

TOWARDS A PROGRESSIVE FATWA: MUI'S RESPONSE TO THE COVID-19 PANDEMIC

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Abstrak: Penelitian ini menguji fatwā hukum yang dikeluarkan oleh Majelis Ulama Indonesia (MUI) tentang sikap dan prosedur praktis umat Islam Indonesia dalam beragama serta tuntutan publik atas penghargaan dan pengakuan pemerintah. Fatwā tersebut menghadirkan nalar logis sehingga menarik perhatian pemerintah untuk mengadopsi dan mengeluarkan produk hukum yang didasarkan pada fatwā tersebut. Dengan pendekatan penelitian hukum normatif, penelitian kualitatif ini menggunakan teori hukum kritis untuk menganalisis poin-poin penting dalam fatwā. Hasilnya, studi ini menemukan empat kasus penting dalam fatwā tentang sikap dan perilaku beragama selama pandemi COVID-19. Pertama, fatwā hukum tentang COVID-19 memiliki penalaran logis yang sejalan dengan nasihat paramedis; kedua, fatwā hukum tentang COVID-19 sejalan dengan kepentingan politik pemerintah mengenai pembatasan fisik dan sosial; ketiga, fatwā hukum tentang COVID-19 mengakhiri stigma negatif terhadap peran politik aktor agama; dan keempat, fatwā hukum menunjukkan semakin meningkatnya peran kiai dari calo budaya menjadi pelaku ilmu hukum Islam.

Kata kunci: Fatwā; Majelis Ulama Indonesia; Produk Hukum Pemerintah; COVID-19

Abstract: This study examines the Fatwās issued by the Indonesian Ulama Council (Majelis Ulama Indonesia/MUI) on Indonesian Muslim attitudes and practical procedures towards their religious behaviors and public demands on the government appreciation and recognition. The fatwās present logical reasoning which has attracted the government's attention to adopting them and issue legal products based on them. With a normative legal research approach, this study is considered as qualitative research which using critical legal theory to analyze the important points in the Fatwās. As a result, this study finds four important cases in the fatwā on religious attitudes and behaviors during the COVID-19 pandemic: first, the fatwa on COVID-19 has logical reasoning which is in line with paramedical advice; second, the fatwa on COVID-19 is consistent with the government political interests concerning physical and social restrictions; third, the fatwa on COVID-19 ends the negative stigma on the political role of religious actors; and fourth, the fatwa shows the increasing role of *Kiai* (religious figures) from cultural brokers to actors of Islamic legal scientism.

Keywords: Fatwā; Indonesian Ulama Council; Government Legal Products; COVID-19

Introduction

At the beginning of 2020, almost all countries were hit by Corona Virus Disease, which has spread since 2019 from Wuhan city, China. As of August 30, 2020, a report says the COVID-19 pandemic has brought 25,170,575 cases with 846,797 deaths and 17,510,691 recovered patients (Worldometers, 2020). The United Nations (UN) has issued health guidelines and has taken anticipatory, preventive and treatment measures. These include staying at home for those who have been exposed to the virus; keeping a safe space (social distancing); covering the mouth and nose with a mask; and washing the hands with soap or cleaning them with hand sanitizers. In addition, avoiding direct contact with both animals and humans and staying away from food which is not adequately cooked are highly recommended when visiting crowded places, especially for the elderly and children (UN, 2020).

Many country leaders, governments, religious groups, and the public have reacted to the COVID-19, which is said to be pandemic, differently. The government of Saudi Arabia, for example, imposed restrictions on prospective pilgrims for performing *Hajj* and *Umrah* in 2020 (Ebrahim & Memish, 2020). Most religious groups are also more likely to support the policy of limiting the prospective pilgrims and supporting the implementation of prevention guidelines from the UN and paramedics. In the meantime, some religious figures that have refused such policy, as has happened in Middle Eastern and African countries, have drawn a lot of criticism. One of the bases for the criticism is that they are misinformed about the COVID-19 (Alimardani & Elswah, 2020).

