

ABSTRACT

The state constitution which places Islam as the official religion of the state affects state and religion relations. The context of the Islamic economic fatwa is an evidence of the impact of the relationship. Malaysia and Bahrain which put Islam as the official religion puts sharia economic fatwa on the authority of institutions within the state structure. As for Indonesia who does not recognize Islam as the official religion of the state puts Islamic economic fatwa in the structure of non-governmental institutions. These differences affect the adoption and application of fatwas. In Malaysia and Bahrain, Islamic economic fatwa automatically binds to sharia financial institutions while in Indonesia the Islamic economic fatwa is voluntary. The fatwa is binding upon adoption in legislation. For this purpose, this study used a comparison method between Indonesia, Malaysia, and Bahrain. The three countries are elected because they have different legal politics on the position of fatwa. There are three differentiated aspects of state policy concerning constitution and legislation, recognition of fatwas in legislation and the application of fatwas in Islamic economic activities area. Previous studies have been conducted mainly on fatwa and fatwa products and still local. The study that comparing the three countries is the Maksu thesis, but is limited to the aspect of *fiqh* and *ushul fiqh*, not touching the legal aspects of the law politic. This study is expected to contribute in the form of models of state and religious relationships that are appropriately used in Muslim countries according to their social conditions.

KEY WORDS

Fatwa, Islamic economic, regulation, Islamic law (sharia), mufti