



## MUI Fatwa and Fiqh Al-Aubiah Construction during the COVID-19 Pandemic in Indonesia

Shofiyulloh<sup>1\*</sup>, Arini Rufaida<sup>2</sup>, Abdul Basit<sup>3</sup>

<sup>1,2,3</sup>Universitas Islam Negeri Prof. K.H. Saifuddin Zuhri Purwokerto

**Corresponding author:** <sup>1\*</sup>shofiyulloh\_syaubari@uinsaizu.ac.id,

<sup>2</sup>arinirufaida89@uinsaizu.ac.id, <sup>3</sup>abdulbasit1969@gmail.com

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### Abstract

This study confirms that the implementation of Islamic teachings is very flexible in the midst of society. This statement is in line with the situation and conditions that make the Indonesian Muslim community feel confused when suddenly some worship services are canceled during the COVID-19 pandemic. The formulation of fiqh al-aubiah is considered to have had such a great effect on the Indonesian Muslim community. This is due to the position of fiqh as a guide in the implementation of worship, especially its technical implementation during the COVID-19 pandemic. This study aims to provide an overview of the methodology of extracting law in the formulation of fiqh al-aubiah. By using usual fiqh and sociology approaches, this study tries to describe the formulation of fiqh that is adapted to the real conditions in society. For this reason, the implication of this research is to be the best solution for the Indonesian Muslim community in the convenience of carrying out worship and at the same time eliminating forms of doubt and anxiety in the implementation of worship during

the COVID-19 pandemic. The results of this study are related to the solution of Islamic law problems in society, which includes the formulation as follow. First, the law of eliminating Friday prayers and congregational prayers. Second, the law adheres to health protocols. Third, the law of vaccination. Fourth, the law of the implementation of the swab while fasting.

**Keywords:** Worship Practice, Health Protocol, Vaccination, Swab

## 1. Introduction

In the study of Islamic law, fiqh and fatwa are known as science that functions in providing technical instructions and instructions for implementing Islamic teachings.<sup>1</sup> For this reason, fiqh and fatwa are the best solutions for Muslims in every problem that occurs. This is because at the ideal level, fiqh and fatwa must always intersect and coexist closely with the social life of the community.<sup>2</sup> In every problem faced by society, fiqh and fatwa are always present to provide enlightenment and answers to the anxiety experienced by the community.<sup>3</sup> Likewise, during the COVID-19 pandemic which has been running for more than two years in Indonesia, the community really needs detailed guidelines for carrying out worship during these conditions.<sup>4</sup> In Indonesia, fatwas are more popularly issued by the Indonesian Ulema Council (MUI), which according to Azyumardi Azra, MUI is an independent religious organization, not affiliated with any political party, sect or Islamic religious sect in Indonesia.<sup>5</sup>

<sup>1</sup> Zubaedi, *Membangun Fikih yang Berorientasi Sosial: Dialektika Fikih dengan Realitas Empirik Masyarakat*, Al-Jami'ah Journal of Islamic Studies 44(2), 2006, DOI:10.14421/ajis.2006.442.430-452.

<sup>2</sup> Junaedi M. (2016) "Fiqh Indonesia : Tinjauan Kritis Epistemologi", *Syariat: Jurnal Studi Al-Qur'an dan Hukum*, 2(01), pp. 47 - 70. doi: <https://doi.org/10.32699/syariat.v2i01.1121>.

<sup>3</sup> Muhammad Hizbullah, & Haidir. 2021. "Din, Syariah, Fikih, Qoul, Fatdin, Syariah, Fikih, Qoul, Fatwa, Qanin/Qonun Dan Qadha Dalam Hukum Islamwa, Qanin/Qonun Dan Qadha Dalam Hukum Islam." *Jurnal Ilmiah METADATA* 3 (1): 331-343. <http://ejournal.steitholabulilmi.ac.id/index.php/metadata/article/view/61>.

<sup>4</sup> Helmi Imran. (2022). Respon Fikih Terhadap Pandemi Wabah Penyakit: Analisis Penerapan Konsep Rukhsah Pada Tata-cara Pelaksanaan Sebagian Ibadat Dalam Masa Pandemi COVID-19. *Jurnal Al-Nadhair*, 1(01), 1-26. Retrieved from <https://jurnal.mahadalymudi.ac.id/index.php/Al-Nadhair/article/view/4>

<sup>5</sup> Azumardi Azra, *Menuju Masyarakat Madani: Gagasan, Fakta dan Tanggapan*, Cetakan ke I, (Bandung: Rosdakarya, 2000), hlm. 65.

