



Fatwa of the Indonesian Ulama Council Concerning the Prohibition of Smoking and the Implications on Small Traders

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Abstract. The problem that will be studied in this research is whether there is an economic impact that appears for small traders with the issuance of the MUI fatwa on the prohibition of smoking in public places, for children, and pregnant women. This study aims to obtain information about whether or not there is an economic impact that has or will arise for small traders. To achieve this goal, the type of research used is field research. Methods of data collection using interviews and observation. The data analysis used is a qualitative descriptive method with inductive thinking. Based on the results of data analysis, it was concluded that: the economic impacts on small traders related to the MUI Fatwa which forbids smoking in public places, for children, and pregnant women, currently in general have not had a real impact, especially in terms of the economy. Traders assume that the decline in cigarette sales turnover itself is not due to the impact of the MUI fatwa but because the new economy is declining. There is no correlation between the decline in turnover and the MUI fatwa because the MUI fatwa only forbids smoking in public places, for pregnant women, and children. Judging from the number of buyers, most of them are male adults, which they are not affected by. So that the fatwa does not have an impact on small traders who sell cigarettes. Because the MUI fatwa only forbids smoking in public places, for pregnant women, and children. Judging from the number of buyers, most of them are male adults, which they are not affected by. So that the fatwa does not have an impact on small traders who sell cigarettes. Because the MUI fatwa only forbids smoking in public places, for pregnant women, and children. Judging from the number of buyers, most of them are male adults, which they are not affected by. So that the fatwa does not have an impact on small traders who sell cigarettes.

Keywords: Fatwa MUI · Haram · Cigarettes · Impact economy · Small traders

1 Introduction

According to PP No. 81/1999 Article 1 Paragraph (1), cigarettes are processed products of packaged tobacco including cigars or other forms produced from the plant's *Nicotiana tabacum*, *Nicotiana rustica*, and other species or their synthetics containing nicotine and

tar with or without additives. Mangku Sitopoe said that smoking is burning tobacco and then smoking it either using a cigarette or using a pipe. The temperature on a cigarette being burned is 90 degrees Celsius for the tip of the cigarette that is burned, and 30 degrees Celsius for the tip of the cigarette that is tucked between the smoker's lips [1].

Smoking is very harmful to health and is destructive. Our lives, health, and wealth are a gift from God to us. Therefore we must take good care of it and should not use it as we please. The existence of the Cigarette Industry in Indonesia in addition to contributing is also detrimental. According to the Kompas daily, on March 21, 2000, it was reported that: "In Indonesia, there are 57,000 people who die every year due to smoking or 158 people die every day due to smoking. In addition, there are 85 million heavy smokers and 12–13 million of them will die at a young age [2, 3].

According to the Kompas report on December 19, 1999, based on data from the World Bank, in 1990 the excise tax on Indonesian cigarettes was Rp. 2.6 trillion, while the loss due to smoking was Rp. 14.5 trillion. From the data above, it can be seen that the income or contribution of cigarette companies to the state is very large, but the losses caused by cigarettes are even greater. The data is the result of scientific research [4].

The data above is to be the basis for Muzaenah Zein, Secretary III of Fatayat NU, to have an opinion published from Kompas, January 26, 2009 "If the Indonesian Ulema Council (MUI) finally issues a fatwa that prohibits smoking for Muslims, this is too extreme because it can have an impact on employment" [5, 6].

At the Fatayat NU Grand Conference in Banjar Masin, South Kalimantan, Saturday (23/8), Muzaenah Zein said that the fatwa felt very extreme because it would greatly affect the community's economy, especially regarding employment. According to him, smoking is considered an act of makruh because it is detrimental to health. "It would be wiser if the smoking ban for Muslims was conveyed through da'wah activities". That is, it would be more appropriate if there was an awareness and understanding of the dangers of smoking for health, as well as the impact of smoking continuously. It is also necessary to carry out continuous socialization so that Muslim communities avoid smoking. Through this method, it does not conflict with various other interests, especially those concerning the community's economy [7, 8].

