

CHAPTER I

INTRODUCTION

1.1. BACKGROUND OF RESEARCH

After a massive attack of Palestinian by Israel are highlighted by the media on October 7, 2023, people in various countries, including Indonesia, voiced their support for boycotting several well-known products which affiliated with Israel and known to help fund Israeli attacks on Palestine. The goal of this boycott is to pressure Israel's economy and urge them to cease their aggression against Palestine. However, due to the lack of an official ruling on the legality of this boycott, some people continue to use the boycotted products, reasoning that these products are still labeled halal.

The boycott targets several brands that are clearly supportive of or even fund attacks on Palestinian, including Starbucks, McDonald's, Dunkin' Donuts, Nestle, and popular clothing brands like Zara, along with LVMH subsidiaries like Dior, Louis Vuitton, and others.

Boycott movements are often used by the public to express dissatisfaction or condemnation towards the behavior or decisions of an individual or institution that are considered deviant or incorrect¹.

Following this phenomenon, *Majelis Ulama Indonesia* or the Indonesian Ulema Council issued a new fatwa regarding support for Palestinian fighters. The fatwa declares that supporting Palestinian fighters is an obligatory for Muslims, and any form of support for Israeli aggression against Palestine are banned. The fatwa also urges Muslims to avoid, as much as possible, transactions and the use of products affiliated with Israel or products that support colonization and Zionism of Palestinian².

UNIVERSITAS DARUSSALAM GONTOR

¹ Susi Nurkholidah, "Tinjauan Maqasid Al-Syari'ah Terhadap Pemboikotan Israel," *Jurnal Hukum Bisnis Islam* 14, no. 1, 2024, hal. 4, <https://jurnalfsh.uinsa.ac.id/index.php/maliyah/article/view/2323>.

² Indonesia, "Fatwa MUI No. 38 Tahun 2023 Tentang Hukum Dukungan Terhadap Perjuangan Palestina," *fatwamui.com*, 2023, <https://fatwamui.com/storage/554/Fatwa-MUI-Nomor-83-Tahun-2023-tentang-Hukum-Dukungan-Terhadap-Perjuangan-Palestina.pdf>

The reason these brands are considered affiliated with Israel is due to various Instagram posts and posts on other platforms from these companies that suggest support for Zionist interests. For example, on December 10, 2023, the well-known fashion brand Zara faced backlash after posting an advertisement photoshoot for their products that was perceived as mocking the situation in Gaza. The photoshoot, titled "The Jacket," featured model Kristen McMenamy standing amid the ruins of a building, holding a mannequin covered in a white cloth, along with several mannequins missing limbs. Following public pressure, Zara removed the post and expressed regret for the misunderstanding it caused³.

Another example is the Swiss conglomerate Nestlé, which owns several popular brands such as Nescafé, KitKat, Milo, Dancow, Cerelac, and many more, has also become a target of boycott by the BDS movement. The reason is that Nestlé is known to own Osem, the largest food producer and distributor in Israel, which was acquired by Nestlé in 2016 through a deal worth 3.3 billion shekels, or approximately \$876 million. This acquisition gave Nestlé 100% control over the sales of these Israeli food products⁴.

Proof that America supports the genocide of the Palestinian is the statement from the United States government that they will send advanced missile defense systems or Terminal High-Altitude Area Defense (THAAD) to Israel along with American troops to operate the system, under the pretext of strengthening Israel's air defense after the Iranian missile attack on October 1, 2024. The President of the United States, Joe Biden, also openly stated that he deliberately sent the missile defense system to "defend Israel"⁵.

As we all know, these well-known products from the United States are what support the economy of the country. Therefore, it can be concluded that boycotting

³ Arab News, "Social Media Users Call for Zara Boycott after 'Gaza Destruction-Inspired' Ad Campaign Sparks Uproar Online," *Arab News*, 2023, <https://arab.news/p55hv>.

⁴ Market Watch, "Nestle Says Its Sales Are Suffering Due to Israel Boycotts," *MarketWatch*, 2024, <https://www.marketwatch.com/story/nestle-says-its-sales-are-suffering-due-to-israel-boycott-7982f5f7>.