According to Ma'ruf Amin,<sup>6</sup> among the basic characteristics of a fatwa are as follows. First, the fatwa is responsive, namely providing legal answers that are submitted after a problem is asked about the law. Second, the fatwa as a legal answer is not binding. Meanwhile, according to Muhammad Atho Mudzar,<sup>7</sup> there are three factors that influence the fatwa. First, there is a tendency to support government policies, in this case related to the Covid-19 pandemic policy issue. Second, have a desire to answer the challenges of modern times. Third, related to interreligious relations.

In response to the COVID-19 pandemic, MUI issued at least twelve fatwas related to guidelines for organizing worship and several other matters during 2020-2021. On the other hand, the formulation of fiqh al-aubiah emerged due to the conditions and situation of the COVID-19 pandemic that was sweeping the entire world, especially in Indonesia. Because COVID-19 is related to health, the formulation of fatwa and fiqh al-Aubiah involves the medical team. This is to ensure two things, namely an analysis of how emergency the COVID-19 outbreak is in various regions.<sup>8</sup> Second, an analysis of the implementation of health protocols, starting from the 3M concept (washing hands, wearing masks, and keeping a distance) or even with the 5M concepts (washing hands, wearing masks, maintaining distance, limiting mobility and interaction and staying away from crowds).<sup>9</sup>

The problem analyzed in this study is when some worship activities involve crowds, while the demands of health protocols must be applied in an effort to prevent the spread of the virus.<sup>10</sup> This is where the position of the importance of religious attitudes through the MUI fatwa and fiqh al-Aubiah formulations, so that there is clarity related to worship practices during the COVID-19 pandemic.) is one of the concepts of maqasid ash-shari'ah. With the help of the health team's analysis, the MUI fatwa and the fiqh al-Aubiah formulation can apply the "dar'ul mafasid muqoddamun 'ala jalbil masalih" rule.

<sup>6</sup> Ma'ruf Amin, *Fatwa Dalam Sistem Hukum Islam* (Jakarta: ELSAS, 2008), hlm. 19.

<sup>7</sup> Muhammad Atho Mudzhar, *Fatwa-Fatwa Majelis Ulama Indonesia: Sebuah Studi tentang Pemikiran Hukum Islam di Indonesia, 1975-1988..* Jakarta: INIS, 1993.

<sup>8</sup> <https://bnpb.go.id/berita/pengelompokan-kriteria-risiko-covid19-di-daerah-berdasarkan-zonasi-warna>.

<sup>9</sup> Zahrotunni'mah. (2020). Langkah Taktis Pemerintah Daerah Dalam Pencegahan Penyebaran Virus Corona COVID-19 di Indonesia. *Jurnal Sosial dan Budaya Syar'i* Vol. 7 No. 3 (2020), pp.247-260, DOI: 10.15408/sjsbs.v7i3.15103.<http://journal.uinjkt.ac.id/index.php/salam/article/view/15103>.

<sup>10</sup> Yusuf Hanafi (etc.), *Pandemi Covid 19: Respon Muslim dalam Kehidupan Sosial Keagamaan dan Pendidikan*, (Sidoarjo: Delta Pijar Khatulistiwa, 2020).

Mas'ud Sobri in his research,<sup>11</sup> said that there are several trends in the opinion of the scholars related to the COVID-19 pandemic. First, it is permissible to disable mosques for gathering and congregation, but still sounding the call to prayer, as a form of Islamic symbols. Second, there is a prohibition on gathering and in congregation in the mosque for those who are sick. Third, the obligation to carry out congregations in the mosque. He concluded that there was a tendency to change the views of the ulama related to the situation and conditions of the COVID-19 pandemic, namely by allowing, then prohibiting and finally re-obliging the implementation of worship in mosques.

In line with this, Amir Muhammad Nizar conducted a search on the formulation of fiqh al-Aubiah.<sup>12</sup> He started with the importance of health in Islam, as part of the effort to live life. Islam gives more attention to health, in fact almost all worship is required to perform purification. Then, he continued with a discussion about the history of the outbreak and the prevention and handling efforts at that time. After that, he discussed the quarantine during the COVID-19 pandemic, which had an impact on some of the provisions of worship, in practice, adjustments were made. At the end, he analyzed the fiqh provisions relating to the treatment of COVID-19 patients, including the arguments and views of the scholars on how to take care of positive patients who died from the virus.

This study uses the *usul fiqh* approach, which seeks to find the concept of the MUI fatwa in formulating legal products during the COVID-19 period. The formulation of the concept includes two analyzes as follows. First, normative analysis, namely how the MUI fatwa formulates its fatwa through detailed *syar'i* arguments. Second, empirical analysis, namely how the MUI fatwa is able to synergize the *syar'i* arguments with the context that occurs. The hope that the author wants is to describe the function of the MUI fatwa as a solution to the problem. The first picture, provides answers as solutions to questions asked by the public regarding legal certainty in problems that arise, so that there is no confusion experienced by the wider community. Second, the media to answer the development of current and contemporary problems.

