

## IMPLEMENTATION OF MAQASHID SHARIA IN CONTROLLING THE GROWTH OF THE COVID-19 VIRUS

<https://uia.e-journal.id/Tahdzib/article/view/1432>

DOI: <https://doi.org/10.34005/tahdzib/v4i1/1432>

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**Abstract In English:** *The spread of covid-19 in Indonesia coincides with the arrival of Ramadan. In fact, apart from fasting, there are also many other religious rituals, both express and implied in Islamic teachings, which have the value of friendship. The government also issued various regulations which in fact prohibit and limit these religious activities. In fact, the MUI also supported it by issuing a fatwa. By using an interpretive subjective approach and qualitative descriptive methods, this study analyzes data in the form of normative phenomena, social values, and the use of the maqasidsyari'ah method. Conclusions obtained, Fatwa MUI is one of the sources of law and guidance for Muslims in conducting religious activities in the midst of the covid-19 pandemic; Fatwa MUI related to the prohibition and restriction of religious activities in congregation in accordance with some concepts of maqasidsyari'ah.*

**Keywords:** Covid-19, Fatwa MUI, Maqashid Syariah, Islamic Law

### INTRODUCTION

The world seems stunned by the appearance of Severe Acute Respiratory Syndrome Corona Virus 2 (SARS-CoV-2) which is more popularly known as the corona virus and is the cause of the Covid-19 infection disease. This virus pandemic first appeared in Wuhan City, Hubei Province, China. Then Corona spreads at incredible speed throughout the world, causing sick victims and millions of deaths. Panic also hit all countries in the world, including Indonesia. Worldometers data Friday, January 29, 2021, the positive number of Coronavirus has reached 102,002,513 cases, with a death toll of 2,199,092 people. Meanwhile, the number of patients who recovered from this deadly

virus was 73,840,751 people.<sup>1</sup>Therefore, the Government of the Republic of Indonesia has designated the Covid-19 virus as a national disaster. And the handling is directly handled by the National Disaster Management Agency or *Badan Nasional Penanggulangan Bencana* (BNPB).

This plague has changed the world order in no time. Sociologically, the Covid-19 pandemic has caused unplanned social changes. This means that social changes that occur sporadically and are not desired by the community. As a result, people's unpreparedness in facing this pandemic has in turn led to social disorganization in all aspects of people's lives. Yuval Noah Harari in his article entitled "The World After Coronavirus" published in the Financial Times (20/03/2020), stated that "*The storm will pass, humans will be able to survive, but the world we live in will be very different from the previous world*".<sup>2</sup> Thus, all forms of community activities carried out in the pre-pandemic period must now be forced to comply with standard health protocols. Of course this is not a simple matter. As the Covid-19 pandemic has infected all aspects of the order of people's lives that have been institutionalized through routine and repetitive patterns.

In the future, society will be faced with a situation of change that was never imagined before. A number of old values and norms must be restructured and reproduced again to produce a new social system. The emergence of the new regulations was marked by, among other things, an appeal from the government to study, work and worship at home since the beginning of the emergence of this virus in Indonesia. Likewise with the customary pattern of people who are friendly, like to gather and shake hands, now they are required to get used to social restrictions.

A number of major cities in Indonesia that have been declared a red zone due to the massive spread of the corona virus and have claimed quite a number of victims who have been exposed to lockdowns. Lockdown is a term to describe an effort to control the spread of infection that requires an area to completely shut down entry and exit. So people can no longer leave the house and gather together, all transportation and office, school, and worship activities are disabled.

A number of countries in the world affected by the Covid-19 pandemic have implemented lockdowns, although in practice it depends on the policies of their respective governments. In Wuhan, China, a total lockdown was implemented, all citizens were prohibited from leaving their homes and all public areas, such as malls and markets, were closed. In Spain and Italy, lockdown policies still allow citizens to go out of their homes to shop for daily necessities and buy medicines. And in Indonesia in this Government Regulation, what is meant by PSBB (*Pembatasan Sosial Berskala Besar*) is the restriction of certain activities of residents in an area suspected of being

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<sup>1</sup><https://tirto.id/update-corona-dunia-29-januari-dan-data-covid-19-terbaru-dari-who-f9Ks>  
accessed in 19 Februari 2021 at 15: 08

<sup>2</sup><https://lombokpost.jawapos.com/opini/15/07/2020/perubahan-sosial-di-era-pandemi/>  
accessed in 19 Februari 2021 at 15: 14

infected with Covid-19 to prevent its spread. PSBB is carried out during the longest incubation period, which is 14 days. If there is still evidence of spreading in the form of new cases, it can be extended within 14 days from the discovery of the last case.<sup>3</sup>

According to Government Regulation No. 21 of 2020, the Ministry of Health has issued Regulation of the Minister of Health of the Republic of Indonesia Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19). Based on the Regulation of the Health Minister, the implementation of the PSBB includes:<sup>4</sup>

### **1. SCHOOL AND WORK VACATIONS:**

School holiday exemptions apply to educational, training, research institutions related to health services; The exception of workplace vacation, namely for certain offices or agencies that provide services related to defense and security, public order, food needs, fuel oil and gas, health services, economy, finance, communications, industry, export and import, distribution, logistics, and other basic needs.