⁵ Detik, "Bela Israel, AS Akan Kirim Sistem Rudal THAAD Dan Pasukan," *Detik News*, 2024, <https://news.detik.com/internasional/d-7586673/bela-israel-as-akan-kirim-sistem-rudal-thaad-dan-pasukan>.

these products can pressure their economy state and reduce the intensity of aid sent to Israelis.

Meanwhile, in the MUI fatwa mentioned before, it is clearly stated that any form of support for Israeli aggression is prohibited. As a result, public has become more confident in boycotting and refraining from any transactions with these products after the fatwa was issued.

The Vice Rector for Student Affairs, Alumni, and Public Relations of Universitas Nahdhatul Ulama Indonesia (UNISIA), Fariz Alnizar, believes that the interpretation of the fatwa regarding the boycott of these products is more of a recommendation. However, he also argues that the public's interpretation of the boycott as obligatory is not entirely wrong. The reason is because the fatwa emphasizes that any form of support for Israeli aggression is prohibited. Interpreting such support as the act of buying Zionist products is also not entirely incorrect. After all, according to Fariz Alnizar, fatwa itself is a legal opinion, which mean it is not binding on the public; it can be followed or ignored⁶.

This boycott movement is supported by the majority of the Indonesian citizen and the global community because it has several positive impacts. With the rise of this phenomenon, more and more people around the world are becoming aware that what the Zionists are doing to Palestine is genocide and colonization that must be stopped as soon as possible, one of which is by boycotting those who fund Israel's aggression against Palestine. Because, what is reported by the Western media tends to be pro-Israel biased and deliberately covers up the facts on the ground, making it difficult for those citizens to know what is really happening in Palestine if it weren't for this boycott movement⁷.

⁶ Nahdhatul Ulama, "Soal Boikot Produk Israel, Akademisi Jelaskan Pengaruh Fatwa MUI ke Masyarakat," *NU Online*, 2023, <https://www.nu.or.id/nasional/soal-boikot-produk-israel-akademisi-jelaskan-pengaruh-fatwa-mui-ke-masyarakat-NxCpL>.

⁷ Nahdhatul Ulama, "Bagaimana Bias Pemberitaan Media Barat Mengaburkan Penjajahan Israel atas Palestina?," *NU Online*, 2023, <https://www.nu.or.id/opini/bagaimana-bias-pemberitaan-media-barat-mengaburkan-penjajahan-israel-atas-palestina-BAbiv>

However, a frequently debated question regarding this boycott is whether it means that products from companies which affiliated with Israel are considered forbidden (*haram*) to purchase. Is it permissible to prohibit something that is already allowed—specifically, transactions and the buying and selling of Israeli-affiliated products that are labeled *halal*?

The Human Resources and Partner Loyalty Manager of *Majelis Ulama Indonesia* (MUI) of the Special Region of Yogyakarta, Elvy Effendie, stated that MUI fatwa does not prohibit the use or the purchase of products of Israel affiliation. According to his statement, humans do not have the authority to declare something initially permitted (*halal*) by religion as forbidden (*haram*). He also stated that as long as the product is registered and labeled as *halal*, there is no problem in using it⁸.

To further support that statement mentioned, it is important to remember that the basic legal principle of buying and selling in *Qur'an* is permissible (*halal*), as mentioned in Surah Al-Baqarah, verse 275, which states that trade is allowed (*mubah*), while what is forbidden (*haram*) is usury (*riba*).

However, the movement to boycott Israeli-affiliated products is the contemporary issue where the ruling remains unclear if interpreted solely through the above verse. Therefore, principles from the field of *Usul al-Fiqh* (principles of Islamic jurisprudence) can be applied in determining a ruling for this phenomenon.

In *Usul al-Fiqh*, there is a method of deriving rulings (*Istidlal*) known as *Saddu Dzari'ah*, which may be used when no direct rulings are found in the *Qur'an* or *Hadits* regarding a specific issue—in this case, the ruling on boycotting Israeli-affiliated products.