Meanwhile, the *fiqh al-aubiah* construction carried out in this study is intended for the following analysis. First, in the realm of ontology, *fiqh al-Aubiah* views that the COVID-19 pandemic is something that is necessary and

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<sup>11</sup> Mas'ud Sobri, *Fatawa al-'Ulama Haula Virus Corona*, (Kairo: *Dar al-Basyir li as-saqafah*, 2020, 7-10.

<sup>12</sup> Nizar, Amir Muhammad, *Fiqh al-Aubiah Covid 19*, t.t.p: KIE University, 2020.

a risk to life. The goal is that humans can take lessons from the emergence of COVID-19.<sup>13</sup> Second, in the realm of epistemology, *fiqh al-aubiah* is a frame of mind for scholars in seeing the phenomenon of the COVID-19 pandemic by doing *istinbat hukm* through texts that are integrated into health analysis. Third, in the axiological realm, *fiqh al-aubiah* contributes to the community in dealing with the COVID-19 pandemic, especially in the direction of worship.

## 2. Literature Review

The COVID-19 pandemic, in general, has brought with it several life problems, particularly health problems and problems with the practice of religious rituals. Mireia Orgilés (2020)<sup>14</sup> stated that the solution that can suppress the spread of COVID-19 is through quarantine, staying at home and not traveling. According to him, although it is one solution, it still has an impact on people's lives. Bonifacio Sandín (2021)<sup>15</sup> states that, however, covid-19 can have psychological effects, plus continuous news reporting can cause stress.<sup>16</sup> Meanwhile, Ariella Gitta Sari (2020)<sup>17</sup> conducted an analysis that when regional quarantine is not immediately carried out by laws and regulations, it can have an effect on increasing the number of positive Covid-19 patients and the number of deaths from the virus. on the other hand, if quarantine is enforced in the long term it will cause the economy to decline further.

Islamic analysis was carried out by Amir Muhammad Nizar.<sup>18</sup> He discussed the important position of health in Islam, the history of epidemics infecting

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<sup>13</sup> Quraish Shihab, *Corona Ujian Tuhan: Sikap Manusia Menghadapinya*, (Tangerang: Lentera Hati, 2020), 15-19.

<sup>14</sup> Mireia Orgilés, (etc.) (2021). Anxiety and depressive symptoms in children and adolescents during COVID-19 pandemic: A transcultural approach. *Psicothema*, 33(1), 125-130. <https://doi.org/10.7334/psicothema2020.287>

<sup>15</sup> Bonifacio Sandín (etc.) Effects of Coronavirus Fears on Anxiety and Depressive Disorder Symptoms in Clinical and Subclinical Adolescents: The Role of Negative Affect, Intolerance of Uncertainty, and Emotion Regulation Strategies, *Front Psychol.* 2021 Aug 6;12:716528. doi: 10.3389/fpsyg.2021.716528. eCollection 2021.

<sup>16</sup> Qiu J, Shen B, Zhao M, Wang Z, Xie B, Xu Y. A nationwide survey of psychological distress among Chinese people in the COVID-19 epidemic: implications and policy recommendations. *Gen Psychiatry.* 2020 Mar 1;33(2):e100213.

<sup>17</sup> Ariella Gitta Sari (etc.) (2020), Kebijakan Pemberlakuan Karantina Wilayah Sebagai Antisipasi Penyebaran Corona Virus Ditinjau dari Undang-Undang No. 6 Tahun 2018 tentang Kekarantinaan Kesehatan, *Jurnal Transparasi Hukum*, Vol 3, No 2 (2020), DOI: <http://dx.doi.org/10.30737/transparansi.v3i2.933>, <http://ojs.unik-kediri.ac.id/index.php/transparansihukum/article/view/933>.

<sup>18</sup> Amir Muhammad Nizar, *Fiqh al-Aubiah Covid 19*, t.t.p: KIE University, 2020.

Muslims, isolation and self-quarantine during outbreaks, and the handling of positive COVID-19 patients. Mas'ud Sobri<sup>19</sup> also conducted an analysis of various fatwas on fatwa institutions in the region. Muslim countries regarding the COVID-19 outbreak. However, he did not conduct a comprehensive enough analysis of religious fatwas in Indonesia. Then, Abdul Razak bin Abdul Muhsin<sup>20</sup> conducted a search on the arguments of the hadith that explained efforts to prevent the spread of the epidemic. He contributed to support the discussion of fiqh in the implementation of worship during the COVID-19 pandemic. Faried F. Saenong<sup>21</sup> conducted an analysis of various issues of worship during the pandemic, such as the provision of Friday prayers, congregational prayers, worship in the month of Ramadan, the implementation of Eid al-Fitr, burial of corpses, and social interaction during the COVID-19 pandemic.

