



## **MUI FATWA IN RESPONDING TO COVID-19 PREVENTION IN INDONESIA: THE MAQASHID SHARIA PERSPECTIVE**

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### **Abstract**

*This paper examines the Indonesian Ulama Council (MUI) fatwa in responding and tackling the spread of COVID-19 in Indonesia using the Maqashid Sharia perspective. Maqashid Sharia is the objective of Islam contained in every enforcement of religious rules such as maqasyid sharia imam Syatibi. The approach used is juridical-phenomenological. Juridically, a fatwa can be an alternative law in dealing with the spread of COVID-19. The phenomenological approach seeks and discovers the meaning of essential phenomena regarding handling COVID-19 cases in Indonesia. The result shows that Maqashid Sharia applied in the MUI fatwa in avoiding COVID-19 appear in four aspects: First, maintaining health and avoiding everything that may cause exposure to the disease. Second, people affected by the COVID-19 disease are obliged to isolate themselves so that transmission does not occur to others. Third, it prohibits activities involving public gatherings and worship at home to break the chain of distribution of the COVID-19 virus. Fourth, prohibit all actions that cause panic and cause public harm, such as buying up and hoarding necessities, hand sanitizers, and hoarding masks. These four aspects relating to the Maqashid Sharia, follow its core values, which ultimately guard the soul.*

**Keywords:** MUI Fatwa, COVID-19, Maqashid Sharia,

### **Introduction**

The spread of COVID-19 is still become a hot issue in the international world, including in Indonesia. The World Health Organization (WHO) on Wednesday (June 11, 2020) officially declared the COVID-19 outbreak as a global pandemic. It is due to the rapid and massive spread of the virus to many countries. Within three months, there were 7,915,335 cases in 114 countries (June 16, 2020). In Indonesia, the number of citizens who tested positive for COVID-19 continued to increase, until June 16, 2020, there were 39,294 cases with 2,198 dead and 15,123 recovered. It has an impact on mobilization and productivity, both for professionals and the general public.

Various situations and conditions in dealing with the COVID-19 pandemic have taught and taught many valuable lessons for humanity. It includes how to deal with the spread of the plague and other health problems. It becomes a problem in Indonesia that requires proper and thorough handling (Mahmood et al., 2021: 36). The entire community is concerned and empathetic in responding to the spread of COVID-19, including the increasing number of tested positive people for this virus, both from a health and psychological aspect (Jakhmola et al., 2020). But unfortunately, not much assistance for them until the treatment is successful. So that they only can take precautions to date. Fortunately, thanks to the presence of social media, information about COVID-19 prevention can easily and quickly spread throughout the community.

In responding to the situation of the COVID-19 pandemic, the ulama's fatwa has been heard more by the Indonesian people, because so far the community still adheres to religious teachings, so that the explanation of the ulama is more in accordance with their culture. Indonesian scholars who are members of the Indonesian Ulema Council (MUI) have issued several fatwas in response to the prevention of Covid-19 in Indonesia, namely: This is a form of religious commitment and contribution from MUI in serving the community (*khidmah ummatiyah*) and serving the country (*khidmah wathaniyah*). This MUI fatwa is closely related to the principles of Maqashid al-Sharia, because it is part of an effort to protect the soul (*hifdz al-nafs*). Therefore, reviewing the MUI Fatwa from the perspective of Maqashid al-Sharia in tackling the COVID-19 pandemic is important to do.

The study and review of the MUI Fatwa study on the response to COVID-19 can be classified in several aspects: First, the study of fatwa material that is very diverse from the socio-religious field to social affairs in terms of Muamalah and Islamic business as developed by Hakim (Al-Hakim, 2019: 72), Gayo and Taufik (Gayo & Taufik, 2012: 80), and Amin (Amin, 2011: 301). Second, describing the study of the MUI Fatwa as a response to COVID-19 but carried out partially, as developed by Muhlisah and YUSDANI in the context of reviewing the MUI fatwa in Friday prayers during the pandemic (Muhlisah & YUSDANI, 2021: 30). Besides, Hanafi (Hanafi et al., 2020: 79) discussed the implementation of the MUI fatwa in response to religious activities in Indonesian society. Third, the study of the characteristics of the MUI fatwa responding on the COVID-19 as developed by Musyafaah (Musyafaah et al., 2021: 93). She positioned this MUI fatwa in the context of fatwa moderation following this pandemic condition and situation. Also, Asrorun Niam Sholeh analyzed the character of issuing the fatwa developed by MUI in the context of responding to the pandemic with a progressive fatwa direction (Sholeh, 2020).