On January 31, 2009, the MUI continued to issue a fatwa that smoking is haraam in public places, for children and pregnant women. Information regarding the process of determining the fatwa is contained in the Dictum of the Fatwa Decision on Cigarettes Date: January 31, 2009, attached [9].

The fatwa raises pros and cons. For smokers, workers in the cigarette sector, as well as some cigarette sellers, think the fatwa will be counter to them, while for non-smokers this fatwa is supported. Matters that will intersect with the fatwa include workers in the cigarette business, cigarette sellers, street vendors (who sell cigarettes), and management in the cigarette sector because they feel that their economic viability is threatened [10, 11].

The controversy still stops at the level of discourse, there has been no real study, especially field studies that have the truth of that opinion. On that basis, this research will examine the facts that occur in the field, especially the economic impact on small traders [12].

2 Method

Judging from the type of research, this research includes field research (Field Research), while the approach used is a qualitative approach method, namely as a research procedure that produces descriptive data in the form of written or spoken words from people and observable behavior [13].

In this case, the researcher wants to know things related to the economic condition of small traders after the issuance of the MUI III fatwa regarding the prohibition of smoking in public places, for children, and pregnant women.

Methods of data collection using interviews and observation. Researchers will conduct and use data from interviews with small traders who sell cigarettes that are directly related to the consequences of the MUI III fatwa regarding the prohibition of smoking as data to be studied. The observation referred to by the researcher here is in the form of an overall data record with questions and answers to small traders who sell cigarettes [14, 15].

The data analysis used is a qualitative descriptive method with inductive thinking. The inductive method is a method of discussing problems that depart from specific facts, and concrete events, then from specific and concrete facts or events that are generalized and have a general nature [16, 17].

3 Results and Discussion

3.1 Religious Background

Objectively the religions adopted in Indonesia are diverse, namely Islam, Christianity, Hinduism, Buddhism, and other beliefs. The religious adherents of small traders are colored by various religions, however, the majority of small traders who sell cigarettes are Muslim [18, 19].

Some of the small traders have regular recitations every week at Dr. Visit every Sunday afternoon and Thursday night. Two of them have recitations once a month on the 17th of each month. Other traders study at the An-Nur Begalon Mosque once every month to be exact on the second week, and others at the Syamsiyah recitation [20, 21].

3.2 The State of the Economy and the Employment of Small Traders

Based on the results of interviews with small traders, it was found that economically, although they did not dominate, not a few were mediocre. According to them, relying on income from selling cigarettes alone is not enough to meet their daily needs. They do not only sell cigarettes, but some of the traders sell various snacks, drinks, gasoline, pulses, and open tire patches for additional income. The types of cigarettes sold by these traders are Marlboro, Djarum Super, Wismilak, Bentoel, Gudang Garam, Lucky Strike, Class Mild, A Mild, X Mild, Star Mild, Djisamsoe, Djarum Black, LA Lights, Country, A Volution, Surya Slims, M Mild, Top Ten Mild, Pall Mall, Kansas, Pensil Mas, Djarum 76, Surya 12, Mustang, Lodjie, and U Mild [22, 23].

Table 1. Small merchant profile data

Profile Seller		Residence			Working hours	
Smoker	Non-Smoker	0–3 km	3–10 km	> 10 km	< 12 h	> 12 h
12	9	16	4	1	18 trader	3 trader

Table 2. Data on age, and recitation of street vendors along Jl. Slamet Riyadi

Cigarette Trader Age		MUI III Fatwa		Following the Study	
< 50 years	> 50 year	Knowing	Do not know	Yes	Not
9	12	10	11	7	14

Table 3. Data on cigarettes, profit, and sales turnover of small traders

Cigarettes sold in a day		Net Profit on Cigarette Sales in a Day		Cigarette Trader Turnover After MUI Fatwa		
< 10 pack	> 10 pack	< IDR 20,000,-	> IDR 20,000,-	Go on	Down	Stable
16	5	16	5	3	6	12

Table 4. Data on the most sold cigarette products

No	The 3 Most Selling Cigarette Products
1	Super Djarum
2	Super Salt Warehouse
3	Marlboro

Table 5. Data on cigarette brands, kulak prices, and selling prices of cigarettes

No	Cigarette Brand	Kulak Price @ sir	Selling price
1	Marlboro	Rp 9,200,-	IDR 10,000,-.
2	Super Djarum	IDR 7,500,-	IDR 8.000,-.
3	U Mild	IDR 6,500,-	IDR 7,000,-.