### **2. RESTRICTIONS ON RELIGIOUS ACTIVITIES:**

Exceptions are made based on statutory regulations and fatwas or the views of official religious institutions recognized by the government. The burial of people who died not because of Covid-19 with no more than 20 people present can be permitted by prioritizing efforts to prevent the spread of the disease.

### **3. RESTRICTIONS ON ACTIVITIES IN PUBLIC PLACES OR FACILITIES:**

Exceptions for supermarkets, minimarkets, markets, shops, places for selling drugs and medical equipment, as well as basic necessities, health service facilities and public facilities for other basic needs.

### **4. RESTRICTIONS ON SOCIAL AND CULTURAL ACTIVITIES:**

Includes all political, sports, entertainment, academic and cultural gatherings or gatherings.

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<sup>3</sup><https://www.bbc.com/indonesia/dunia-55734119> accessed in 19 Februari 2021 at 15: 21

<sup>4</sup><https://peraturan.bpk.go.id/Home/Details/135220/permenkes-no-9-tahun-2020> accessed in 19 Februari 2021 at 15: 23

## 5. RESTRICTIONS ON TRANSPORTATION MODES:

Exceptions for passenger transportation modes, both public and private, taking into account the number of passengers and maintaining the distance between passengers, modes of transportation of goods by taking into account the fulfillment of the basic needs of the population.

## 6. RESTRICTION OF OTHER ACTIVITIES:

Exceptions for activities in the aspects of defense and security in the framework of upholding state sovereignty, maintaining territorial integrity, and protecting the nation from threats of disturbance, and realizing public security and order.

In the Minister of Health Regulation, citizen activities related to defense and security aspects during the PSBB will also be limited. However, it is exempted from military operations and police operations.

Starting from the DKI Jakarta area on Friday, April 10, 2020, the PSBB was gradually implemented in a number of big cities, such as Bogor, Depok, Bekasi, Tangerang, Bandung Raya, Surabaya Raya, and other cities in Indonesia. In fact, the PSBB in the DKI Jakarta area was extended 2 x 14 days and in other cities did not rule out the extension.<sup>5</sup>

In addition, since April 24, 2020, the Government has prohibited the *mudik* community, even starting May 7, 2020, there will be strict sanctions for violators. The government has also deployed tens, even hundreds of thousands of joint military, police and volunteer officers to guard the enforcement of the *mudik* ban. Homecoming or *mudik* is prohibited to prevent the spread of the covid-19 virus, which is still massive and threatening the health and life of the world community.<sup>6</sup>

The ban on *mudik* (back to the village) is very important as an alternative solution to prevent the spread of Covid-19 from becoming more widespread, among various solutions made by various parties. If people go back to their village from the red zone city without knowing their health condition as some people who are exposed to Covid-19 are reportedly without any symptoms, then their presence in their hometown will lead to new threat. If he turns out to be exposed to Covid-19, then his *mudik* will be a disaster and calamity for people in his hometown.

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<sup>5</sup><https://www.kompas.com/tren/read/2020/04/10/070400265/ikuti-jakarta-berikut-5-wilayah-yang-ajukan-psbb-mana-saja-?page=all> accessed in 19 Februari 2021 at 15: 18

<sup>6</sup><https://nasional.kompas.com/read/2020/04/21/13395241/larangan-mudik-berlaku-24-april-sanksinya-mulai-7-mei> accessed in 19 Februari 2021 jam 15: 28

According to the World Health Organization (WHO), Covid-19 is transmitted through parties infected with the corona virus through droplets of water from the nose or mouth when someone sneezes or coughs. If the splash of water hits a certain object and the object is touched, even inhaled, then it touches the eyes, nose or mouth, then it is likely to become infected.<sup>7</sup> Therefore, it is very important to always maintain a minimum distance of 1 meter from other people, especially infected people. Common symptoms of people infected with Covid-19 include fever, fatigue and dry cough; some have aches and pains, nasal congestion, runny nose, sore throat or diarrhea, but many people who are infected with Covid-19 do not show any symptoms. In the context of PSBB entering the month of Ramadan, the Government and the MUI Fatwa also appealed to Muslims to carry out fasting without *tarawih* in congregation in mosques, including *Eid al-Fitr* prayers. In fact, it has been long since the congregational prayers, including Friday prayers, have been temporarily stopped in many mosques. All of this is part of an effort to avoid a greater danger from the spread of Covid-19.

Departing from the explanation above, this paper focuses on describing the results of factual and normative studies of the support of MUI as a representation of Muslims by issuing a fatwa limiting and / or prohibiting religious ritual activities as the implementation of *Maqasid Syari'ah* in an effort to break the chain of covid-19 distribution.