The COVID-19 is not only believed as a deadly virus and a health issue but also a matter of religious responsibilities (Thurston, 2020). The government of the Islamic Republic of Iran, for instance, supports the implementation of health protocols during the pandemic due to its enormous impact on economic, social, cultural, and political aspects (Lebni et al., 2020). Similarly, the Indonesian government has also issued some policies concerning the health protocols during the pandemic. Like other Muslim majority countries, including Saudi Arabia, Iran, Turkey, and Malaysia, Indonesia has limited any religious activities that involve mass gatherings by implementing social

distancing. Both Sunni and Shia scholars support social distancing policy in Pakistan. Unfortunately, the Indonesian government's response is considered too little too late, and its policies seem to have overlapped one another, which is confusing. The government is considered weaken the democratic process (Mietzner, 2020).

Although the Indonesian government's political policies seem slow and overlapping, the religious institutions in this country have supported the implementation of health protocols as instructed by the United Nations. The *'Ulamā'* (Muslim scholars), *Ḥabāib* (*Prophet Muhammad's descendants*), *Nabdlatul Ulama*, and *Muhammadiyah* have shown quick response to the COVID-19. In fact, they have agreed to issue a joint fatwā regarding the obligation to perform worship (*'ibādat*) at home during the pandemic, which is marked by the fatwā issued by the Indonesian Ulama Council (MUI). Sadly, other religious groups, especially *Jamaah Tabligh*, have given negative response to the fatwā. (Dahlan, 2020).

The *Jamaah Tabligh* opposition against the fatwā on the COVID-19 does not necessarily affect the public's paradigm, which tends to appreciate the contribution of the Fatwā positively. The public considers the fatwā about the restrictions of religious activities as an anticipatory and even proactive step in preventing the spread of the virus in Indonesia. Here, the Indonesian Ulama Council has issued several fatwās: Fatwā No. 14/2020 on the Implementation of Religious Activities during the COVID-19 Pandemic, Fatwā No. 17/2020 on Salah (Prayer) Procedures for Health Workers Wearing Personal Protective Equipment (PPE) when Taking Care of and Protecting COVID-19 Patients; and Fatwā No.18/2020 on Islamic Burial Guidelines for COVID-19 Patients, among others. According to Fisher Zulkarnain, et al., the Public must use the fatwā Number 14, particularly as a guideline and obey it (Zulkarnain, Nurdin, Gojali, & Wahyu, 2020).

In addition, Ahmad Mukri Aji and Diana Mutia Habibaty mention the fatwās issued by the Indonesian Ulama Council have complied with the *Maqāsid al-Shari'at* (*Shari'a objectives*) in saving lives, maintaining health, and preventing the spread of infectious disease (Aji & Habibaty, 2020). Muhammad Agus Mushodiq and Ali Imron even claim and consider the fatwās on COVID-19 to have contained the

Islamic teachings derived from the Qur'ān, Hadīth, and Principles of Islamic jurisprudence and have considered the traditions of the Prophet and his companions. Suffice to say, the Indonesian Ulama Council has played its role as an effective socio-religious actor, especially in mitigating the COVID-19 pandemic (Mushodiq & Imron, 2020).

This study sees the Fatwās on COVID-19 from the normative legal theory point of view, which attempts to understand and refer the Fatwā No. 14/2020 on the Implementation of Religious Activities during the COVID-19 Pandemic to the legal norms set in the legislation and court decisions (Ginting, 2010). The General Provision (1) in Fatwā No. 14/2020, for instance, says “Everyone is obliged to take all reasonable measures and make efforts in maintaining their health and staying away from anything which can lead to exposure to the virus, considering that it is a part of realizing the five fundamental needs (*al-Darūriyyat al-Khams*)”.

The spirit in the fatwā is in line with the health procedure designed by the World Health Organization (WHO) which claims COVID-19 *spreads between people through direct, indirect (through contaminated objects or surfaces), or close contact with infected people via mouth and nose secretions*. This means COVID-19 is capable of spreading from one person to another, either through direct or indirect contact or through close contact with an infected person (WHO, 2020).