From the previous studies, this article provides a deeper analysis in strengthening the Maqasid Sharia perspective on the MUI fatwa during the COVID-19 pandemic. The depth of analysis appears in the aspect of the urgency of maintaining the health of the soul and body of humans which are in the category of Maqasid Sharia as self-protection (*hifdz al-nafs*). It seems that there is an inevitable meeting point between the substance of the fatwa in the context of religious institutions in preventing and avoiding this epidemic of COVID-19 in the context of health. The article is only limited to reviewing MUI fatwas related to the Prevention of COVID-19 in Indonesia, namely: fatwas on worship guidelines for Muslims (Fatwa, n.d.), prayer guides for medical personnel who are caring for patients (Fatwa, 2020), guidelines for handling bodies for health workers and the public (Fatwa, 2020), Kaifiyat Takbir and Eid prayers (Fatwa MUI, 2020a), and Organizing Friday and Jamaat prayers (Fatwa MUI, 2020). This is intended so that the discussion is more focused and more in-depth.

### *Research Methods*

This research uses a juridical-phenomenological approach. Using the juridical approach aims to address current Muslim issues from a legal aspect. A fatwa can be an alternative to existing law in dealing with the spread of COVID-19, while the phenomenological approach seeks and discovers the meaning of essential phenomena regarding experiences in handling COVID-19 cases in Indonesia. Fatwa in the context of this study is the response of Muslim scholars to the dynamically developing phenomenon in the spread of COVID-19 in Indonesia. It requires a new perspective on the focus of research studies and exploration of the meaning that is built up from social phenomena in people's lives (Schutz, 1970: 198).

The phenomenological approach used in this study is Pierre Daniël Chantepie de la Saussaye's approach (Cox, 2006: 68). Because it involves objectivity and subjectivity, experience and awareness, sacred and profane, values and meanings are important to note in the study of the MUI fatwa associated with Maqashid Sharia in the prevention of COVID-19. The religious values in the MUI fatwa are very closely related to cultural-historical issues which are also a necessity of man (Durkheim, 1995: 301). It shows that religion is not merely related to matters of divinity, beliefs, faith, creed, life guidelines, and ultimate concern only, but also related to the activities of daily human life. Therefore, according to Joachim Wach, religion is a human response to Divine appearances that occur in human religious experience Joachim Wach, *The Comparative Study of Religion* (Columbia: The Columbia University Press, 1969), p. (Wach, 1969).

## **Discussion**

### **Impact of COVID-19 for Indonesian Communities**

The COVID-19 pandemic has hurt Indonesian society. It resulted in social and economic disruption, such as limitation of social activities, cancellation of various state and community activities, layoffs of workers, and the downturn in the community's economy. Besides, panic has also hit Indonesians because of the misinformation about COVID-19 that has spread widely on social media (Aida, 2020).

As an anticipation of the spread of the coronavirus that spread to Indonesia, the Government of Indonesia took various measures to prevent the virus from coming to Indonesia. One way is to establish 132 referral hospitals that are directly under the Port Health Office (KKP). Several hospitals in various regions were also referred to, such as RSPI Sulianti Saroso, Tarakan Regional Hospital, and Gatot Soebroto Army Central Hospital (Catra Mulia, 2020: 82).

The spread of the COVID-19 virus has triggered inflation in the economy in Indonesia. This inflation is marked by the increase in some of the staples of the people's basic needs due to panic that arises suddenly so that the community responds through the stock action and price increases. Response to price increases by traders is a natural factor that can occur at any time as traders also need to keep a distance for the security of business continuity after the occurrence of force majeure conditions. This response was quick and pressing so that it was felt oppressive for the general public of consumers because they were shocked by the initial gap in the price they knew compared to after the moment. It all starts with a tradition of panic that lasts briefly. Panic manifests as a stock action on consumer goods in supply stores.