## METHODS

This paper is the result of a study using an interpretive subjective approach to various developing phenomena related to various initiatives, both those carried out by the Government, religious organizations, and the community in the framework of overcoming the spread of Covid-19. In addition to the phenomena that occur, an interpretive subjective approach is also carried out normatively on the values that apply and are used by both the Government and society. The values raised by the Government are formally in the form of statutory regulations, especially those related to efforts to combat the spread of covid-19. Meanwhile, the values in society are more focused on Islamic values as efforts to overcome the spread of Covid-19 coincide with the arrival of the month of Ramadan. Many religious rituals during the month of Ramadan, both those which are directly written in Islamic teachings or are not part of the "obstacle" of efforts to overcome the spread of covid-19.

The method used in this study is a qualitative descriptive method. The data of this study were collected more predominantly by using observations of facts in the field related to efforts to overcome the spread of Covid-19 by conducting a member check through documentation studies and reference studies of these facts. These data come from quotations from indirect

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<sup>7</sup><https://www.who.int/indonesia/news/novel-coronavirus/qa/qa-for-public> accessed in 19 Februari 2021 at 18:55

interviews (referencing mass media or quoting expert opinions), field notes based on observations through extended observations using mass media, such as television or online media, writings in mass media and other official documents such as verses of the Koran, Al-Hadith, and statutory regulations.

## RESULTS AND DISCUSSION

### ISLAMIC PERSPECTIVE ON THE PLAGUE

In Islamic belief, all calamities that occur on earth are written in *Lauhul Mahfuz*. Before they are manifested in their real form, all calamities are already in the planning of Allah SWT, so we must accept them with a *tawakal* attitude, as Allah SWT says:

قَالَ رَجُلَانِ مِنَ الَّذِينَ يَخَافُونَ أَنَّ اللَّهَ عَلَيْهِمَا ادْخُلُوا عَلَيْهِمُ الْبَابَ فَإِذَا دَخَلْتُمُوهُ فَإِنَّكُمْ غَالِبُونَ  
وَعَلَى اللَّهِ فَتَوَكَّلُوا إِن كُنْتُمْ مُؤْمِنِينَ

"And only to Allah should you put your trust, if you are truly a believer." (Surah Al Ma'idah: 23) However, it needs to be understood that the correct *tawakal* is *tawakal* accompanied by maximum effort (effort), That is the main principle of life that a Muslim must adhere to. As Allah SWT says:

لَهُ مُعَقِّبَاتٌ مِّن بَيْنِ يَدَيْهِ وَمِنْ خَلْفِهِ يَحْفَظُونَهُ مِنْ أَمْرِ اللَّهِ إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّى يُغَيِّرُوا مَا  
بِأَنْفُسِهِمْ وَإِذَا أَرَادَ اللَّهُ بِقَوْمٍ سُوءًا فَلَا مَرَدَّ لَهُ وَمَا لَهُمْ مِّن دُونِهِ مِن وَالٍ

"Surely Allah does not change the condition of a people so that they change the situation that is in themselves." (Surah Ar Ra'du: 11) People who truly trust in Allah, is one of the strong indicators of faith in Allah. He truly believes in the *qudrah*(ability) of Allah over everything. Awareness of God's supernatural power does not completely eliminate human awareness of one's own strength, because in this concept God's power is seen as the source of one's strength.

For this above matter, Islam clearly provides guidance in the word of Allah which means: "*Indeed, Allah loves cleanliness*". If further observation the verse regulates various aspects of cleanliness such as; birth hygiene, inner hygiene, clothing hygiene, food hygiene, property hygiene, residential hygiene and environmental hygiene. Allah also says in another verse, which means: "*Surely Allah loves those who repent and loves those who purify themselves*." (Q.S. Al-Baqarah / 2: 222). And the Prophet PBUH said that "*Islam is (religion) that is clean / pure, so you should keep it clean. Surely there will be no paradise except for the holy ones.* " (H.R. Baihaqi). And Environmental cleanliness is an inseparable part of human life and is a

fundamental element in health science. Cleanliness is a human way to keep households and the environment healthy, maintained and controlled continuously.

### **RAMADAN AND THE COVID-19 PANDEMIC**

Many religious rituals coincided with the birth of creative traditions that grew in Indonesian society. *Hari Raya Idul Fitri* alone, since the implementation of the fasting service is rich with unique traditions: breaking fast together, tarawih safari, shaur together, *beduk keliling*, *kirimtumis dan parsel*, *belah ketupat*, *opor ayam*, *mudik*, and so forth.

Here, *Mudik* is assumed to be a tradition for Indonesian Muslims, but it has global values. Homecoming or *mudik* is a show of love and longing for loved ones and hometown, homecoming is proof of love for parents, relatives, neighbors and hometown. Therefore, whatever the reason, the homecoming tradition is very difficult to leave among Indonesians. In fact, it is increasingly developing not only among Muslims, but also non-Muslim.

Information technology may be higher. In fact, it is assumed that it can replace meetings between two or more people, such as with a whatsapp, via a video call or a zoom application. However, the immensity of social media for social interaction among relatives cannot replace *mudik*. Information technology is getting higher, *mudik* or homecoming is still booming from *Lebaran* to the next *Lebaran*.