The meeting points obtained from several studies above, including the following. First, the direction of the research study is directed at the analysis of the MUI fatwa and the construction of jurisprudence for the COVID-19 pandemic in Indonesia. Second, analyzing the considerations for the formulation of the fatwa and fiqh of COVID-19. Third, the fatwa and fiqh al-Aubiah are offered as problem solving solutions to deal with the COVID-19 pandemic and efforts to prevent the spread of COVID-19 in Indonesia from an Islamic perspective.

### 3. Method

This study uses a qualitative-analytic method with data collection techniques using library research. The analysis used is the concept of benefit and some related fiqh rules. The primary sources of this research are MUI fatwas and some fiqh views. The secondary sources are books and journal articles that discuss fiqh. Researchers used two methods, namely as follows. First, normative-deductive; to explain the general principles derived from the nas dalil or fiqh rules as material for extracting the law. Second, empirical-inductive; to examine the reality of COVID-19 in Indonesia. Furthermore, this study uses two approaches, namely the first, the usual fiqh approach, to examine the maslahah method and fiqh rules in an effort to formulate the MUI fatwa and fiqh al-aubiah. Second, the health approach, to analyze policies related to handling COVID-19.

<sup>19</sup> Mas'ud Sobri, *Fatawa al-'Ulama Haula Virus Corona*, Kairo: Dar al-Basyir li as-saqafah, 2020.

<sup>20</sup> Abdur Razak bin Abdul Muhsin, *'Asyru Wasaya lil Wiqayah min al-Waba'*, t.t.p: Maktab al-Itqan, 2020.

<sup>21</sup> Faried F. Saenong, dkk., *Fikih Pandemi: Beribadah di Tengah Wabah*, Jakarta: Nuo Publishing, 2020.

#### 4. Result and Discussion

According to the perspective of the health team, quarantine is used as an effort to separate people who are healthy or do not have any symptoms, but have had close contact with people who are positive or have symptoms or people who carry out high social mobility. In general, it is carried out for 14 days,<sup>22</sup> while isolation is an effort to separate people who clearly have symptoms or are positive for COVID-19 based on the results of a health check.<sup>23</sup> The objectives are as follows. First, make efforts to prevent the spread of the virus from outside into the territory of Indonesia. Second, prevent the spread of the virus from entering other parts of Indonesia. Third, prevent the spread of the virus from the territory of the Indonesian state to the outside. Fourth, quarantine or isolation to realize the public benefit, as Q.S. al-Anbiya '[21]: 107.<sup>24</sup> In the perspective of masalah, quarantine is a step so as not to lead to destruction.<sup>25</sup>

In Indonesia, there are several government policies related to handling COVID-19 as follows. First, lock down. Lockdown provisions in Indonesia have not been fully implemented.<sup>26</sup> Second, the PSBB strategy, namely the implementation of social distancing and reducing the mobility of people from one place to another.<sup>27</sup> Third, PPKM policies, namely physical distancing, social distancing, limited travel and the implementation of restrictions on community activities.<sup>28</sup>

<sup>22</sup> A. Lombardi, *Duration Of Quarantine In Hospitalized Patients With Severe Acute Respiratory Syndrome Coronavirus-2 (Sars-Cov-2) Infection: A Question Needing An Answer*, The Journal of Hospital Infection, VOL. 105, ISSUE 3, P404-405, 2020. DOI: [HTTPS://DOI.ORG/10.1016/J.JHIN.2020.03.003](https://doi.org/10.1016/j.jhin.2020.03.003).

<sup>23</sup> Surat Edaran Nomor 20 Tahun 2021 Tentang Protokol Kesehatan Perjalanan Internasional Pada Masa Pandemi Corona Virus Disease 2019 (Covid 19). Can Hou, etc. *The effectiveness of quarantine of Wuhan city against the Corona Virus Disease 2019 (COVID-19): A well-mixed SEIR model analysis*. Journal of Medical Virology, Vol. 92, Issue 7, 2020, <https://doi.org/10.1002/jmv.25827>.

<sup>24</sup> Junaid Amin, *Quarantine And Hygienic Practices About Combating Contagious Disease Like COVID-19 And Islamic Perspective*, Journal Of Critical Reviews 7, 2020, <https://philpapers.org/rec/AMIQAH>.

<sup>25</sup> Ibnu Hajar Al-Asqalani, *Badzlul Ma'un fi Fadhlit Tha'un*, (Riyadh, Darul Ashimah: t.t.), 185.

