Primary data was obtained directly through interviews with MUI South Sulawesi officials, Islamic religious leaders in Toraja, and members of the Muslim community involved in or affected by the plant transactions intended for pig feed. Secondary data was collected from the official document of the South Sulawesi MUI Fatwa No. 003 of 2023, classical and contemporary Islamic legal literature, books, academic articles, journals, and other references relevant to the concepts of Maslahah, Sadd al-Dzari'ah, istihsan, and Islamic legal thought in the context of minorities. Data collection techniques included library research, which involved a critical review of fiqh literature, Maslahah theory, previous MUI fatwas, and Islamic legal discourse in non-Muslim majority communities. In-depth interviews were conducted semi-structurally to explore informants' views and experiences. Documentation methods were also used to collect and record supporting documents directly related to the fatwa and the social context of the Toraja community. The qualitative approach aims to explain phenomena, perceptions, and behaviours and present them in accordance with the facts on the ground (Waruwu, 2024).

3. Discussion

3.1. The Practice of Buying and Selling Plants for Pig Feed by the Muslim Minority in Toraja

Toraja, a region renowned for cultural diversity and religious pluralism in South Sulawesi, Indonesia, epitomizes a unique balance between the Christian majority and the Muslim minority (Bambang Irwanto et al., 2024). Although the majority of the population adheres to the Christian faith, there is a Muslim community living harmoniously amidst a society dominated by Christian beliefs (Yudistira et al., 2022). The Muslim minority in Toraja

possesses a rich cultural and historical heritage, marking the diversity that characterizes this region (Alang, 2020).

Toraja is known for its profound religious rituals and traditional ceremonies, which enrich their cultural landscape (Imanuella & Yoesoef, 2021). While the majority of Christians follow the distinctive Toraja traditions, the Muslim minority here brings unique nuances and identities to the religious diversity ecosystem (Rappoport, 2004). A profound understanding of this diversity encompasses not only religious aspects but also highlights the values of tolerance and coexistence among communities (Bachrong & Ansar, 2021).

Although a minority, the Muslim community in Toraja also plays a role in the social and economic development of this region (Adams, 1984). They have a significant role in shaping cultural identity and contributing to diversity in various sectors, ranging from local economy to daily practices (Adams, 1997). A deeper understanding of the lives and challenges faced by the Muslim minority in Toraja can provide valuable insights into the social dynamics of this area.

Livestock farming of pigs is not unfamiliar to the Toraja community due to its high social value in their cultural traditions (Sri Ratna Ningsih, 2009). Pig farming holds special significance because of this social value. Pigs are one of the flagship livestock in the Toraja community, as evidenced by their high demand in almost every traditional ceremony, especially in Rambu Tuka' and Rambu Solo', as well as other customary ceremonies like Rampo Allo and Rampo Karoen (Rusdi et al., 2023). The high demand for pig livestock is not only influenced by the increasing needs of the community but also has a direct impact on its economic value. In the context of pig farming, emphasizes that feed costs constitute the largest cost component, reaching between 55 to 86 percent of the total production costs (Tala & Irfan, 2020).

The efforts of farmers to reduce feed costs by providing filling but still effective feed ingredients to increase the weight or size of pigs reflect a smart strategy in livestock business management. In this context, the biomass of sweet potatoes is one of the common choices used by pig farmers in Toraja.

The provision of sweet potato biomass as feed material reflects an economical and sustainable policy. Sweet potatoes, as a commonly produced crop in the region, can serve as a cheap and abundant source of feed (Bawole et al., 2021). The filling nature of this plant has dual benefits: reducing feed costs and providing a sense of satiety to the pigs. Besides the economic aspect, the use of sweet potato biomass also reflects local wisdom and adaptation to local natural resources (Mahardika et al., 2023). This choice is not only financially beneficial but also supports the sustainability of agricultural ecosystems and livestock livelihoods in the area.

The sale of sweet potato plants is highly productive in assisting the financial needs of farmers, including those who are Muslims. Muslim minorities involved in the sale of pig feed

from sweet potato leaves in the land of Toraja face unique challenges and dynamics that reflect the reality of diversity in the region. Despite the majority of the Toraja community adhering to the Christian faith, Muslim minorities, especially those involved in the business of selling pig feed, can make a significant contribution to the local economy.