It is possible that the more sophisticated information technology actually places people with more individual characteristics. The jargon of bringing the distant and distant the nearer must have been born from the phenomenon of society in using social media. Therefore, the progress of society has led to a high level of isolation individually and major socio-cultural changes. Indeed, there are various reasons for people going home. However, the homecoming phenomenon is clearly closely related to cultural reasons which involve three main things, namely the cultural need to visit parents and family, make a pilgrimage to a relative's grave, and observe the family's inheritance at the place of origin. If those three reasons are not present, then it can be ascertained that the urge to go home before Eid is almost non-existent.

Even though *mudik* is an important event, especially for Muslims, *mudik* in 2020 is certainly different from the homecoming in previous years. The 2020, the homecoming coincides with the Covid-19 pandemic which threatens human health. Therefore, evaluation of going home is a wise step. The government has also issued various regulations which essentially prohibit people from *mudik* for that moment. The Government policies, among others, Regulation of the Minister of Health 9/2020 concerning PSBB Guidelines for the Acceleration of Handling COVID-19 is a continuation of Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (COVID-19) The Republic of Indonesia of 2020 Number 91, Supplement to the State Gazette of the Republic of Indonesia Number 6487) and the Minister of Transportation Regulation Number 25 of 2020 concerning Control of Transportation during the Idul Fitri Homecoming Period of 1441 Hijriah in the

Context of Preventing the Spread of COVID-19. In fact, the ban on going home has been declared through Fatwa number 14 of 2020 concerning the Implementation of Worship in a situation where the COVID-19 outbreak occurs.<sup>8</sup>

The emergence of government policies and the MUI fatwa, among which the ban on the homecoming for Lebaran in 2020, is certainly not without reason. Four of them are the considerations for the ban on going home:<sup>9</sup>

- A. *Mudik* has the potential to spread the corona virus many times. The travelers have the potential to become carriers or virus carriers from exposed areas, especially cities with red zones. Carriers may not have significant complaints, even appear healthy or asymptomatic, but are very vicious, transmitting a virus that threatens the safety of families in the destination area or neighbors in the village. For parents, if exposed to the corona virus, the condition will be three times worse than young patients.
- B. In the *mudik* moment, physical distancing appeal is difficult. One way to prevent the spread of Covid-19 is to require a minimum distance of 1.5 meters between people. During the homecoming trip, this is difficult, especially for residents who use public transportation. Moreover, the 2020 homecoming is estimated to involve 20 million travelers, meaning that the level of friction between travelers is almost impossible to avoid.
- C. Among the travelers, there could be people under Supervision or *Orang Dalam Pengawasan* (ODP) status. In fact, several provinces such as Central Java, West Java, East Java, and the Special Region of Yogyakarta stipulate that every traveler who comes from outside the cities affected by Covid-19 is ODP. Therefore, when arriving at this destination, travelers are required to carry out independent isolation for 14 days, so it is very difficult for them to stay in touch with their relatives in their hometown. In fact, it's possible travelers are also subject to legal sanctions for violating government regulations.

Moreover, the General Chairman of the Indonesian Doctors Association (PB IDI), dr. Daeng M. Faqih doubts the readiness of health facilities in destination areas for travelers who may not be as complete as in big cities, so it is difficult to carry out rapid handling of patients exposed to the corona virus.<sup>10</sup>

Based on that reason, the 2020 homecoming can pose a humanitarian threat. Eliminating kemudharatan is more prioritized than taking a benefit. The purpose of this rule is that if there is a collision between eliminating an evil with something that brings benefit, then eliminating harm takes precedence. Unless the *madharat* is smaller than the *maslahat* will cause. Therefore, there

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<sup>8</sup><https://covid19.go.id/p/regulasi/permenkes-no-9-tahun-2020-tentang-pedoman-psbb-dalam-rangka-percepatan-penanganan-covid-19> accessed in 18 February 2021 at 19: 20

<sup>9</sup><https://www.cnnindonesia.com/nasional/20200407101934-20-491078/mui-larangan-mudik-saat-corona-tak-perlu-pakai-fatwa-haram> accessed in 18 February 2021 at 19: 30

<sup>10</sup> <http://www.idionline.org/berita/ketua-umum-pb-idi-dr-daeng-m-faqih-sh-mh-disuntik-vaksin-covid-19-setelah-presiden-jokowi/> accessed in 18 February 2021 at 19: 45



does not seem to be the slightest doubt about the postponement of 2020, so that the Ulama and Umara are in line in this regard.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَزُدُّوهٗ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

O you who believe, obey Allah and obey His Messenger, and to the leaders among you. Then if you disagree about something, then return it to Allah and His Messenger, if you really believe in Allah and the Last Day. That is more important and better as a result. " (QS. An-Nisa: 59).