This phenomenon can be judged using *Saddu Dzari'ah*, because basically, according to *Saddu Dzari'ah* view, anything that serves as a medium to a sin or harm (*mafsadah*), or leads to things prohibited by Allah, then that medium will also

⁸ Nahdhatul Ulama, Pencabutan Sertifikasi Halal terhadap Beberapa Produk Terkenal di Indonesia, *NU Online*, 2023, <https://www.nu.or.id/opini/pencabutan-Sertifikasi-halal-terhadap-beberapa-produk-terkenal-di-indonesia-BABiv>.

become *haram*⁹. Meanwhile, this phenomenon has met that definition, is that buying products affiliated with Israel is an intermediary (*dzari'ah*) for a harm (*mafsadah*), which is that the income from the sale of these products will be used to fund the genocide against the Palestinian.

However, just like other methods, for a case to be judged by *Saddu Dzari'ah*, the case must fulfil the several conditions and pillars of *Saddu Dzari'ah*. Therefore, to determine the ruling on several cases in the phenomenon of boycotting products affiliated with Israel according to *Saddu Dzari'ah*, the author sees the necessity of conducting this research.

1.2. PROBLEM FORMULATION

- a. How is the act of boycotting Israeli-affiliated product?
- b. What is the ruling on boycotting products affiliated with Israel according to *Saddu Dzari'ah*?

1.3. PURPOSES OF RESEARCH

- a. Knowing the act of boycotting products affiliated with Israel
- b. Knowing the boycotting products affiliated with Israel according to *Saddu Dzari'ah*

1.4. BENEFITS OF RESEARCH

The practical use of this research is for the society and the institutions to understand the law of boycotting products affiliated with Israel from the perspective of *Saddu Dzariah*.

Meanwhile, the theoretical use of this research is as a material for the development of knowledge by students and educators in developing science related to the law of boycotting products affiliated with Israel from the perspective of *Saddu Dzariah*.

⁹ محمد أبو زهرة، أصول الفقه، (بيروت: دار الفكر الإسلامي، ١٩٥٨)، ص. ٢٨٨.

1.5. LITERATURE REVIEW

In this research, author will using some of previous researches/articles related to the topic, there are:

- a. Undergraduate Thesis in the Qur'anic Studies and Exegesis Program “Konsep Boikot dalam Al-Qur’an dan Implementasinya” by Randy Febriananta (2022). This research aims to explain the concept of boycott in the Qur'an, as well as the forms of boycott actions in the Qur'an and how to implement them. This research uses qualitative research methods, document study methods for data collection, and interpretive and contextualization approaches¹⁰. The similarity of this research with the author's research lies in the research object, where both raise the issue of boycotts as the research object. While the difference between this study and the author's research lies in the analytical framework: This research uses the analytical framework of implementing the boycott concept from the Qur'an, while the author reviews the boycott from the perspective of *Saddu Dzari'ah*. The purpose of the research conducted by the author is to complement this study by using the *Saddu Dzari'ah* method to assess the phenomenon of boycotting products affiliated with Israel.
- b. Journal of Islamic Law, Economic, and Bussiness, “Penerapan *Saddu Dzari'ah* dalam Transaksi Muamalah” by Panji Adam (2021). This research aims to discuss the application of *Saddu Dzari'ah* in *muamalah* transactions, that *Saddu Dzari'ah* is implemented in several transactions in an effort to prevent prohibited transactions and achieve public welfare. This research uses a type of juridical-normative analysis method, document study as a data collection method, and qualitative analysis method¹¹. The similarity of this research with the author's research found in the analysis tool, where both use *Saddu Dzari'ah* as the analysis tool to judge a phenomenon. While the difference between this study and the author's research lies in the research object: this study focuses on *muamalah* transactions in general, while the

¹⁰ Randy Febriananta, “Konsep Boikot Dalam Al-Qur’an Dan Implementasinya,” (UIN Sunan Ampel Surabaya, 2022), 15. <https://digilib.uinsa.ac.id/54356/>.

¹¹ Panji Adam, “Penerapan *Saddu Dzari'ah* Dalam Transaksi Muamalah,” *Jurnal Istiqro'* 7, no. 1, 2021, hal. 24, <https://ejournal.iaida.ac.id/index.php/istiqro/article/view/669>.

author's research specifically examines the boycott of products affiliated with Israel as the object. The purpose of the author research is to detailing *Saddu Dzari'ah's* perspective (which has been explained in this journal) on the phenomenon of boycotting product affiliated with Israel.