The COVID-19 pandemic also had an impact on the economy and finances of Indonesian families: First, the positive impact, which is increasing emergency funds, thinking about life insurance protection, prioritizing healthy nutritious food and clean living, saving transportation costs due to activities at home, thinking more creatively to get new income, redesigning financial priorities, and increasing awareness of sharing with fellow. Secondly, the negative impact, when you are hoarding food, the price of goods goes up especially masks, sanitizers, temperature gauges to medicines, and betel leaves. Besides purchasing power is down, debt is skyrocketing, investment returns are low. In line with that, business turnover has decreased a lot, income has declined, unable to pay installments to the bank on time, school fees and tuition have increased to support learning with technology (Radwan et al., 2020).

Indonesian people are doing alternative options to meet their needs, such as online shopping or home package delivery. Because many agencies and companies have implemented work from home (WFH), many people have used food order services such as Grab Food and Go Food as food delivery services in the last 2 weeks. The enactment of WFH also showed an increase in media consumption on platforms such as Facebook or Instagram, where more than 30% of Indonesian people visited Facebook and 36% visited Instagram more often than usual. In this connection, many people have begun to reduce outdoor activities. They turn more to spending time online. As we know, Youtube experienced a significant increase during the COVID-19 pandemic, where 41% of YouTube searches for Local News related to the development of COVID-19.

For business people, COVID-19 has an extraordinary impact on the business continuity of the Indonesian people. IDCloudhost noted that there are many business lines affected. The tourism sector, especially hotels that are starting to repatriate some of their employees. Some business ventures are suggested to continue to survive in the COVID-19 era, namely focusing on business continuity in the short term, capture revived in the short term, and drive structural improvements in the long term.

### **MUI Fatwa on COVID-19 Prevention**

In the face of the spread of COVID-19, the Indonesian Ulama Council (MUI) Fatwa Commission discussed the fatwa related to religious aspects when handling the COVID-19 pandemic. This fatwa is to respond to the problem of worship, the use of PPE for health workers, and the implementation of his prayers while on duty. Also, aspects of the screening of the bodies of victims of COVID-19. The Indonesian Ulama Council (MUI) issued a fatwa organizing worship during the COVID-19 pandemic (Sholeh, 2020). The fatwa discussion meeting held online presented two experts in the health sector, namely Prof. Dr. Budi Sampurno, Professor of Medical Sciences at the Faculty of Medicine, UI, and Prof. Drh. Wiku Adisasmito, Chair of the COVID-19 Task Force Expert Team.

This article discusses at least the 3 fatwas studied. The MUI Fatwa Number 14 of 2020 emphasizes nine points in dealing with the spread of the coronavirus in Indonesia, namely: first, everyone must strive to maintain personal health and stay away from everything that can cause him to get sick. Second, coronavirus patients must isolate themselves so that transmission does not occur to other people. Even the MUI issued a fatwa that Friday prayers do not have to be performed in congregation at the mosque. Muslims can replace Friday prayers with noon prayers at their homes. The issuance of this fatwa aims to avoid crowds that have the

opportunity to transmit the virus en masse by holding congregational Friday prayers (Fatwa, 2020).

Third, to avoid COVID, people in areas with a high potential for transmission may not perform Friday prayers or leave the obligatory five prayers in the congregation and replace it with the prayer at their respective homes. As for people living in areas with low potential for the transmission of virus based on the provisions of the authorities, they are still obliged to carry out their religious obligations as usual and must protect themselves from being exposed to the coronavirus. Namely, by avoiding direct physical contact such as shaking hands, hugging, and kissing hands. Also, MUI recommends bringing a prayer mat in fulfilling the obligation to pray at the mosque (Maugeri et al., 2020: 203).