## AL-MAQASID AL-SYARI'AH IN MUI FATWA

Various government policies in an effort to contain the spread of Covid-19 have affected various aspects of people's life, not only socio-economic aspects but also religious rituals. Understanding the sensitivity of this religious issue, on March 16 2020, the Indonesian Ulema Council (MUI) issued a fatwa Number: 14 of 2020 concerning the Implementation of Worship in a Situation of the Covid 19 Outbreak. The issuance of this fatwa is a religious step in an effort to prevent Covid-19 from spreading. Considering that Indonesian society is a religious community and the majority is Muslim.<sup>11</sup>

The determination of the legal fatwa issued by MUI is not only based on the understanding of the textual meaning of the verses of the Qur'an and Hadith which is the basis of its consideration. Furthermore, this fatwa also considers *almaqasid al-syari'ah* which is oriented on the enforcement of the welfare of the people. This can be seen from the sound of Legal Provisions number 1, Fatwa MUI No. 14/2020, which states, efforts to maintain health and avoid things that can cause the spread of disease become an obligation for everyone. This action is part of maintaining the five basic things (*al-dharuriyat al-khams*) as prescribed in Islam.<sup>12</sup>

*Maqasid Syari'ah* is basically one of the methods of *ijtihad* performed by scholars in establishing and applying the law of Allah. *Maqasid Syari'ah* emphasizes on understanding the purpose or purpose of Allah SWT, as the creator of law, in establishing His laws for human guidance. According to Ibn 'Asyur, *maqasid syari'ah* are the meanings and wisdom expressed by Allah SWT. in all or most of the Shari'ah of Allah, which in essence aims to preserve and create the greatest good for the ummah. At the same time, Wahbah Zuhaili said, that basically the Shari'ah aims to realize the welfare of individuals and communities through the maintenance of rules and the use of existing facilities, in order to prosper life on earth towards perfection and goodness in civilization and culture together in the real world.

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<sup>11</sup> Fatwa Majelis Ulama Indonesia Nomor: 14 Tahun 2020 Tentang Penyelenggaraan Ibadah Dalam Situasi Terjadi Wabah Covid-19

<sup>12</sup> *ibid*

There are two sides to being able to know the objectives of Islamic law: from the human side as *mukallaf*, and second from the side of the law maker, namely Allah SWT. From the human side, by nature human beings have been given potential power by Allah SWT. In the form of reason (*'aql*), lust, and *ghadlab*. The power of reason serves to know Allah and affirm Him, the power of lust serves to induce pleasant and beneficial things, while the power of *ghadlab* serves to defend itself and maintain survival. In essence, human resources function to achieve happiness in life and maintain its continuity (*altahshilwa al-ibqa'*). Meanwhile, the purpose of Islamic law is in line with human nature and the function of the powers it possesses, namely taking benefits and at the same time rejecting damage (*jalb al-mashâlihwadaf 'al-mafâsid*).<sup>13</sup>

From the side of the Lawmaker, through inductive reasoning on the sources of Islamic teachings revealed by Allah, it is known that the purpose of Islamic law is divided into three goals.<sup>14</sup>

- **First**, the purification of the soul so that every Muslim is a source of goodness for his environment;
- **Second**, the enforcement of justice in the life of society;
- **Third**, benefits, that is, the real good for the benefit of society, not the goodness of certain parties based on lust.

Welfare is the main goal required by the Shari'ah, and this goal refers to five basic things that must be maintained for the good and survival of human beings: namely religion, soul, intellect, lineage, and the preservation of property. In traditional terminology, the five benefits that Islamic law targets are oriented to the concept of protection and protection (*al-hifdz*), while in the view of contemporary scholars, these concepts are further expanded towards its development and fulfillment of human rights.

In this regard, we have to understand this fiqh formula "المشقة تجلب التيسير" "Difficulties Can Attract Facilities". Imam as-Suyuthi mentioned that according to the scholars all rukhshah (relief) syara "can be removed from this rule. According to him, there are seven things that can bring relief, namely travel (*safar*), illness (*al-maradh*), compulsion (*al-ikrâh*), forgetfulness (*al-nisyân*), ignorance (*al-jahl*), difficulty (*al-usr*) and umum al-balwa.<sup>15</sup> In order to emulate the relief that can be obtained when sick, Imam Suyuthi gave an example of the ability to *bertayamum* when it is difficult to use water, purification with the help of others, sitting during obligatory prayers or Friday sermons, praying between two prayers and the ability to leave congregational and Friday prayers due to heavy rain.

In order to exemplify the relief that can be obtained in a state of difficulty (*al-usr*) and *umumal-balwa*, Imam Suyuthi exemplified the ability to perform prayers with the forgiveness of feces such as boils, lice, pus, a little blood from others or street soil, traces of feces that are difficult to remove, bird

<sup>13</sup>Praja, Juhaya S., 1995. *Filsafat Hukum Islam*. Bandung: LPPM Universitas Islam Bandung. P. 100

<sup>14</sup>Zahrah, Muhamad Abu, 1994. *UshulFiqih* (Penerjemah: Saefullah Ma'shum, dkk). Jakarta: PT Pustaka Firdaus.