<sup>26</sup> Debora Sanur Lindawaty, *Wacana Kebijakan Lockdown Dalam Menghadapi Covid-19 Di Indonesia*, Info Singkat Vol. XII No. 6/II/P3DI/Maret/2020.

<sup>27</sup> M. Asrul Aziz. (2021). *Strategi Dalam Penanganan Penyebaran Covid-19 Melalui Kebijakan PSBB*, 24(2), 44-63. <https://doi.org/10.46976/litbangpolri.v24i2.147>

<sup>28</sup> Muhammad Rizal e.t.c., *Dampak Kebijakan Pemberlakuan Pembatasan Kegiatan Masyarakat (PPKM) bagi Pelaku Bisnis Coffe shop pada Masa Pandemi Terdampak COVID-19 di Kabupaten Purwakarta*, JURNAL INSPIRASI <https://doi.org/10.35880/inspirasi.v11i1.198>

## MUI Fatwa Regarding COVID-19 Problems

Basically, the determination of fatwas in MUI is responsive, proactive and anticipatory. In the process, it is argumentative, legitimitative, contextual, applicable, and moderate. In general, the MUI has made fatwa guidelines in the provisions of the Guidelines for Determining the Fatwa of the Indonesian Ulema Council Number: U596/MUI/X/1997. The MUI fatwa is issued in the form of legal opinions that have the strongest foundations, namely the Koran, Hadith, ijma' and qiyas, but do not reject other legal arguments.

Practically, the MUI fatwa is determined through several steps. First, the initial determination step includes a comprehensive study of the object of the problem (*tasawwur al-problem*), the formulation of the problem, including the socio-religious impact caused and the critical point of various legal aspects (*shari'ah norms*) related to the problem. Second, the assessment step, which includes a review of the views of jurists and mujtahids in the past, a study of related fatwas, and the assignment of making papers to Commission Members or experts who have competence in the issue area to be fatwaed. Third, the determination process step, which includes the delivery of what is on the issue with clear laws and the arguments. While the determination of the fatwa on the issue of disagreements, efforts are made to achieve common ground through the *al-jam'u wa al-taufiq* method. Then, the fatwa is based on the results of *tarjih* through the *muqaranah* (comparison) method using the rules of *ushul fiqh muqaran*. Furthermore, the determination of the fatwa is based on collective *ijtihad* through the *bayani* and *ta'lili* methods when no legal opinion and the *manhaji* method are found. Meanwhile, the differences in views among the Commission Members for which no consensus was reached, the determination of the fatwa was conveyed by taking the most cautious (*ihhtiyat*) and avoiding *al-khuru'j min al-khilaf*.

Seen on the official MUI website,<sup>29</sup> there are about eleven MUI fatwas related to COVID-19 in 2020 and 2021, as follows.

1. Fatwa No. 14 of 2020 concerning the Implementation of Worship in Situations of the Covid-19 Outbreak, decides the essence of the following provisions. First, they must isolate themselves for positive patients, the Friday prayer is replaced with the Zuhur prayer. Second, healthy people,

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<sup>29</sup> Lihat di situs resmi dengan link <https://mui.or.id/fatwa/>

when in virus-prone areas, do not perform Friday prayers and replace them with zuhur prayers, while if they are in safe areas, they are still required to carry out worship as usual and must follow health protocols. Third, if Covid-19 is not under control, it is not allowed to hold Friday prayers, while if Covid-19 is under control, it is obligatory to hold Friday prayers. Fourth, the management of bodies that are positive for Covid-19 must be carried out according to medical protocols and carried out by the competent authorities. Fifth, it is forbidden to do actions that can cause panic and losses during a pandemic.

2. Fatwa No. 17 of 2020 concerning Guidelines for Prayers for Health Workers Who Wear Personal Protective Equipment (PPE) When Caring for and Handling Covid-19 Patients, contains: First, Muslim health workers are still required to perform fardhu prayers according to their abilities. Second, it is permissible to pray in jama' ta'akhir if the work is done before dzuhur or maghrib, and with jama' taqdim if the work comes after dzuhur or maghrib time. Third, when his working hours are within the time span of two prayers that can be pluralized (dhuhur and asr and maghrib and isya'), then he may pray in congregation. Fourth, when his working hours are within the prayer time range and he has ablution, he is allowed to pray while still wearing the existing PPE. Meanwhile, when it is difficult to perform ablution, then perform tayammum. Fifth, when it is difficult and it is not possible to purify oneself, keep praying with the existing conditions and not having to repeat the prayer. Meanwhile, when the PPE used is unclean, and it is not possible to remove or purify it, it is permissible to pray in an impure condition and must repeat the prayer after serving. Sixth, it is mandatory to arrange shifts for Muslim health workers on duty.
3. Fatwa No. 18 of 2020 concerning Guidelines for the Management of the Body (Tajhiz Al-Jana'iz) of Muslims Infected with Covid-19, including: first, bathing, shrouding, praying and burying must be carried out according to medical protocols and carried out by the competent authorities. Second, Muslim bodies who die due to the COVID-19 outbreak are included in the category of martyrdom in the afterlife and the rights of their bodies must be fulfilled according to medical protocols. Guidelines for bathing bodies exposed to Covid-19 are carried out as follows. First, the corpse is bathed without having to be undressed. Second, the officer must be of the same