Fourth, in the condition of the spread of COVID-19 out of control in a life-threatening region, Muslims may not hold Friday prayers in the area, until the situation returns to normal and must replace it with midday prayers in their respective places (Carey et al., 2021: 82). Likewise, it is not permissible to hold worship activities that involve large numbers of people and is believed to be a medium for the dissemination of COVID-19, such as the five-time congregational prayers, tarawih prayers, and Eid, which are carried out in mosques or other public places, as well as attending general recitals and Islamic study councils.

Fifth, in conditions of the spread of COVID-19 under control, Muslims must hold Friday prayers. Sixth, the government makes this fatwa as a guideline in overcoming COVID-19 related to religious issues and Muslims must obey it. Seventh, the management of the body (Tajhiz Janazah) exposed to COVID-19, especially in bathing and caving must be done according to medical protocols and carried out by the competent authorities, with due regard to the provisions of the Sharia. Meanwhile, to bind and bury it is done as usual while maintaining not being exposed to COVID-19. Eighth, Muslims should get closer to Allah by increasing worship, repentance, forgiveness, dhikr, reading Qunut Nazilah in every Fardhu prayer, multiplying prayers, increasing alms, and always praying to Allah SWT so that they are given protection and safety from disaster and distress (danger) *Daf'u al-Bala* 'prayer), especially from the COVID-19 plague. Ninth, Actions that cause panic and or cause public losses, such as buying up and stockpiling necessities and hoarding masks are haram (Fatwa, 2020).

The continued spread of the virus led to the MUI issuing the next fatwa, which is about how to perform praying for COVID-19 medical personnel who use Personal Protective Equipment (PPE). The procedure for this prayer is contained in Fatwa MUI No. 17 of 2020 concerning guidelines

for the prayer for health workers who wear personal protective equipment when treating and handling COVID-19 patients. There are 11 guidelines set out in this fatwa. Muslim health workers who are in charge of caring for COVID-19 patients using PPE are still obliged to perform obligatory prayers in various conditions, both with the *Jama' Taqdim*, the *Jama' Ta'akhir* or by performing *tayammum* if it is not possible for ablution. Health workers make this fatwa as a guideline for praying while still paying attention to aspects of personal safety (Fatwa, 2020).

MUI also issued guidelines to bathe, understand, bind, and bury the corpses of Muslims infected with the coronavirus (COVID-19) listed in the Indonesian Ulama Council Fatwa (MUI) No. 18 of 2020. MUI views Muslims who died due to COVID-19 as martyrs of the hereafter (Fatwa, 2020.). Muslims who die due to certain conditions are rewarded as martyrs but are still obliged to fulfill their mortal rights in a worldly manner. The Fatwa Number 18 the Year 2020 also stressed that the management of the body, especially in bathing the body is carried out by the authorities, or Muslim officers in charge of taking care of the deceased.

Furthermore, the MUI issued a fatwa number 28 of 2020 concerning the guidance of Takbir and Eid prayer during the COVID-19 Pandemic. One of the important points in the fatwa is the regional criteria that allow Eid prayer to be held at the mosque or home. First, Eid al-Fitr prayers may be carried out by congregation in the fields, mosques, prayer rooms, or other places for Muslims with the following provisions: Muslims are in a controlled area at the time of 1 Shawwal 1441 H, one of which is marked by a virus transmission rate Corona (COVID-19) shows a downward trend and there is a policy of easing social activities that allow crowds to be based on credible and trustworthy experts. Muslims are in controlled areas or areas free of COVID-19 and are believed to have no transmission, such as in rural areas or homogeneous restricted housing, none are affected by COVID-19, and there is no in and out of people. Second, Eid al-Fitr prayers may be held at home in the congregation with family members or individually, especially those in the uncontrolled COVID-19 distribution area (Fatwa 28: 2020).