The buying and selling practice of sweet potato leaves in Toraja has a relatively high intensity, as farmers conduct harvesting and marketing twice a month. The selling price of sweet potato leaves is calculated based on the quantity per "kirat" (bundle, where the length of the bundle's twine is approximately 30 cm). The price per bundle is Rp. 5,000. Typically, during each sweet potato leaf harvest, farmers can produce 45 to 100 bundles, resulting in sales ranging from Rp. 225,000 to Rp. 500,000.

The majority of Muslims selling sweet potato leaves for pig feed are not aware of the Islamic legal provisions related to this matter. This is evident, as stated by Sudirman in our interview:

"I think buying and selling sweet potato leaves for pig feed is perfectly fine, especially since it provides additional income for us. It greatly helps housewives in meeting daily needs, including funding our children's education. Actually, we don't know the legal aspect of it, that's why we often wonder about the legality of this business."

In line with this, Sunandar states:

"We have been doing this buying and selling for a long time, but we are not well-informed about the legal aspects of this trade, so we have many questions about it."

The statements from sweet potato leaf farmers above indicate that the buying and selling of sweet potato leaves in Toraja significantly helps the local economy. They express that the sale of sweet potato leaves greatly assists in easing the financial burdens within households, including funding their children's education from school to higher education.

On the other hand, they are not aware of the Islamic legal aspects of this buying and selling. In this context, Muslim minorities engaged in this business may face challenges and perceptions from the surrounding community. How they reconcile business activities involving pig feed with their religious beliefs will impact social interactions and the community's perception of them. The success of Muslim minorities in selling pig feed from sweet potato leaves also creates opportunities to foster interfaith dialogue. In a situation where the majority are Christians and minorities are Muslims sharing space and resources, business activities like this can serve as a platform to build understanding and cross-religious cooperation.

3.2. MUI South Sulawesi Fatwa Number 003 of 2023 Regarding the Buying and Selling of Plants for Pig Feed

MUI South Sulawesi issued Fatwa Number 003 of 2023 regarding the buying and selling of plants for pig feed on June 1, 2023. The fatwa was issued in response to concerns and questions from the Muslim community in Toraja regarding the sale of animal feed for pigs, especially for residents in areas with a minority Muslim population. Muammar Bakry, the Secretary-General of MUI South Sulawesi stated:

"We receive many questions on this matter frequently. In South Sulawesi, there are indeed areas where the Muslim population is a minority, but they live harmoniously. Some of them rely on their livelihoods by selling pig feed." (Jauhari, 2023)

At the beginning of the MUI South Sulawesi fatwa, it explains several considerations, including the challenges faced by Muslim farmers in minority religious areas where the majority are Christians. Muslim farmers often encounter discomfort in balancing their religious obligations with jobs that tend to be contradictory. Most farmers in the area cultivate cassava and sweet potatoes, which are semi-industrial crops that are beneficial for basic needs. The leaves of these plants are highly productive when sold, contributing to the financial needs of the farmers. However, these sales are often directed towards Christians for pig feed.

On the other hand, Islamic Sharia prohibits the consumption of pork and all related products for Muslims, including the buying and selling, as well as farming, of pigs for consumption. Therefore, the Fatwa Commission of the Indonesian Ulema Council in South Sulawesi Province deemed it necessary to issue a fatwa regarding the legality of buying and selling plants for pig feed.

In the fatwa, MUI states that there is no definitive evidence (*dalil qath'i*) from the Qur'an and Hadith, and there is no consensus (*Ijma*) or analogy (*Qiyas*) that specifically addresses the buying and selling of plants for pig feed. Thus, determining the legality of this practice requires inference from the four main sources of Islamic law: the Qur'an, Hadith, *Ijma*, and *Qiyas*. In this case, it can be through the theories of determining law, such as *Sadd al-Dzariah* and *Istihsan*.