3.3 Results of Interviews with Small Traders

Their carts are usually sponsored by the cigarette companies themselves. For example the Lucky Strike Cart, traders are paid Rp. 300,000, - (Rp. 200,000, - in the form of

money and cigarettes for Rp. 100,000, -) with a contract for 1 year. Some traders are rented for 5 years using the Djarum Super Cart and paid Rp. 150,000, - then the cart becomes his property. Meanwhile, the Mayora Cart can be owned if there is no violation for 6 months (Tables 1, 2, 3, 4 and 5).

The buyers of cigarettes are male adults, school children (SD, SMP, SMA), naughty young women, pedicab drivers, employees, waria, prostitutes, mature but rare women, teenagers, plaintiffs, and men. Of the buyers mentioned above, most of the cigarette buyers are male adults, while women and children are very rare.

The retribution fee from morning to evening is Rp. 400, -, while morning to night is Rp. 800, -. Cigarettes are very busy being sold when there is a Batik Carnaval, weekly car market, campaigns, invitations, parades, Shura, and New Year.

Some of the small traders have been scammed in the form of counterfeit notes of Rp. 100,000, - and Rp. 50,000, - in broken notes. Those who cheat there are using cars and motorbikes. In addition to counterfeit money, some pay using soccer cards that are very similar to ATMs. Most of those affected by fraud are old people.

A total of 246 street vendors who hang out along Jl Slamet Riyadi from the Kleco area to the Gladag Roundabout in front of the North Square of the Surakarta Kasunanan Palace will be brought under control by the local municipal government.

“They have two options. The hours of selling are limited or moving to another location that does not conflict with the mayor’s regulation (Perwali),” said the Head of the Civil Service Police Unit (Ka Satpol PP) of the Solo City Government, Subagyo to Republika, Thursday.

According to Subagyo, street vendors will be regulated selling hours. They can sell at night, starting at five in the afternoon until five in the morning. During the day the area must be clean of street vendors. This is to make the area clean, neat, beautiful, and orderly.

The number of resource persons in this study was 21 small traders because other small traders had been evicted/removed by Satpol PP to other places.

3.4 Economic Impact Analysis After MUI Fatwa About Smoking

Based on the results of the interviews above, there are several points that we can understand in each of the cigarette traders’ answers, including:

First, most small traders are not aware of the existence of the MUI III fatwa regarding the prohibition of smoking in public places, for pregnant women, and children. This seems reasonable because the socialization of this matter is still very lacking. What we often hear is only the MUI fatwa about the prohibition of abstaining in elections, even though both issues were discussed at the III MUI Fatwa Ijtima Session in Padang Panjang, West Sumatra, January 24–26 2009. With this fatwa, of course, It is desired by the scholars who fatwa it that people are more aware that smoking is an act that is not by the Shari’ah so it must be abandoned immediately. However, the research results show the opposite, that few people in general and small traders, in particular, are aware of MU’s fatwa I III regarding the prohibition of smoking so the expected positive impact on the community will also be small. That is, the fewer people know about the fatwa, the less impact and influence it will have on society [24].

Second, the results of the interviews show that the small traders mostly answered that they did not feel the huge impact of the fatwa. Six traders stated that their turnover had decreased, while only 3 traders had increased, and the remaining 12 traders were stable as usual. We admit that this fatwa has not worked well in the community, of course, with many factors such as the number of street vendors who know the existence of the fatwa is less than street vendors who do not know. This fatwa has not had a huge economic impact or impact on street vendors along Jl. Slamet Riyadi Surakarta in particular. If this fatwa runs effectively in society, then the street vendors are certainly economically disadvantaged. This small influence is certainly related to the lack of awareness of traders and the public about it, as well as the lack of socialization in the community [25].