MUI also released fatwa no. 31 of 2020 concerning the Implementation of Friday Prayers and Pilgrims to Prevent Transmission of the COVID-19 Plague on Thursday, June 4, 2020. In the fatwa, the MUI provided legal provisions related to Friday Prayers by stretching out safer and by shifting during the shift. the COVID-19 pandemic period. In establishing MUI Fatwa Number 31 of 2020, the MUI Fatwa Commission considers conditions in Indonesia, related to the easing of social activities on the one hand, but on the other hand, the outbreak of COVID-19 has not

disappeared. In practice, in congregational prayers, both Friday prayers and five daily prayers during normal times, straightening and tightening the line of prayer (*Saf*) is the virtue and perfection. During the COVID-19 pandemic, MUI viewed the application of physical distancing by stretching the legal safeguards as permissible (Fatwa 21: 2020.). It is to prevent the transmission of COVID-19 outbreaks, the application of physical distancing during congregational prayers by stretching the legal safest, the prayers are legal, and not losing the virtue of congregation because of these conditions as Sharia needs.

In addition to the fatwa, there are several MUI recommendations in handling COVID-19, namely: 1) The government is obliged to impose super strict restrictions on the entry and exit of people and goods to and from Indonesia except for medical personnel and imports of necessities and emergency needs; 2) Muslims must support and comply with government policies that conduct isolation and treatment of people exposed to COVID-19 so that the spread of the virus can be prevented; 3) the community should be proportional in responding to the spread of COVID-19 and people who are exposed to COVID-19 according to health principles (Fatwa 14: 2020.). Therefore the community is expected to accept people who have been declared negative and/or declared healed. This fatwa is a guideline for the community to keep on worshiping but contributes to preventing the spread of COVID-19.

### **Fatwa COVID-19 in the *Maqashid Sharia* Perspective**

In the *Maqashid Sharia* perspective, the position of guarding the soul is urgent (Al-Khadimiy, 2006: 14). Such is the importance of preserving the soul in religion, so it is not surprising that the Quran talks a lot about the soul and the principles of its use. The Quran also strictly forbids the killing of humans to protect the soul. It is in line with the purpose of *Maqashid Sharia* which is to prevent damage and bring benefit (Ibnu Abdussalam, 1996). These two objectives are to realize a society that is full of goodness (positive-constructive) and avoid something that causes damage (negative-destructive). The *Maqashid Sharia* wants someone may fulfill his daily needs to achieve the good of the world and the hereafter.

The implementation of *Maqashid Sharia* values in the MUI fatwa in avoiding COVID-19 are: first, maintaining health and avoiding everything that is believed to cause exposure to disease; second, people who have been exposed to the coronavirus must maintain and isolate themselves so that transmission does not occur to others; third, prohibiting activities involving public gatherings and worshiping at home to break the chain of distribution of COVID-19 virus; fourth, prohibit all actions that cause panic and cause public harm, such as buying up and hoarding necessities, hand sanitizers,



and hoarding masks. All of these MUI fatwas are following the value of *Maqashid Sharia*, which is to guard the soul (*Hifdz Nafs*). The essence and spirit of the MUI fatwa are that the human soul is safe and not exposed to COVID-19 (Nafis, 2020). SO the fatwa is part of the dharuriyat.

The values of *Maqashid Sharia* in the MUI fatwa are efforts to safeguard the soul that is also in line with the principle of *Sadd al-Dzari'ah*. It is explained theoretically that something that is (permissible), the law can shift to makruh and haram (prohibited) depending on the negative impacts and the dangers that result (Sholeh, 2016: 22). The greater the danger posed by the act of mubah, the more it leads to the prohibited law. Have meetings and associations with many people and also shake hands with the law. But, if it will bring a negative impact (according to the instructions of health experts), then the law can be abusive, even illegal (prohibited) if it is sure to be infected and have a dangerous impact.

This MUI fatwa is also in line with the rules that an obligation will not be perfect, except in the presence of something, then something earlier the law becomes mandatory (*Ma la Yatimmu al-Wajibu Illa Bihi Fahuwa Wajib*). Doing social distancing and physical distancing is permissible. However, the law can shift to the *Sunnah* (recommended), even mandatory (must) if doing so can have an impact on the safety and benefits of the human soul (*Maqashid Sharia*). An example is the law of staying at home is permissible (*mubah*). However, if staying at home and quarantining yourself for a person who is positive for COVID-19 can save many people, and if he leaves the house, he can infect other people and endanger others, then staying at home is obligatory for him, even he is obliged to perform prayers at home as a substitute for prayer in congregation at the mosque. The banning of congregational prayers in mosques because is possible to transmit COVID-19 to others.