As an effort to prevent the transmission and spread of the COVID-19, the WHO adds: *“to avoid contact with these droplets, it is important to stay at least 1 metre away from others, clean hands frequently, and cover the mouth with a tissue or bent elbow when sneezing or coughing. When physical distancing (standing one metre or more away) is not possible, wearing a fabric mask is an important measure to protect others. Cleaning hands frequently is also critical”* (WHO, 2020). In other words, the fatwā issued by the Indonesian Ulama Council and the World Health Organization recommendation has the same vision in term of preventing virus transmission.

Such similar vision shows the spirit of rational Islam. Here, the fatwās, which referred to the verses in the Qur'ān in response to the COVID-19 pandemic, promote rational Islamic theology. One of the characteristics of the theology is the use of Qur'ān as a legal source, along with a selective approach to Hadīth, liberal reasoning and

criticism on classical intellectual heritage (Athallah, 2006). In turn, the scientific-liberal WHO and the Indonesian Ulama Council fatwās which recall sacred verses in the Qur'ān and pay great attention to the classic intellectual heritage texts have eventually come to share the common vision. This includes the importance of maintaining health and preventing virus transmission during the COVID-19 pandemic.

In the meantime, the Indonesian Government has also made an effort to formulate and design national development strategies and policies with the orientation of development. One of the government's efforts is to promote the *Health-Driven Development Movement* program. This program is a national strategy to create Healthy Indonesia and has been promoted since 2010. The Preamble to the 1945 Constitution (Paragraph 4) declares one of the objectives of Indonesia as a nation is promoting the general welfare, which means meeting health services and needs. The operational foundation also refers to the State Policy Guidelines (*Garis-Garis Besar Haluan Negara/GBHN*) mentioned in the People's Consultative Assembly Decree No. IV/MPR/1999 (Pati, 2019).

For this reason, this study sees Fatwā No. 14/2020 on COVID-19 which was stipulated on Rajab 21, 1441 H/ March 16, 2020 in Jakarta. This fatwā contains four important cases: first, the fatwā on COVID-19 has logical reasoning which is in line with paramedical advice. Second, the fatwā on COVID-19 is consistent with the government political interests concerning physical and social restrictions. Third, the fatwā on COVID-19 ends the negative stigma on the political role of religious actors. Fourth, the fatwā shows the increasing role of *Kiai* (religious figures) from cultural brokers to actors of Islamic legal scientism. In addition, the points in the fatwās which contain logical reasoning have attracted and encouraged the government to adopt them. In the end, the government has also issued a legal product based on the fatwās.

Research Method

This is qualitative study The researcher has chosen Fatwā No. 14/2020 on the Implementation of Religious Activities during the COVID-19 Pandemic by passing Fatwā No. 17/2020 and Fatwā No. 18/2020 which also deal with the issues on COVID-19, but have nothing to do about performing *'ibādat* (worship).

In addition, this study uses a normative legal research approach, referring to legal norms mentioned in the legislation and court decisions (Ginting, 2010). One of the laws used as the approach is the health laws, Law No. 36/2009 on Health, for example. Article 1 paragraph 1 says that health is a state of physical, mental, spiritual and social well-being which enables people to be productive socially and economically.

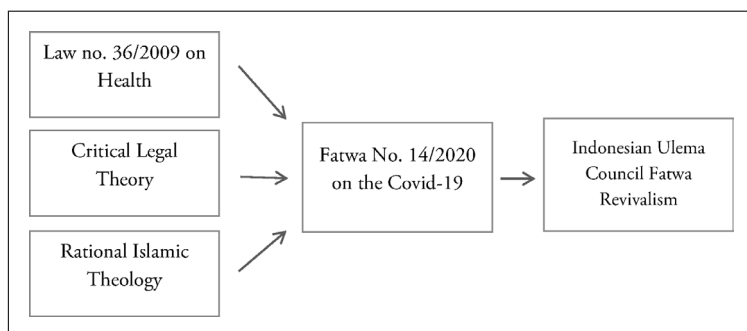
Further, Article 4 and 5 mention *everyone has the right to health* and *everyone has the same right to gain access to health services and resources*. In Article 9 paragraph 1, it is said that everyone is obliged to take part in realizing, maintaining and improving public health as hard as possible. For this reason, Law no. 36/2009 on Health is adopted to be the approach to analyze the MUI No. 14/2020 on the Implementation of Religious Activities during the COVID-19 Pandemic.