MUI further elaborates on the validity and invalidity of *Sadd al-Dzariah* arguments along with *Istihsan*. MUI cites verses from the Qur'an, such as al-Zumar/39:55 and al-Isra'/17:36, as evidence supporting the view that *Sadd al-Dzariah* is not invalidated. Meanwhile, the opinion that *Sadd al-Dzariah* is not valid is attributed to the Shafi'i scholars, among whom are mentioned:

وعبر الشاطبي عن موقف الشافعي فقال: ومن أسقط حكم الذرائع كالشافعي فإنه اعتبر المآل أيضا، لأن البيع إذا كان مصلحة جاز، وما فعل من البيع الثاني فتحصيل لمصلحة أخرى منفردة عن الأولى، فكل عقدة منهما لها مآلها. ومآلها في ظاهر أحكام الإسلام مصلحة فلا مانع على هذا (Al-Syatibi, 2003)

As-Syatibi responds to the views of Shafi'i. For those who do not use *Sadd al-Dzariah* as a legal source, such as Imam Shafi'i, the determination of the law is still considered valid because, fundamentally, buying and selling transactions are allowed due to their benefits. Then, the second buying and selling transaction that yields additional benefits is considered separate from the first one. Each transaction has its own consequences, and any legal consequences that outwardly comply with the benefits in Islamic law are considered permissible.

The opinion stating the validity of *Sadd al-Dzariah* is the majority view among scholars. They assert that *Sadd al-Dzariah* should be a reference in deducing legal rulings for issues

faced by the community. Regarding the cultivation of sweet potatoes for pig feed, it should be prohibited because it may involve a person in collusion with pig farming and as a supplier of pork, which is forbidden by religion. This aligns with the opinions of the Malikis and Hanbalis (Patta, 2023).

Referring to the legal implications is the goal and purpose of Sharia. When there is a strong indication that engaging in a permissible act can lead to its prohibition, that permissible act is forbidden. Thus, its legal status corresponds to the implications that arise. It is a necessity to consider a matter by focusing on aspects that can lead to harm.

Furthermore, MUI South Sulawesi explains Istihsan regarding the buying and selling of sweet potato leaves for pig farmers, presenting two opinions:

- a. Firstly, the majority of jurists (Jumhur Fuqaha) hold the view that selling sweet potato leaves to pig farmers is prohibited. The legal process transitions from the "permissible" (Mubah) status of trade to "forbidden" (Haram) due to safeguarding the objectives (maqasid) of Sharia, aiming not to lead a Muslim into forbidden acts through such transactions.
- b. Secondly, the viewpoint of the Shafi'i scholars states that Istihsan in this context involves moving away from the evidence of Sadd al-Dzariah towards the primary evidence, which is the permissibility of trade and the prohibition of usury, in accordance with the apparent law.

In terms of legal evidence (madlul Hukum), MUI continues by presenting two perspectives:

- a. According to the Malikis and Hanbalis, it is obligatory to consider the legal consequences and implications as a preventive measure against prohibited actions. This is known as Sadd al-Dzari'ah. Therefore, selling sweet potato leaves to pig farmers or those who supply pig farms is considered prohibited.
- b. Not considering the consequences and implications as the basis for legal decisions renders Sadd al-Dzari'ah invalid as a legal foundation in this matter. Therefore, the Shafi'is and Hanafis argue that selling sweet potato leaves to pig farmers or market traders who will supply pig farms is permissible. The sales contract has been legally fulfilled, and any subsequent use is not considered part of the sales contract (Sel, 2023).

Based on these arguments, MUI establishes the legal provision that selling sweet potato leaves to pig farmers in areas with a minority Muslim population is considered "Mubah" (permissible) to achieve a clear benefit, namely to assist farmers economically in meeting their needs. This legal provision is specifically intended for Muslims residing in minority areas due to the benefits it brings to their lives.

The existence of marital property can be seen from at least two perspectives. Firstly, some believe that Islam does not recognize the concept of marital property except through

analogy (qiyas) with the concept of shirkah (partnership). This view does not recognize the merging of husband and wife's assets through marriage. The wife's assets remain her property and are fully controlled by her, and similarly for the husband. According to this view, the wife is still considered capable of managing her property independently without her husband's assistance. Secondly, there is a view that marital property aligns with the aspirations and intentions of Islamic law (Asnawi, 2022).

This is understandable because the social structure of society when fiqh was codified did not recognize the merging of husband and wife's assets. The patriarchal culture only acknowledged the separation of assets between husband and wife. Therefore, the regulations on marital property outlined in the Compilation of Islamic Law (KHI) are undoubtedly the result of ijtihad by Indonesian scholars who have adapted them to cultural norms.