gender. If there is no one of the same gender who is bathing, then the officer is bathed by the officer who is there, provided that the body is washed and still wears clothes. If not, then it will be announced. Third, if it is based on the consideration of a trusted expert that it is impossible to wash the body, it can be replaced with tayammum according to sharia provisions. Meanwhile, if bathing or bathing is not possible because it endangers the officers, then based on the provisions of the syar'iyah dlarurat, the corpse is not bathed or buried. Fourth, the body is shrouded using a cloth that covers the entire body and put in a body bag that is safe and impermeable to water to prevent the spread of the virus and maintain the safety of officers. Then, if after being shrouded it is found unclean on the corpse, the najis is ignored. Fifth, the body is held in a safe place and attended by at least one person. If it is not possible to pray from afar. Meanwhile, those who are blaming must take care of themselves. Sixth, the burial of the body is carried out in accordance with the provisions of the Shari'a and medical protocols. Burial of bodies in one grave is permissible because of ad-darurah ash-syar'iyah.

4. Fatwa 23 of 2020 concerning the Utilization of Zakat, Infaq, and Shadaqah Assets for Combating the Covid-19 Outbreak and its impacts include: first, the use of zakat assets to overcome the COVID-19 outbreak and its impacts, the law is allowed. Second, distribution for the benefit of the general public, especially the benefit of mustahik, such as for the provision of personal protective equipment, disinfectants, and treatment as well as the needs of volunteers on duty. Third, zakat mal can be distributed more quickly without having to wait a full year, when it has reached the nishab. Meanwhile, zakat fitrah can be distributed since the beginning of Ramadan without having to wait for the night of Eid al-Fitr.
5. Fatwa No. 28 of 2020 concerning Guidelines for Kaifiat Takbir and Eid Prayers During COVID-19 includes: first, Eid prayers held at home, both in congregation and individually If Eid prayers are carried out in congregation, the number of worshipers praying is at least 4 people, one priest and 3 congregations. Meanwhile, if the Eid prayer is carried out alone (munfarid), then intend to pray Eid alone with slow reading, and there is no need for a sermon.

6. Fatwa No. 31 of 2020 concerning the Implementation of Friday and Congregational Prayers to Prevent the Transmission of Covid-19 includes: first, straightening and closing in congregational prayers is a virtue, so that the application of physical distancing during congregational prayers is legal, the prayers are valid and do not lose the virtues of congregation. Second, Friday prayers may apply physical distancing. If the congregation of Friday prayers cannot be accommodated due to the implementation of physical distancing, then it is permissible to do ta'addud al-jumu'ah, by holding Friday prayers in other places. Third, if the congregation is not accommodated, there will be differences of opinion. There is an opinion that allows holding Friday prayers with a shift model, and the law is valid. Meanwhile, there is an opinion that the congregation performs the noon prayer, either individually or in congregation. Fourth, wearing a mask that covers the nose when praying is permissible and the prayer is valid. While covering the mouth during prayer is makruh, unless there is a syar'iiyah intention.
7. Fatwa No. 36 Regarding Eid al-Adha Prayers and Slaughtering Sacrificial Animals During the Covid-19 Outbreak include: first, the implementation of Eid al-Adha prayers during the COVID-19 outbreak following the provisions of the existing MUI Fatwa. Second, sacrificial worship cannot be replaced with money or other items of value, even if there is a purpose and benefit for the intended purpose. If this is done, then it is punished as sadaqah. Third, sacrificial worship can be carried out by means of taukil, namely the person who sacrifices submits a number of funds for the price of livestock to another party. Fourth, the implementation of sacrificial slaughter must maintain health protocols, by means of the slaughter process maintaining physical distancing, wearing masks, washing hands with soap while in the slaughter area, and avoiding crowds. Fifth, the slaughter is carried out in a special area by ensuring the implementation of health protocols, aspects of hygiene, and sanitation and environmental hygiene. Meanwhile, the implementation of sacrificial slaughter can optimize the time for 4 (four) days, starting after the Eid al-Adha prayer on the 10th of Dzulhijjah until before sunset on the 13th of Dhulhijjah. Sixth, the distribution of sacrificial meat is carried out while still implementing health protocols.