Third, the assumption from traders is that the decline itself is not due to the impact of the MUI fatwa but because the new economy is declining. Because judging from the number of buyers, most of them are male adults, which are not affected. So that the fatwa does not have an impact on small traders who sell cigarettes. There is no correlation between the decline in turnover and the MUI fatwa because the MUI fatwa only forbids smoking in public places, for pregnant women, and children [1].

Fourth, the traders have not felt such a significant impact on them, both when this fatwa did not exist and after this fatwa existed. The essence of the content of this fatwa has long been running in society, namely, for pregnant and lactating women, there have been warnings on cigarette packs and every cigarette advertisement on television is always conveyed. Likewise, with the ban on smoking in public spaces, many regions have regulated it with government regulations and violators will be subject to fines [26].

Fifth, the positive impact of the MUI III fatwa which forbids smoking in public places, for children, and pregnant women is that people feel safer from the impact of passive smoking and the environment feels cleaner. If the smokers wanted to see the words of the Prophet Muhammad:

“From ‘Ubadah bin Shamid, the Messenger of Allah said: No harm is allowed, and no harm should be done to one another.” (Narrated by Imam Ahmad, Ibn Majah, Daraquthni, and others) [27].

This is one of the reasons that show why smoking is considered against the Sharia because smoking not only harms the smoker but also harms the people around the smoker, both family, and friends. According to Dr. Yulia Andani Murti from the Polyclinic of the Department of Maritime Affairs and Fisheries, citing facts obtained from the World Health Organization (WHO), inhaling the main smoke exhaled by the smoker and also the side smoke, passive smokers inhale the toxins contained in cigarette smoke doubled. From a cigarette, the smoke inhaled by smokers is only 15%, and the remaining 85% is spread to the environment. Whereas thousands of toxic chemicals, including materials that can cause cancer (carcinogens), are found in cigarette smoke [28].

After seeing the discussion above, to answer how the economic impact that has arisen on small traders related to the MUI III fatwa which forbids smoking in public places, for children, and pregnant women for now in general has not had a real impact from an economic point of view. This is because the binding nature of this fatwa is only morally binding, the lack of socialization of this fatwa, there are differences of opinion about the smoking law which can be said to be quite balanced between what is forbidden and

what is forbidden so that people seem to be given leeway to choose and of course, they prefer that suit their individual needs. So, if this fatwa has no real effect [29, 30].

4 Conclusion

Based on all the explanations that the author has conveyed above, the authors draw the following conclusions: Regarding the economic impacts on small traders related to the MUI III Fatwa which forbids smoking in public places, for children, and pregnant women. For now in general it has not had a real impact, especially in terms of the economy. This is because the binding nature of this fatwa is only morally binding, the lack of socialization of this fatwa, and the existence of differences of opinion about the smoking law, each of which has strong arguments and arguments between those that forbid, allow, and those that impair it, so that the public seems to be given the flexibility to choose and of course, they prefer what suits their individual needs. Traders assume that the decline in cigarette sales turnover itself is not due to the impact of the MUI III fatwa but because the new economy is declining. Because judging from the number of buyers, most of them are male adults, which are not affected. So that the fatwa does not have an impact on small traders who sell cigarettes. There is no correlation between the decline in turnover and the MUI III fatwa because the MUI III fatwa only forbids smoking in public places, for pregnant women, and children.

Acknowledgment. We would like to express our deepest gratitude to all those involved in the completion of the writing of this research, both directly and involved, especially to the Rector of UMS (the University of Muhammadiyah Surakarta, FAI (Faculty of Islam) Dean, HES Study Program, Student Team, LPPI (Institute for Scientific Research and Publications), BMT, and all of them who were involved in proposing the preparation of this research report, may Allah SWT reward you with a better reply, Amin.

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