The *usul* (fundamental) basis used is *qiyas* (analogy) with *shirkah abdan* in *fiqh muamalah*. *shirkah abdan* is sometimes also referred to as *shirkah al-a'mal*. *shirkah abdan* is the partnership of two or more parties to perform work according to their expertise, with equal or unequal profit distribution (Khalil, n.d.). The work and skills shared may be the same or may vary among the partners involved. In the cultural perspective of Indonesia, husband and wife are considered to be collaborating, each contributing according to their competencies. A husband with a particular profession who contributes financially to the household is considered part of the partnership with his wife. Similarly, a wife who works outside the home is regarded as a member of the *shirkah*, contributing with her skills and profession. A wife who manages the household is also considered as someone working according to her expertise in household management. Therefore, a wife who takes care of the household is seen as part of the partnership, contributing to the financial gains of the household and should receive a share of the marital property in the event of a separation, whether caused by death or divorce.

There are at least three factors that differentiate classical and modern cultures regarding the status of wives in the household. First, the role of the wife in classical society was predominantly domestic. This was due to women in classical times being generally isolated at home, not given opportunities for education and skill acquisition that could be used in the public sphere. Modern society, however, provides women with opportunities for education and skills development for use in the public sphere. These opportunities allow women to acquire assets that contribute financially to the household. Second, the reality of financial support. In classical society, the wife tended to be the recipient of financial support. This differs from modern society, where wives also help husbands in earning a living, and in some cases, wives earn more than their husbands. Third, classical society did not recognize the merging of husband and wife's assets. The husband's property was entirely his own, and the same applied to the wife's property. This contrasts with modern society, which recognizes the merging of assets between husband and wife. A husband who works to earn a living

clearly contributes financially to the household. Likewise, a working wife is considered to contribute financially to the household. A wife who manages domestic affairs is also considered to contribute financially by supporting her husband in earning a living. In modern society, both husband and wife are seen as working partners, and thus both are entitled to marital property upon separation (Alimuddin, 2021).

The Syafi'iyah and Malikiyyah scholars divide shirkah (partnership) into four types. First: shirkah 'Inan, which is a partnership limited to the pooling of capital and effort to gain mutual profit. Second: shirkah abdan, which is a partnership where two or more parties collaborate on something according to their expertise, with the profits shared equally or unequally (Khalil, n.d.). The work and skills shared may be the same or may vary among the partners involved. Third: shirkah mufawadah, which is not limited to the pooling of capital and effort for mutual profit, but also includes the acquisition of each party through other means such as gifts and donations. Fourth: shirkah wujuh, which is a partnership based solely on trust (Khalil, n.d.).

Marital property falls under shirkah abdan, aligning with various types of shirkah present in Indonesian society. This is due to the fact that most husbands and wives work hard every day to support their families. If only the husband works, the wife still makes a significant contribution by maintaining family stability and unity through managing the household, raising children, shopping, and preparing food and drinks for the husband while he works. The share (percentage) received by individuals or parties involved in shirkah abdan is not determined by scholars. Therefore, the share received by individuals or parties in a shirkah is based on the initial agreement or mutual consultation.

The definition of sharikat al-abdānis is when two individuals agree to collaborate on a specific task, and the revenue generated from the task is divided between them based on the agreed-upon ratio. This form of partnership is commonly found among various professions such as carpenters, blacksmiths, porters, tailors, goldsmiths, and others. This partnership remains valid whether the partners have the same profession, like a carpenter-carpenter partnership, or if their professions differ, like a carpenter-blacksmith partnership. It is irrelevant whether all parties actively participate in the work, or if some choose not to work at all; similarly, whether they work individually or collectively does not affect the validity.

3.3. Review of Maslahah Mursalah on the Fatwa of MUI South Sulawesi Number 003 of 2023

The maslahah approach has significant implications for the format and pattern of contemporary Islamic jurisprudence, widening the possibilities for the emergence of different legal provisions in one region compared to another (Hanifah et al., 2017). This is because considerations of benefit are heavily influenced by the context of place and time. Islamic jurisprudence that evolves in the Middle East may not directly apply in other countries due to potential differences in conditions, issues, needs, customs, and other factors. Therefore,

jurisprudence is essentially open to variations, unlike creed (tawhid), which is more certain and uniform in nature (Abd Razak, 2019).