8. MUI Fatwa Number 13 of 2021 concerning the Law of Covid Vaccination While Fasting includes: first, carrying out the Covid-19 vaccination by intramuscular injection does not invalidate the fast. Second, it is legal to vaccinate Covid-19 for Muslims who are fasting by intramuscular injection as long as it does not cause harm.
9. MUI Fatwa Number 14 of 2021 concerning the Law on the Use of Covid-19 Vaccines for Astrazeneca Products includes: first, Astrazeneca's COVID-19 vaccines are illegal because the stages of the production process utilize trypsin derived from pigs. Second, the use of Astrazeneca's COVID-19 vaccine, is currently allowed due to an urgent need (*hajah syar'iyah*), there is information from a competent and trusted expert about the dangers of not being vaccinated against COVID-19, the availability of a COVID-19 vaccine that Halal and holy are not sufficient, there is a guarantee of safety for their use by the government, and the government does not have the discretion to choose the type of Covid-19 vaccine given the limitations of the available vaccines. Third, Muslims are required to participate in the COVID-19 vaccination program implemented by the government to realize group immunity and be free from the COVID-19 outbreak.
10. MUI Fatwa No. 23 of 2021 concerning the Law of Swab Tests for Detecting COVID-19 While Fasting states: first, the swab test does not invalidate fasting. Second, Muslims who are fasting are allowed to do a Swab test to detect Covid-19.
11. MUI Fatwa No. 24 Regarding Guidelines for the Implementation of Worship in the Months of Ramadan and Shawwal 1442 H contains: first, the implementation of worship during the month of Ramadan, both *mahdah* and *ghairu mahdah* worship must implement health protocols. Second, the application of physical distancing (maintaining distance) during congregational prayers is permissible, the prayers are valid and do not lose the virtue of congregation. Third, wearing a mask that covers the mouth and nose when praying is permissible and the prayer is valid. Fourth, vaccination during fasting does not invalidate the fast. While the swab test, either through the nose or mouth while fasting, does not invalidate the fast, as well as the rapid test with blood sampling and the use of Genose with breath samples. Fifth, Muslims who are sick like Covid-19 may not fast and make up for it on another day when they recover. Likewise, Muslims

who cannot fast because of illness with no hope of recovery, are free from the obligation of fasting and are not obliged to make up for it, but must pay fidyah, then he is innocent. Seventh, breaking fast together at home, at the mosque, at the office, or other places may be done while maintaining health protocols. Meanwhile, the implementation of halal bi-halal friendship may be carried out through virtual media or directly while still complying with health protocols and following Government policies.

### **Construction of Fiqh al-Aubiah in the Indonesian Context**

Regarding quarantine, the Prophet Muhammad once conveyed in a hadith that when an area is infected with an epidemic, do not enter the area, while if an epidemic occurs in your own area, then do not go out.<sup>30</sup> Textually, this Hadith prohibits people from going out and entering areas that have a high potential for spreading the virus. However, there are three views of scholars in responding to quarantine and legal provisions when violating quarantine,<sup>31</sup> namely: first, the opinion of allowing people to leave an area that has been infected with the virus, as was done by Abu Musa al-Asy'ari, Mughiroh bin Syu'bah and several others. Tabi'in. Second, the opinion that prohibits with the legal status of makruh tanzih, is not unlawful. This opinion was conveyed by Imam Hanafi in the book *Darul Mukhtar*, that if someone leaves an area affected by the plague and believes that all of this is the destiny of Allah SWT, then there is nothing wrong with leaving and entering the area. But when a person has the belief that when he avoids the area he will be saved, and if he enters, will suffer by it too, then that is considered makruh. Third, it is forbidden to go out during quarantine because of the prohibitions contained in the text of the hadith. This opinion is the superior opinion according to Syafi'iyah and others.

The prohibition on people coming out of areas that are infected with the virus is based on two meanings, namely: first, encouraging the soul to always believe in Allah, trusting, patient and willing to all God's decisions. Second, as medical experts view, that when an epidemic strikes, it is necessary to stay calm and stay at home, not to make physical contact with anyone, not to leave the affected area, and not to travel that is not essential.<sup>32</sup>

<sup>30</sup> Ahmad bin Ali bin Hajar al-'Asqalani (1993), *Fath al-Bari bi Syarh Shahih al-Bukhari* Hadis No. 5288, Beirut, Dar al-Fikr.

<sup>31</sup> Amir Muhammad Nizar, *Fiqh al-Aubiah Covid 19*, t.t.p: KIE University, 2020, 31-32.

<sup>32</sup> Ibnu Qoyyim al-Jauziyyah, *at-Tibb an-Nabawi*, (Beirut: Dar al-Hilal), 34.