<sup>15</sup> Jalal al-Din Abdurrahman al-Suyuthi, 2011, *Al-AsybahWa al-Nazhâir*, Dar al-Fikr, Beirut, hal.104-106.

droppings that are evenly distributed in the mosque or on the walk. Apart from that, it also exemplifies the ability to pray "when it is raining heavily and leaves the congregational and Friday prayers with a known ailment (*ma'ruf*).<sup>16</sup>

In applying the rules PSBB is required to meet the number of cases or the number of deaths due to covid-19 significant. In addition, epidemiological studies are required with similar incidents in other regions. From this condition, the area where PSBB rules can be applied means that there has been the spread of covid-19 virus in the area. Although the virus can not be seen with the naked eye without tools, the authors save the virus in an area can be categorized as a general disaster („general al-balwa) so that it is possible for the area to abandon worship activities performed in congregation and potentially cause transmission.

الضرار يزال Harm must be eliminated

The difference between "dharar" and "dhirâr" according to the general opinion (**mashur**) is that dharar means giving danger to others absolutely, while dhirâr means giving danger to others in the opposite way (*muqâbalah*).<sup>17</sup>

Based on this rule, a person is prohibited from giving harm to others. In the case of this outbreak of covid-19, the accumulation of large numbers of people without keeping a distance can potentially transmit the virus. Therefore any place that has the potential to gather a lot of people and can be a place of virus transmission should be temporarily eliminated.

الفرد افضل من النفل Fardu is better than Sunnah

This rule requires that basically doing fardu is better than doing sunnah. In connection with the policy of prohibiting congregational worship during the pandemic, generally congregational worship activities are sunnah. Meanwhile, guarding yourself to avoid harm is an obligation. In this case it is in accordance with one of the maqashid sharia guarding the soul (*hifz al-nafs*).

Utilization or arrangement of the priest (leader) to its citizens is based on *maslahat* بالرعية منوط بالمصلحة

The meaning of this rule is that all forms of arrangements of leaders or people in charge of Muslim matters are not legally valid in the syara "if not for the public good. If the arrangement is contrary to the maslahat then the arrangement is void by Islamic law."

In this case, the PSBB policy in limiting worship activities in congregation is of course aimed at the public benefit. This is done in order to prevent transmitting the virus. The hope is, by reducing the number exposed, the leader or the government will be able to treat these patients.

إذا ضاق الأمر اتسع، إذا اتسع الأمر ضاق If a case is narrow it can become broad, if a case is wide it can be narrow

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<sup>16</sup> ibid

<sup>17</sup> Ahmad bin Muhammad al-Haitami, 2008, Al-Fath al-Mubîn Bisyarh al-Arba‘în Dar alMinhaj, Jedah. hal.516

The meaning of this rule is that if it comes to a person or group of difficulties that makes it difficult to apply the original law, it can be alleviated or facilitated when the difficulty exists. However, if the difficulty disappears, then it must return to the original law.

When a disease outbreaks in an area, the potential for transmission in public places is very likely. From this infection, it will cause difficulties both for oneself (for worship) or for others (medical personnel who help with treatment). Therefore, in the author's opinion, for the time being, congregational activities either sunnah or mandatory for the time being (during the pandemic) can be expanded in order to avoid wider difficulties (masyaqqah).

درء المفسد اولى من جلب المصالح  
"Resisting damage is more than attracting benefit"

When there is a conflict between mafsadah and maslahah then first reject the damage (mafsadah). According to him, this is because the syara "s attention to leaving what is forbidden is greater than doing what is commanded, because in something that is forbidden there is wisdom in it.

Performing worship in congregation either in places of worship or other places has benefits. However, worshiping in congregation in the midst of an epidemic of disease can bring mafsadah that is contagious or transmitted the disease to others. Therefore, the ritual activities of congregational worship should be avoided during the pandemic.

## CONCLUSION

The MUI fatwa is a source of law and guidance for Muslims in carrying out religious activities in the midst of the Covid 19 pandemic because MUI is a representation of religious groups in Indonesia, so the MUI fatwa is the opinion of the majority of scholars who become role models / guidelines for Muslims.

Social / physical distancing policy described in the MUI fatwa with the prohibition of conducting religious activities in congregation, in accordance with some concepts of maqasid syari'ah, especially related to the maintenance of religion and soul. The MUI fatwa does not prohibit or prohibit Muslims from carrying out religious obligations, although forms of worship are restricted. Such as the prohibition of Friday prayers, because in the sources of Islamic teachings there are the *sunnahs* of the Prophet who forbade his people to perform congregational prayers due to *udzur* or certain obstacles, and it is permissible / permissible to replace it with the noon prayer. The condition of the covid pandemic 19 is seen as an extension of the Islamic syllabus because the characteristics of the corona virus can be life threatening, so it must be prevented for the sake of upholding the purpose of Islamic law in the form of protection of the soul (*hifdz al-nafs*).