To analyze the important points in the Fatwā, this study applies the critical legal theory. This theory is defined as a point of view which connects legal thinking with politics and culture and makes any other possible relationships. In addition, the legal institutions, with all their structural depth and functional demands which make the relationships to connect with expected stability, defence, and reproduction, do not necessarily cut off their critical imagination aspects (Christodoulidis, Dukes, & Goldoni, 2019).

Given the dimensions of the critical legal theory may cover, the meaning of legal aspects has become broader, including the theory of feminism, queer, state, private and public space, semiotics, deconstruction, ethics, ideology, history, social rights, persecution, development, pragmatism, and even nihilism (Christodoulidis, Dukes, & Goldoni, 2019). In this study, the critical legal theory is integrated with the rational Islamic theology (Athaillah, 2006).

The figure shows that Fatwā No. 14/2020 on the Implementation of Religious Activities during the COVID-19 Pandemic represents a spirit of criticism on a legal product. This introduces the rational Islamic theology and is in line with the vision of Indonesia's national development plan in the health sector. Therefore, the fatwā can be regarded as a form of MUI revivalism, by moving from specific issues to more universal issues.

The following figure illustrates the conceptual framework in this study:



Results and Discussion

The Logical Reason in MUI

Fatwā No. 14/2020 on the Implementation of Religious Activities during the COVID-19 Pandemic presents a logical consideration, preventing the spread of COVID-19 that has hit all countries in the world, including Indonesia. The Fatwā refers to the decision made the World Health Organization (WHO) which declares the COVID-19 as a pandemic. These two considerations have, in turn, brought MUI to take religious steps as an effort to prevent and stop the COVID-19 from spreading. One of the religious steps taken is issuing the Fatwā on the implementation of religious activities with health protocols (MUI, 2020).

With these considerations, MUI has established several legal provisions. The first legal provision addresses the obligation to stay away from any activity that can lead to exposure to the virus. *“Everyone is obliged to take all reasonable measures and make efforts in maintaining their health and staying away from anything which can lead to exposure to the virus considering it is a part of realizing the five fundamental needs (al-Darūriyyat al-Khams).”*

The above Legal Provision is in line with Article 9, paragraph 1 and 2 of the Law No. 36/2009 on Health. The article says: *“Everyone is obliged to take part in realizing, maintaining and improving public health as hard as possible. The obligation, as referred to in paragraph 1, includes individual and public efforts and health-oriented development in reaching better health.”*

The second Legal Provision set by MUI is associated with people who are exposed to the virus. The fatwā mentions: *“People who have been exposed to the Corona virus are obliged to maintain their health and isolate themselves to avoid transmission to other people. They can replace the obligation of performing Friday prayer with Zuhr prayer considering that the Friday prayer, as a compulsory ‘ibādat (worship), involves many people. This means that the mass transmission of the virus is likely to take place. In addition, they are not allowed to perform sunnah (optional) worships that can lead to exposure and transmission. This includes performing the five-time prayer in congregation, rawatib, Taraweh and Eid prayers in mosques or other public places, and attending pengajian (public recitation) and tabligh akbar (a large-scale Qur’ānic recitation event).”*

This Legal Provision is related to Article 10, Article 11 and Article 12 of the Law No. 36/2009 on Health which reads:

“Everyone is obliged to respect the rights of others in an effort to create a healthy environment physically, biologically, or socially.”

“Everyone is obliged to have a healthy lifestyle to take part in realizing, maintaining and improving public health as hard as possible.”

“Everyone is obliged to maintain and improve the health of others, those they are responsible for.”