The importance of staying at home, Vice-President of Indonesia, Ma'ruf Amin, has encouraged the Indonesian Ulama Council (MUI) to issue a fatwa prohibiting going home to immigrants in the current COVID-19 situation. The Vice President's innovation is to produce a fatwa that reinforces for safety and away from harm. In the *Maqashid Sharia*'s perspective, if going home can be controlled, then in remote areas, it can be safely controlled in measurable terms from COVID-19. Meanwhile, if going home continues to occur, it is feared that the presence of those returning home and scattered in several areas will become a source of the COVID-19 pandemic. So that forbidding them to return to their homes would safeguard the lives of all human beings in Indonesia.

Because all this time the factor of going home by the local community from overseas has made the local government worried. In the West Java

Regional Government records, there are already 70,000 going home. This means that the Regional Government of West Java suddenly found 70,000 new people in the COVID-19 watch (ODP), even though all of them are undergoing a rapid test. So if there are tens of thousands of homecoming visitors, the Regional Government will run out of test kits to ensure that they are people who return home in good health. But in reality, there are many unhealthy travelers. Examples of cases that occurred in Ciamis, a positive elderly confirmed COVID-19 after his son came from Jakarta. This included the case of a positive wife of COVID-19 and returning to Bandung, who after being investigated worked in Jakarta. These two stories show, if homecoming is not detained in West Java, Central Java, East Java, it will surely be overwhelmed because of the return of the travelers to their hometown. From the distribution map owned by the West Java Provincial Government, the dark red color shows the majority of the elderly in West Java come from economically disadvantaged and has a disease.

### Conclusion

The MUI fatwa on preventing COVID-19 has proven to be beneficial in reducing the spread of COVID-19 in Indonesia. Effective fatwas include organizing worship during the COVID-19 pandemic, encouraging efforts to maintain health and stay away from anything that is believed to cause exposure to the disease, so that Friday prayers can be replaced with midday prayers at their respective homes, and perform the five daily prayers or sunnah prayers (*Rawatib* and *Tarawih*) in congregation at the mosque and replacing them at home. The spread of the virus continues to make the MUI also issued the next fatwa, namely about how to pray COVID-19 medical personnel who use Personal Protective Equipment (APD), fatwa about the management of bodies, fatwas about the guidance of *Takbir* and *Eid al-Fitr* prayer during the COVID-19 Pandemic, and the fatwa regarding the Organization of Friday Prayers and Pilgrims to Prevent Transmission of the COVID-19 pandemic.

The fatwas refer to the *Maqashid Sharia* which emphasizes the care of the soul (*Hifdz Nafs*). The essence and spirit of the MUI fatwa are that the human soul is safe and not exposed to COVID-19. In *Maqashid Sharia*, the position of guarding the soul is very important. Such is the importance of guarding the soul in religion, so the Koran talks a lot about the soul and the principles of its use. From this, it appears that *Maqashid Sharia* really exists as a system as well as a dynamic approach in preventing COVID-19 transmission for the people of Indonesia. With *Maqashid Sharia*, the MUI fatwa was able to provide answers to contemporary problems, especially the problems of worship in the midst of the COVID-19 pandemic that plagued Indonesian society. Even the values of *Maqashid Sharia* in the MUI

fatwa are efforts to safeguard the soul which is also in line with the principles of *Sadd al-Dzari'ah* and other *Fiqh* study proposals.

This article has the limitation of only examining MUI fatwas related to the Prevention of COVID-19 in Indonesia. The focus studied was also limited to fatwas on worship for Muslims with a maqashid syari'ah perspective. This is because the MUI fatwa is the basis for protecting the souls of Indonesian Muslims from the COVID-19 pandemic attack. In line with that, further research is needed that takes into account and overcomes existing limitations.

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