Meanwhile, the abolition of Friday prayers in congregation was conveyed by An-Nawawi as follows.<sup>33</sup>

The Imams of the Shafi'i madhhab are of the opinion: "that the illness that aborts the Friday prayer obligation is the pain of the person who gets a heavy masyaqqah when he is present at the Friday prayer". Imam al-Mutawalli said: "A person who has severe diarrhea is also not obliged to pray Friday, even if he is not able to control his diarrhea then it is forbidden for him to pray in congregation in the mosque, because it will make the mosque unclean". Imam al-Haramain said: "The pain that can remove the obligation to pray Friday is lighter than the pain that removes the obligation to stand up during the obligatory prayers. The pain is like getting old on a muddy road or rain or something like that."

Then, related to the treatment of COVID-19 patients, it is part of the important role of a Muslim in building good relationships with fellow human beings. Thus, it is a big mistake when there is a rejection of the burial of the corpse of a Covid-19 patient. Amir Muhammad Nazar Jal'ut,<sup>34</sup> explained that the corpse should be put in a coffin, because the conditions were feared to cause something bad for others. On the other hand, the cemeteries are also set at a distance, so that they are far from the settlements of local residents. In addition, the bodies were buried at a depth of 1.5 meters and covered with soil as high as 1 meter. This procedure establishes a health protocol for handling the bodies of Covid-19 patients, so as to ensure safety from the virus. an-Nawawi once gave the following description.<sup>35</sup>

"Scholars state that what is meant by martyrdom, apart from those who died on the battlefield, are those who later (in the hereafter) will get a reward like the reward of the martyrs. While in the world, they are still bathed and prayed. There are three kinds of martyrs. First, martyrs in this world and in the hereafter are those who died on the battlefield against infidels. Second, martyrdom in the hereafter, but not martyrdom in the law of the world. Third, martyrs in this world and not in the hereafter are

<sup>33</sup> Syarafuddin Yahya an-Nawawi, *al-Majmu' Syarh al-Muhadzzab*, (Mesir: Darul Hadits Mesir, t.t.), j.4, p. 352.

<sup>34</sup> Nizar, Amir Muhammad, *Fiqh al-Aubiah Covid 19*, t.t.p: KIE University, 2020, p. 42.

<sup>35</sup> An-Nawawi, *Al Minhaj Syarhu Shahih Muslim ibnil Hajjaj*, (Beirut, Darul Ma'rifah, t.t).

those who died but cheated on ghanimah or died while escaping from the battlefield.”

Furthermore, entering 2021, the Indonesian government has begun to aggressively implement a vaccination program. Vaccination is the government’s effort in tackling the spread of COVID-19.<sup>36</sup> Thus, the law of vaccination becomes mandatory for Muslims when the virus emergency cannot be controlled except by vaccination. This is because it can threaten the existence of human life. (hifz an-nafs). The scholars include the problem of hifz an-nafs in the rukhsah section with the category of obligatory and must be taken. Moreover, it is required by the Government,

## 5. Conclusion

The MUI fatwa is a response to events that occurred in Indonesia, including the context of COVID-19. Meanwhile, Fiqh al-Aubiah is defined as a reinterpretation of fiqh during the COVID-19 pandemic. Based on the above submission, several conclusions can be drawn as follows. First, the MUI fatwa and the fiqh al-Aubiah formulation state that when in a virus-prone area, Friday prayers are not performed and replace them with zuhur prayers, while if they are in a safe area they are still required to carry out worship as usual and must follow health protocols. Second, the MUI fatwa and the fiqh al-Aubiah formulation state that in an effort to avoid and prevent the transmission of the virus, it is necessary to establish a health protocol, even if the number of positive patients increases sharply, the map of the spread of the virus has spread and resulted in a red zone.

Third, the MUI fatwa and the fiqh al-aubiah formulation decided that vaccination was mandatory for Muslims when the virus emergency could not be controlled. Even if the vaccine formula contains elements of something unclean, it can be used. This is because there is a syar’iyyah hajah who occupies a syar’iyyah bloody condition, there is a danger that is borne if the COVID-19 vaccination is not immediately carried out, the availability of a halal and holy COVID-19 vaccine is not sufficient, and there is a guarantee of safety in its use from the government. Fourth, the MUI fatwa and the fiqh al-Aubiah formulation

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<sup>36</sup> Laura Matrajt, *Vaccine optimization for COVID-19: Who to vaccinate first?* *Science Advances*, Vol 7, Issue 6, 2021, DOI: 10.1126/sciadv.abf1374.

state that carrying out the Covid-19 vaccination by intramuscular injection does not invalidate fasting and is legal as long as it does not cause harm. Likewise, the law of swab does not invalidate the fast.

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