The conformity between MUI fatwā and Law no. 36/2009 on Health is an evidence showing that religious reasoning is in line with logical-rational reasoning. This means religion and medical science do not only complete each other but also share a common vision. Also, they are compatible with each other. The only difference is in terms of verbal expression or legal language.

In the Third Decision regarding the WHO Recommendations, the Fatwā is also consistent with Law no. 36/2009 on Health. The following is their recommendations: *“The government is obliged to impose stricter restrictions on the entry and exit of people and goods to and from Indonesia, except for medical personnel, basic necessities and emergency needs.”*

The Indonesian Ulama Council recommendation has also been stipulated in Article 14 and Article 15 of Law no. 36/2009 on Health as follows:

“The government is responsible for planning, regulating, managing, organizing, guiding and supervising the implementation of health services which are accessible and affordable to the community.”

“The government is responsible for the availability of environment, organization, and health facilities, both physical and social facilities, for the community to achieve the highest attainable health standard.”

The fatwā recommendation on these stricter restrictions on the entry and exit of people and goods to and from Indonesia is practically an interpretation to the government responsibilities as mentioned in Article 14 and Article 15 of Law No. 36/2009 on Health.

The encounter between the fatwā and the Health Law is inseparable from the critical considerations and rational theology presented in Islamic teachings in general and MUI fatwā in particular. Here, the critical consideration in the fatwā is created from the philosophy of Islamic law known as the principles of Islamic Jurisprudence (Uṣūl al-Fiqh). The followings are some of the principles:

- a) *The prohibition to endanger one's self and harm others*
- b) *Resisting maṣṣadah (harms) takes precedence over seeking maslahah (benefits/public interest)*
- c) *Difficulty leads to ease*
- d) *Avoiding any harms*
- e) *Preventing any harms within possible limits*
- f) *Emergency measure is limited according to its extent*

In the meantime, the principle of Islamic jurisprudence related to the political recommendation is illustrated in the following statement, “The policy made by the leader [the authority] for the people is subject to the public interest.” This principle is also based on the texts in the Qurʾān and Hadīth. Allah said, “*And protect yourself from the torment that does not only apply to those who do wrong among you. And know that Allah's torment is very severe.*” (Sūrat al-Anfāl: 25), and “*do not let your own hands throw you into destruction*” (Sūrat al-Baqarah: 195). In addition, the Prophet said, “*If you hear of a plague in an area, do not enter it. But if the plague is where you are, do not leave.*” (Narrated by al-Bukhārī)

The common vision shared by the fatwā and the Health Law, especially regarding the guidelines for performing religious activities

during the COVID-19 pandemic, comes from the critical Islamic teachings or rational Islam, especially in maintaining health and preventing deadliest or infectious diseases. To that end, many obligatory and *sunnah* (optional) religious activities, including Friday, 'Īd al-Fitr, or 'Īd al-Aḍḥā prayers, are not conducted in the congregation (*jamā'at*) as usual. This is the form of rational Islam represented by the Fatwā issued by MUI.

The Indonesian Ulama Council Fatwās VS Legal Politics

After MUI fatwās were promulgated, the government regulations soon followed. The third decision regarding the recommendations mentioned in the fatwā has received a positive response from the government in terms of regulations and legislation. The government, in turn, prohibits foreigners from entering or transiting the Indonesian territory. This prohibition is mentioned in the Ministry of Law and Human Rights Regulation No.11/2020 on the Temporary Prohibition of Entry to the Republic of Indonesian Territory for Foreigners (Sahbani, 2020).

However, six groups of foreigners are excluded from the regulation: foreigners holding temporary residence and permanent residence permits; foreigners holding diplomatic and service visas; and foreigners holding diplomatic and official residence permits (Sahbani, 2020).