- c. Journal " Tinjauan *Maqasid Al-Syari'ah* terhadap Pemboikotan Israel " by Susi Nurkholidah (2024). This research aims to explore the perspective of *Maqasid Syari'ah* on the phenomenon of boycotting Israel, which states that according to the view of *Maqasid Syari'ah*, the call to boycott Israeli products is not a violation, and the public is urged to minimize transactions and the use of products affiliated with Israel and to respond to this phenomenon wisely. This research uses qualitative analysis methods, document study data collection methods, and a conceptualization approach¹². The similarity of this research with the author's research lies in the research object, where both raise the issue of boycotts as the research object. While the difference between this research and the author's research lies in the analytical framework, where this research analyzes the phenomenon of boycotting Israel-affiliated products using the *Maqasid Syari'ah* perspective, while the author uses the *Saddu Dzari'ah* perspective. The purpose of the research conducted by the author is to complement this study by using the *Saddu Dzari'ah* method to assess the phenomenon of boycotting products affiliated with Israel.
- d. Journal of Economic dan Bussiness “*Saddu Dzari'ah* dalam Muamalah Islam” by Muhammad Takhim (2019). This study discusses *Saddu Dzari'ah* as a preventive measure used by some of Islamic scholars to address issues related to Islamic *muamalah*. This research uses a descriptive approach, document study methods to collect data, and qualitative analysis methods¹³. The similarity of this research with the author's research found in the analysis tool, where both use *Saddu Dzari'ah* as the analysis tool to judge a phenomenon, while the difference between this study and the author's

¹² Susi Nurkholidah, “Tinjauan Maqasid Al-Syari’ah Terhadap Pemboikotan Israel”, *Jurnal Hukum Bisnis Islam* 14, no. 1, 2024, hal. 4, <https://jurnalfsh.uinsa.ac.id/index.php/maliyah/article/view/2323>.

¹³ Muhammad Takhim, “Saddu Dzari’ah Dalam Muamalah Islam”, *Jurnal Ekonomi Dan Bisnis* 14, no. 1, 2019, hal. 22, <https://jurnal.unwahas.ac.id/AKSES/article/view/3264>.

research lies in the research object: this study focuses on Islamic muamalah as its object, while the author examines the phenomenon of buying and selling products affiliated with Israel. The purpose of the author research is to detailing *Saddu Dzari'ah's* perspective (which has been explained in this journal) on the phenomenon of boycotting product affiliated with Israel.

- e. Journal of Islamic Economy Law “Pendekatan *Sadd adz-Dzari'ah* dalam Studi Islam” by Intan Arafah (2021). This research aims to elucidate several contemporary issues that are judged using *Saddu Dzari'ah*. This research uses a descriptive approach, document study methods to collect data, and qualitative analysis methods¹⁴. The similarity of this research with the author's research found in the analysis tool, where both use *Saddu Dzari'ah* as the analysis tool to judge a phenomenon, The difference between this study and the author's research lies in the research object: this study addresses contemporary issues in general, while the author focuses on the phenomenon of buying and selling products affiliated with Israel. The purpose of the author research is to detailing *Saddu Dzari'ah's* perspective (which has been explained in this journal) on the specific phenomenon, which is boycotting product affiliated with Israel.

In general, these previous studies have similarities, namely the similarity in the analytical framework, where most of these studies use *Saddu Dzari'ah* as the analytical framework. However, the general difference among these previous studies lies in their research objects, where these studies examine different objects using *Saddu Dzari'ah*.

The author's research generally presents a novelty in the research object, where this study raises the issue of boycotting products affiliated with Israel and uses *Saddu Dzari'ah* as an analytical tool. The contribution of the author's research to previous studies lies in explaining the perspective of *Saddu Dzari'ah*

¹⁴ Intan Arafah, “Pendekatan *Saddu Dzari'ah* Dalam Studi Islam”, *Jurnal Al-Muamalat: Jurnal Hukum Dan Ekonomi Syari'ah* 5, no. 1, 2021, hal. 69, https://www.academia.edu/85958761/Pendekatan_Sadd_Adz_Dzari_ah_Dalam_Studi_Islam.

that has been discussed in earlier research and applying this method to the phenomenon of boycotting products affiliated with Israel.