Prohibition of *mudik* as an effort to prevent the spread of Covid-19 needs to be done because it will present a wider danger to the community. The impact of covid-19 is systemic because it worsens conditions for various sectors of life. In accordance with its purpose, the presence of Islamic law is

to protect the good or benefit of various aspects of life, so that it is in line with the purpose of creating mankind, namely the creation of a civilized society or civil society.

In an effort to break the Covid-19 chain, the government issued a Large-Scale Social Restriction (PSBB) policy. This policy limits several aspects of activities including religious activities. In the field of religion, this policy calls for a temporary suspension of religious activities in places of worship and replacing them in their respective homes. With the approach of Islamic Law and Usul Fiqih, this policy can be justified in Islamic law. With a note that it applies only during the pandemic as the preconditions for this policy are applied. In addition, derivative policies or other policies related to handling this pandemic must prioritize life safety more than other aspects.

## REFERENCES

- Abdul Karim Zaidan, 2006, *Al-WajîzFîUsûl al-Fiqh*, Muassasah al-Risâlah, Beirut. Hal.301
- Ahmad bin Muhammad al-Haitami, 2008, *Al-Fath al-Mubîn Bisyarh al-Arba`în Dar al Minhaj*, Jedah. hal.516
- Al-Faruqi, Ismail R. dan Lois Lamy Al-Faruqi, 1998. *Atlas Budaya Islam: Menjelajah Khazanah Peradaban Gemilang* (Penerjemah: Ilyas Hasan). Bandung: Mizan
- Al-Muwatha no.8572, Musnad Ahmad no.2865, Sunan Ibnu Majah no.2340, Mu`jam al-Kabir al-Thabrani no.1387, Sunan Daruquthni no.4539, Sunan al-Kubra al-Baihaqi no.11878
- Amir Syarifuddin, 2014, *Ushul Fiqh*, 7th ed., vol. 2, Kencana, Jakarta, hal.369-370.
- Arribathi, Abdul Hamid dan Qurotul Aini. 2018. *Mudik dalam Perspektif Budaya dan Agama: Kajian Realistis Perilaku Sumber Daya Manusia*. Jurnal CICES Vol. 4 No. 1 – Februari 2018.
- Auda, Jasser, 2015. *Membumikan Hukum Islam melalui Maqasid Syariah*. Bandung: PT Mizan Pustaka
- Dashefsky, Arnold (ed.). 1975 *Ethnic Identity in Society*. London Stors, Jews: Connecticut
- Diakses pada tanggal 15 April 2020 Umar, Musni. 2012. Budaya Mudik dan Dampak Positifnya. Detik Com. Tersedia dalam <https://news.detik.com/kolom/d-1992133/budaya-mudik-dan-dampak-positifnya> diakses pada tanggal 15 April 2020
- Fatwa Majelis Ulama Indonesia Nomor: 14 Tahun 2020 Tentang Penyelenggaraan Ibadah Dalam Situasi Terjadi Wabah Covid-19
- Hikmat, Mahi M. (2020). *Belajar di Udara*. Bandung: Pikiran Rakyat, 13 April 2020 - ----- (2020). Menundak Mudik, Bandung: Pikiran Rakyat, 27 April 2020 Majid, Abdul. 2020. Mudik Lebaran, tersedia dalam [http://file.upi.edu/Direktori/FPIPS/M\\_K\\_D\\_U/195902251985031ABD\\_MAJID/ARTI](http://file.upi.edu/Direktori/FPIPS/M_K_D_U/195902251985031ABD_MAJID/ARTI)