A circular letter from the Minister of Religious Affairs Number SE.15/2020 on the Guidelines for Organizing Religious Activities in Places of Worship in Realizing a Productive and Safe Society during the COVID-19 Pandemic was issued on May 29, 2020. The circular is addressed to the Minister of Home Affairs, the Minister of Health, the Chairman of the COVID-19 Accelerated Handling Task Force, the Commander of the Indonesian National Armed Forces, the Chief of Indonesian National Police, the Head of State Intelligence Agency, Provincial Governors, Regents and Mayors, Religious Council Leaders, Heads of Provincial Offices of the Ministry of Religious Affairs, Heads of Technical Implementation Unit, and Administrators and Managers of Places of Worship.

In the next day, on May 30, 2020, a Circular Letter from the Executive Board of Indonesian Mosque Council followed. The circular was signed by the Chairman of the Mosque Council, Jusuf Kalla, and

the Secretary-General, Imam Addaruqutni. The circular is clearly and firmly a follow-up to the Circular Letter No. 15/2020 issued by the Minister of Religious Affairs and MUI Fatwā No. 14/2020, all of which concerns the implementation of religious activities during the COVID-19 pandemic (Kustiani, 2020).

Indirectly, the government also gives another positive response to the recommendation mentioned in MUI fatwā by issuing the Government Regulation in lieu of Law No. 1/2020 on the State Financial Policy and Financial System Stability for Handling the 2019 Corona Virus Disease Pandemic (COVID-19) and/or in the Context of Facing Threats That Endanger the National Economy and/or Financial System Stability.

The regulation is stipulated under Law No. 1/2020 on the State Financial Policy and Financial System Stability for Handling the 2019 Corona Virus Disease Pandemic (COVID-19) and/or in the Context of Facing Threats That Endanger the National Economy and/or Financial System Stability.

The Head of the Budgetary Agency of People's Representative Council, Said Abdullah, mentions that the majority factions argue that the Government Regulation in Lieu of the Law is necessarily taken to deal with the potential economic crisis due to the COVID-19 pandemic. The Indonesian Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan*) faction, for example, believes that Indonesia must be present to anticipate the impact of COVID-19 (Akbar, 2020). This opinion is in line with one of the principles of Islamic Jurisprudence presented in the fatwā which says: "*The policy made by the leader [the authority] towards the people is subject to the public interest.*"

Apart from the law, the Minister of Health of the Republic of Indonesia has also issued Regulation No. HK.01.07/MENKES/413/2020 on the Guidelines for Corona Virus Disease 2019 (COVID-19) Prevention and Control, which was stipulated on July 13, 2020, in Jakarta and signed by the Minister of Health himself, Terawan Agus Putranto. This Regulation has been effective since the date of its stipulation.

Unfortunately, the Government regulations on COVID-19 suggest political interests and have drawn controversy, considering the way the Government works must depart from legal politics. Consequently, the Indonesian Anti-Corruption Society and national leaders, including

Amien Rais, have sued the Government Regulation in lieu of Law No. 1/2020 on COVID-19. One of the problematic Articles is Article 27. This Article is considered to provide legal immunity for policy-making officials as they cannot be sued for civil or criminal laws (Arifin, 2020).

A constitutional law expert, M. Fauzan, comments on the reasons why the People's Representative Council approves the Government Regulation in lieu of Law No. 1/2020 on COVID-19. He said, "*almost every Government Regulation in lieu of the Law has led to public questions and has drawn controversy.*" However, once it is under the People's Representative Council, it does not seem to be debatable and passes easily." (Saputra, 2020).

In the meantime, the Indonesian Anti-Corruption Society which is represented by Boyamin Saiman claims that they would be happy if the People's Representative Council approves it. He adds, they can have more reasons to sue and we will be dealing with two parties, the People's Representative Council and the Government (Medistiara, 2020).

The public controversy over Laws on COVID-19, approved by the People's Representative Council and the Government, is barely inseparable from the recommendations mentioned in MUI Fatwā as an initial precedent, suggesting that the Government to make the fatwā as a reference.

The Indonesian Ulama Council Fatwās and the Ulama Political Transformation

The logical reasoning in the fatwā on COVID-19 ends the negative stigma about the religious-political actors. This is proven by the positive response from the government with the issuance of laws and regulations referring to the fatwā. The *Kiyais*, for example, have been so far called political brokers due to their actions, including their legal products which usually address certain political affiliations (Hidayat, 2016).