1.6. RESEARCH METHOD

1.6.1. Type of Research

The type of research that used in this study is Juridical-Normative, which, according to Saefullah Wiradipradja, is a field of law that examines the legal norms as its study¹⁵. The reason for using this type of research is that it examines the phenomenon of boycotting products affiliated with Israel from the perspective of *Saddu Dzari'ah*, which serves as a legal source or analytical tool in this study.

1.6.2. Data Sources

1.6.2.1. Primary Data

Primary data sources are the main data obtained from the object being studied that must refer to the original data source¹⁶, which in this research, will come from several news portals reporting on the phenomenon of boycotting products affiliated with Israel because this research will analyze the act of boycotting products affiliated with Israel based on the principles of *Saddu Dzari'ah*.

1.6.2.2. Secondary Data

Secondary data is supporting data for a research project and serves as a complement to primary data¹⁷. The secondary data sources used in this research will be books and journals that explain about the context of phenomenon of boycotting product affiliated with Israel, meanwhile the legal sources of this research are obtained from *Turats* books that discuss *Saddu Dzari'ah*. The following are *Turath* books on *Saddu Dzari'ah* that will be used in this research:

¹⁵ Saefullah WiradiPradja, *Penuntun Praktis Metode Penelitian Dan Penulisan Karya Ilmiah Hukum*, (Bandung: Keni Media, 2015), hal. 5.

¹⁶ Abdul Latif, *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, Serta Disertasi*, (Malang: Setara Press, 2014), hal. 73.

¹⁷ Ibid, hal. 73.

- a. *Al-Wajiiz fii Ushul Fiqh* by Wahbah az-Zuhaily
- b. *Saddu Dzari'ah fii Syariah al-Islamiyah* by Muhammad Hisyam al-Burhani
- c. *Atsar al-Adillah al-Mukhtalaf fiiha* by Mushtofa Daib al-Bagha
- d. *Saddu Dzara'i Inda asy-Syaikh al-Islam Ibnu Taimiyah* by Ibrahim bin Mahna Abdullah al-Mahna
- e. *Saddu Dzara'i wa Tathbiquhu fii Majaal al-Mu'amalah* by Abdullah bin Bayh
- f. *Saddu Dzara'i fii al-Fiqh al-Islamy* by Muhammad Ahmad
- g. *Ushul Fiqh* by Muhammad Abu Zahrah
- h. *Saddu Dzara'i inda Imam Ibnu Qayyun al-Jauziyah wa Atsaruhu fii Ikhtiyaratih al-Fiqhiyah* by Su'ud bin Muluuh Sultan al-Anzi

1.6.3. Data Collecting Method

The data collection method used in this study will be document study, which is a method of obtaining information by reading books, literature, letters, meeting summaries, written statements of specific policies, and other written materials¹⁸. The reason for adopting this method is that the data collected for this research comes from several news portals reporting on the boycott movement against products affiliated with Israel. Meanwhile, the legal sources are obtained from *Turath* books that discuss *Saddu Dzari'ah*.

1.6.4. Data Analytical Method

The analytical method used in the research is the qualitative method, which emphasizes the understanding issues descriptively, tends to use analysis, and focuses more on revealing the process of meaning¹⁹. The reason for using this analytical method is because this research is a descriptive research, starting with a description of the boycott, followed by a description of *Saddu Dzari'ah*, then an explanation of the definition of the boycott of Israel-affiliated products occurring in society, and finally an analysis of the phenomenon of the boycott

¹⁸ Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana, 2017), hal. 102.

¹⁹ *ibid*, hal. 102.

of Israel-affiliated products from the perspective of *Saddu Dzari'ah* based on previously collected data.

1.7. SYSTEMATIC WRITING

Chapter 1: Introduction

The content of the first chapter consist of background of research, problem formulation, purpose of research, benefits of research, literature review, research method, dan systematic writing

Chapter 2: Theoritical Framework

The content of the second chapter is definition of boycott product affiliated with Israel and concept of *saddu dzari'ah*

Chapter 3: Discussion

The content of the third chapter is a discussion on the act of boycotting Israeli-affiliated products and the boycotting Israeli-affiliated products according to *Saddu Dzari'ah*.

Chapeter 4: Closing

The content of the fourth chapter is conclusion and suggestion