- Ibrahim bin Musa al-Syathibi, 2004, *Al-Muwâfaqât*, Dar al-kutub al-‘ilmiyyah, Beirut, hal.221
- Jalal al-Din Abdurrahman al-Suyuthi, 2011, *Al-Asybâh Wa al-Nazhâir*, Dar al-Fikr, Beirut, hal.104-106.
- KEL/TEOLOGI\_MUDI.K.pdf diakses pada tanggal 15 April 2020
- Lembaga Fatwa Dar al-Ifta Mesir, 2019, *Dhawâbith Al-Ikhtiyâr al-Fiqhi* „Indaal Nawâzil, 2nd ed.Dar al-Ifta al-Mishriyyah, Kairo, hal.76.
- Lembaran Negara Republik Indonesia Tahun 2020 Nomor 91, Tambahan Lembaran Negara Republik Indonesia Nomor 6487 (Islam dan logika kekuatan Halaman 24 Syekh Muhammad Husein Fadhlullah)
- Lihat Pasal 3 Peraturan Pemerintah Republik Indonesia Nomor 21 Tahun 2020 Tentang Pembatasan Sosial Berskala Besar Dalam Rangka Percepatan Penanganan Corona Virus Disease 2019 (Covid-Ig)
- Majelis Ulama Indonesia. 2020. *Fatwa Majelis Ulama Indonesia Nomor: 14 Tahun 2020 Tentang Penyelenggaraan Ibadah dalam Situasi Terjadi Wabah Covid 19*.
- Maleong, Lexi J. 2004. *Metodelogi Penelitian Kualitatif*. Bandung: Remaja Rosdakarya
- Mudzhar, Muhammad Atho, 1997. Pengaruh Faktor Sosial Budaya terhadap Produk Pemikiran Hukum Islam, dalam Cik Hasan Bisri (Penyunting), *Bunga Rampai Peradilan Islam di Indonesia, Jilid I: Hukum dan Peradilan*. Bandung: Ulul Albab Press, hlm. 3-14
- Muhammad bin Ismail al-Bukhari, 2004, *Shahîh Al-Bukâri*, Dar al-Hadits, Kairo, juz.4, hal.46.
- Muhammad bin Muhammad al-Ra‘ini, 2011, *Qurrah Al-„Ain FiSyarhWaraqât Imâm al-Haramain*, Dar al-Kutub al-Islamiyyah, Jakarta, hal.52
- Muhammad, Afif dan Abdul Adhiem. 1995. *Islam dan logika kekuatan*. Terjemahan dari: *Al-Islam wa Mantiq Al-Quwwah*: Syekh Muhammad Husein Fadhlullah. Mizan. Bandung.
- Mulyana, Deddy. 2001. *Metode Penelitian*. Bandung: Remaja Rosdakarya -----, 2011. *Komunikasi Lintas Budaya*. Bandung: Remaja Rosdakarya Komunikasi Lintas Budaya. Bandung: Remaja Rosdakarya
- Praja, Juhaya S., 1995. *Filsafat Hukum Islam*. Bandung: LPPM Universitas Islam Bandung
- Rakhmat, Jalaludin. 2002. *Metode Penelitian Komunikasi*. Bandung: Simbiosis Rekatama Media
- Rasyid Ridha, 1974, *Tafsîr Al-Manâr*, Dar al-Manar, Kairo, Juz.2, hal.213, Hamka, 1982, *Tafsir Al-Azhar*, Pustaka Nasional, Singapura, juz.1, hal.451, Muhammad bin Jarir al-Thabari, 2000, *Tafsîr Al-Thabari*, Muassasah al-Risalah, Beirut, juz.3, hal.583, Ahmad bin Muhammad al-Shawi, 2016, *Hâsyiah Al-Shâwi* „AlâTafsîr al-Jalâlain, Dar al-kutub al-‘ilmiyyah, Beirut, juz.1, hal.119., Isma‘il bin Umar (Ibnu Katsir), *Tafsîr Al-Qur‘an al-„Azîm*, 2011, Dar alFikr, Beirut, juz.1, hal.213-214.
- Somantri, Gumilar Rusliwa. 2020. *Kompilasi Buku*. Tersedia dalam <http://staff.ui.ac.id/system/files/users/gumilar.r09/publication/kompilasi-buku.pdf>,

- Taj al-Din Abdul Wahhab al-Subki, 1991, *Al-Asybah Wa al-Nazhâir*, Dar al-kutub al-  
 “ilmiyyah, Beirut. hal.105
- Zahrah, Muhamad Abu, 1994. *UshulFiqih* (Penerjemah: Saefullah Ma’shum, dkk).  
 Jakarta: PT Pustaka Firdaus.
- Zaidan, Al-Wajîz FîUsûl al-Fiqh, hal.302., lihat pula Abi Ishaq Ibrahim bin Ali al  
 Syairazi, 2014, *Al-Luma’ FîUshûl al-Fiqh*, Dar al-kutub al-“ilmiyyah, Beirut,  
 hal.24.
- <https://tirto.id/update-corona-dunia-29-januari-dan-data-covid-19-terbaru-dari-who-f9Ks>diakses 19 Februari 2021 jam 15: 08
- <https://lombokpost.jawapos.com/opini/15/07/2020/perubahan-sosial-di-era-pandemi/>diakses pada 19 Februari 2021 jam 15: 14
- <https://www.kompas.com/tren/read/2020/04/10/070400265/ikuti-jakarta-berikut-5-wilayah-yang-ajukan-psbb-mana-saja-?page=all>diakses pada 19 Februari 2021 jam 15: 18
- <https://www.bbc.com/indonesia/dunia-55734119>diakses pada 19 Februari 2021 jam 15: 21
- <https://peraturan.bpk.go.id/Home/Details/135220/permenkes-no-9-tahun-2020>diakses pada 19 Februari 2021 jam 15: 23
- [http://digilib.uinsgd.ac.id/30858/1/JURNAL%20UIN\\_COVID%2019-2-dikonversi.pdf](http://digilib.uinsgd.ac.id/30858/1/JURNAL%20UIN_COVID%2019-2-dikonversi.pdf)
- <https://covid19.go.id/p/regulasi/permenkes-no-9-tahun-2020-tentang-pedoman-psbb-dalam-rangka-percepatan-penanganan-covid-19> accessed in 18 February 2021 at 19: 20
- <https://www.cnnindonesia.com/nasional/20200407101934-20-491078/mui-larangan-mudik-saat-corona-tak-perlu-pakai-fatwa-haram> accessed in 18 February 2021 at 19: 30