More specifically, a study claims that MUI fatwās are considered to play a role in discriminatory behavior, and religious violence as many of them perpetuate religious violence that has occurred in society (Hasyim, 2015). The negative stigma against the Council is undeniable due to the fact that, as a religious institution, it has often been part of Indonesia's pragmatic politics, especially since the beginning of the Reform era (Fajri, 2014).

However, the fatwās issued by the Indonesian Ulama Council are not in the national legal system which can be imposed to the public, including the Muslims (Nurfiati, 2016). This also applies to Fatwā No. 14/2020 on COVID-19. Despite the fact that the Indonesian Ulama Council does not have a compelling legal force, its fatwās keep showing the significant role of the *Ulama*. In other words, the fatwās are considered to start improving in terms of the quality.

By issuing Fatwā no. 14/2020, the Indonesian Ulama Council no longer deserves to be called as a political broker. This is because the logic of the fatwā is built under logical-contextual foundation and is in line with the WHO recommendations to protect the urgent public interests, such as preventing the virus transmission. Fatwā No. 14/2020 has brought a good image on the Indonesian Ulama Council institution, where the *'Ulamā'-Kiyais* become actors of Islamic legal scientism. This means their legal thinking is based on scientific-objective considerations.

In general, Fatwā No.14/2020 on COVID-19 confirms Ainun Najib's finding. He mentions that the fatwā can play a significant role in the development of responsive law in Indonesia, by responding to any circumstances and public needs (Najib, 2012). In addition, the Fatwā also justifies Mohammad Baihaqi Alkawy's finding. He claims that it can legitimize the Islamic political contestation (Alkawy, 2019). The fatwā is also in line with Andi Shofian Efendi's opinion, saying that it can influence the Indonesian government policy-making process (Efendi, 2011).

By maintaining objectivity, in view of the medical considerations regarding the COVID-19 pandemic and the agility and responsiveness in issuing fatwās, for examples, the Indonesian Ulama Council will be more accepted by the public and even become a reference for the Government in making a policy. It can be seen from Fatwā No. 14/2020 on the Implementation of Religious Activities during the COVID-19 Pandemic.

In short, the fatwā issued by the Indonesian Ulama Council has responded to the conditions and needs of the nation and state quickly. The Fatwā is logically objective in relying on legal terms. As a result, both the public and the government accept it gracefully. If this continues to be maintained, fatwās issued by the Indonesian Ulama Council will be improved and reduce the negative stigma.

Conclusion

Fatwā No. 14/2020 on the Implementation of Religious Activities during the COVID-19 Pandemic departs from the social realities and actual needs to maintain health and prevent the virus transmission. Here, the medical directives from the World Health Organization (WHO) are the primary considerations taken into account by the Indonesian Ulama Council. The Council, in turn, sees a fatwā to prevent the spread of the virus essential, especially to create guidelines for performing religious activities. The legal foundations are built based on the Qur'ān, Hadīth, and the views of classical scholars, all of which leads to the obligation to maintain health and prevent diseases.

Such contextual fatwā, which is line with the needs of society, has come up earlier than the state laws and regulations. The fatwā has a significant influence on the government policymaking process, although the message and mandate mentioned in Fatwā No. 14/2020 is substantially an interpretation of the health law which has already been effective. The law suggests that the society and the government should be responsible for creating a healthy social order where each individual has the same rights and obligations to create a healthy society. However, in the context of responding to the COVID-19 issue, the Indonesian Ulama Council is much more responsive than the Government.

The responsiveness, accuracy, and objectivity of the Indonesian Ulama Council in issuing the fatwā on the guidelines for performing religious activities during the COVID-19 pandemic has brought positive influences on its image. Several fatwās were once said to worsen the national order, one of which is associated with violence in the name of religion. In the COVID-19 case, fortunately, religion is truly presented as a rational entity that can be accepted by all groups and influences the government legislation policies.

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