Through maslahah, contemporary Islamic jurisprudence can promote universal values of justice, well-being, and sustainability (Mawardi, 2010). By considering the common good, scholars can formulate laws that not only reflect the needs of the Muslim community but also contribute positively to the overall well-being of society. Fatwa MUI South Sulawesi Number 003 of 2023 serves as an example of the maslahah approach employed by scholars in South Sulawesi in responding to the social and economic dynamics in the Toraja community.

By setting aside the theory of Sadd al-Dzariah and prioritizing maslahah, scholars from the Fatwa Commission of MUI South Sulawesi permit the buying and selling of plants for pig feed as a policy that considers a balance between Islamic legal principles and the common good. This permission arises from the understanding that, in certain situations, selling plants for pig feed can provide significant economic benefits and support the sustainability of farmers' livelihoods.

In this context, the MUI South Sulawesi utilizes the concept of istihsan. Istihsan is indeed frequently employed by jurists to uphold maslahah or the common good in situations where the law derived from textual evidence may not cover or may contradict the well-being of the community or the principles of justice. Istihsan is considered an effort to optimize or align Islamic law with the principles of maslahah. As stated by Muammar Bakry:

...looking at minority Muslim communities is an integral and inseparable part of the Muslim community in general. Therefore, Muslims residing in minority areas require specific fiqh laws that can provide solutions in religious life (Interview with Muammar Bakri, 2023).

In this situation, the primary focus is on maslahah or the general welfare. This perspective demonstrates the scholars' readiness to assess and adjust Islamic law according to the actual circumstances of the community. This choice allows room for *ijtihad*, a creative interpretation of Islamic law that can effectively respond to challenges and cater to the requirements of various communities, including those living in minority regions.

According to the author, the permission to sell sweet potato leaves for pig farmers in minority Muslim areas by MUI South Sulawesi reflects a wisdom that considers a balance between economic interests, community well-being, and religious principles. This permission is seen as a form of adaptation and flexibility in addressing local needs, while also paying attention to clear *maslahat* principles. The sale of sweet potato leaves is viewed as a form of *maslahat* or common interest that is evident. The minority Muslim community in Toraja faces challenges and needs practical solutions to meet their economic needs. In this framework, selling sweet potato leaves for pig farmers is identified as one solution that aligns with religious values while providing economic benefits.

This decision also reflects an Islamic legal approach that understands and adapts to the local context and the needs of the community. By granting the status of *mubah* (permissible) to the sale of sweet potato leaves, Islamic law acknowledges that sustainability

and the well-being of the community can be achieved through certain adjustments and adaptations. This reflects the importance of allowing space for *ijtihad* (efforts in legal interpretation and reasoning) that takes into account the practical needs of the local community.

In summary, the permission to sell sweet potato leaves for pig farmers in minority Muslim areas highlights the complexity of addressing real-life dynamics in alignment with religious principles. This approach opens opportunities for dialogue and seeking common understanding among the community, stakeholders, and scholars to achieve better understanding and provide solutions that align with common needs.

4. Conclusion

MUI South Sulawesi Fatwa No. 003 of 2023 prioritises *maslahah* over the theory of *Sadd al-Dzariah* as a commitment to balancing Islamic legal values with the public interest. Permitting the purchase and sale of plants for pig feed, the Fatwa Commission acknowledges the economic benefits and supports the sustainability of farmers' livelihoods in certain situations. Permission to sell sweet potato leaves to pig farmers in minority Muslim areas is presented as a wise adaptation that balances economic interests, community welfare, and religious principles. This decision reflects an Islamic legal approach that understands and adapts to the local context, allowing *ijtihad* to accommodate practical needs while aligning with religious values. However, it is important to acknowledge certain limitations within the scope of this research. First, this study primarily focuses on the analysis of one fatwa, namely the South Sulawesi MUI Fatwa No. 003 of 2023. Thus, this research contributes to the diversity of beliefs in society, particularly from an Islamic *fiqh* perspective. Therefore, this research requires further examination to become a more in-depth discourse on the comparison of fatwas regarding this issue.

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