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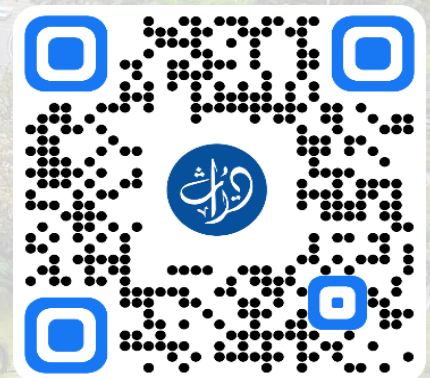
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# THE CHANGING ROLES OF MUI'S FATWAS IN THE REALIZATION OF INDONESIAN GOVERNMENT'S NEW NORMAL POLICY

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## Abstract

This study examines the actualization of the role of the Indonesian Ulema Council fatwa, which is a manifestation of social morality, including in guarding the realization of the new normal times during the COVID-19 pandemic, it is not enough just to fulfill or just provide support in the form of spiritual and moral. But it is also a responsibility to the people, especially to make joint efforts to prevent the spread of the Covid-19 virus outbreak. This study is a retrospective study that focuses on discussing the fatwa of the Indonesian Ulema Council and the actualization of its role in social change. Of course, the fatwa of the Indonesian Ulema Council is more responsive than other legal products, starting from the period before the Covid-19 pandemic, during the time facing the Covid-19 pandemic, even in guarding the realization of the new normal. The presence of the fatwa of the Indonesian Ulema Council is a guarantee of legal certainty (religious insurance approach) in providing peace for Muslims in Indonesia, both in carrying out worship, vaccinations, and the field of muamalah during the Covid-19 pandemic, but will return to normal worship. while the field of muamalah follows the dynamics of changing times and needs. Of course, the domain of legal certainty from the Indonesian Ulema Council in the form of legal products in the form of fatwas provides justification and legitimacy for government policies during the COVID-19 pandemic in accordance with the objectives of Islamic law (maqashid sharia) and the benefit of society.

**Keywords:** Changing, MUI's Fatwas, New Normal Policy



### Abstrak

Kajian ini mengkaji aktualisasi peranan fatwa Majelis Ulama Indonesia, yang merupakan manifestasi akhlak sosial, termasuk dalam menjaga terwujudnya new normal di masa pandemi COVID-19, tidak cukup sekadar memenuhi atau sekadar menyediakan. sokongan dalam bentuk rohani dan moral. Tetapi ia juga menjadi tanggungjawab kepada rakyat terutama untuk melakukan usaha bersama bagi mencegah penularan wabak virus Covid-19. Kajian ini merupakan kajian retrospektif yang memfokuskan kepada membincangkan fatwa Majelis Ulama Indonesia dan aktualisasi peranannya dalam perubahan sosial. Tentunya fatwa Majelis Ulama Indonesia lebih responsif daripada produk hukum lainnya, mulai dari period sebelum pandemi Covid-19, selama menghadapi pandemi Covid-19, bahkan dalam menjaga terwujudnya normal baru. Kehadiran fatwa Majelis Ulama Indonesia merupakan jaminan kepastian hukum (pendekatan asuransi agama) dalam memberikan kedamaian bagi umat Islam di Indonesia, baik dalam melaksanakan ibadah, vaksinasi, maupun bidang muamalah di masa pandemi Covid-19, namun akan kembali beribadah seperti biasa. manakala bidang muamalah mengikut dinamik perubahan zaman dan keperluan. Sudah tentu domain kepastian hukum dari Majelis Ulama Indonesia berupa produk hukum berupa fatwa memberikan justifikasi dan legitimasi terhadap kebijakan pemerintah di masa pandemi COVID-19 sesuai dengan tujuan hukum Islam (maqashid syariah) dan faedah masyarakat.

**Kata kunci: Perubahan, Fatwa MUI, Dasar Normal Baru**

### INTRODUCTION

Judging from its position, fatwa in the formulation of Islamic law can be studied from the meaning of the fatwa itself. Therefore, when it comes to the fatwa itself, there is no separation in terms of who or which organization made the fatwa. Talking about fatwas cannot be separated from talking about the concept of ijihad. Fatwas may or may not be religious in nature by fuqaha or Islamic experts who can ask questions according to their needs that require basic answers as a legal basis for their actions or activities will be issued. Fatwa and ijihad have a high link, indicating that fatwa inherently increases ijihad. The fatwa is the result of an expert or expert on ijihad who can study Islamic law and based on the results of that ijihad, issued in religious form, verbally or not. With the fatwas and ijihad, the specific teachings of Islam will develop rapidly in every part of the world (Ibnu Elmi Achmat Slamet Pelu & Tarantang, 2020).

As the religion of *rahmatan lil alamin*, these various products of legitimacy can show that Islamic law has the ability to adapt to a dynamic social environment that is not limited by space and time (Bakry et al., 2020). Islam is also a religion that is elastic and moderate in accordance with human nature. So that Islamic law has certain truth values and universal rules, does not become obsolete over time, is practical and relevant throughout the history of human civilization.

Sociologically, the function of law is not only to regulate certainty and order, but also the ability to educate the public. Some legal experts, such as Soerjono Soekanto and Gurvitch, also argue that the law is embodied in the social system and embodies the pattern of people's behavior as a legal substance. The fatwa, which is an expression of societal morality, may be applied to this legal paradigm since it is dynamic and casuistic (Danu Aris, 2018), During the COVID-19 epidemic, for example, life was at risk. Covid-19 is reported to have first been broadcast in Wuhan, Hubei Province, China, in mid-November 2019. Since then this virus has spread to almost all corners of the earth, including Indonesia. Covid-19 easily transfers and develops from one body to another and has claimed many lives.



Seeing such massive transmission, the *World Health Organization* (WHO) as the World Health Organization under the auspices of the United Nations (UN) has upgraded the status of Covid-19 which was originally an outbreak to a pandemic status (Aji & Habibaty, 2020), It is no longer enough to just fulfill or give assistance in this new normal. only in the form of spiritual and moral guidance (Abdur Rahman Adi Saputera, 2020), but also to the people, particularly in collective efforts to prevent the spread of the Covid-19 virus epidemic, which is becoming increasingly concerning, in the form of a fatwa that also supports government policies in executing health protocols and breaking the chain of Covid-19 dissemination.

### Research Method

This is a retrospective of research that focuses on fatwa and the realization of its role in societal development. (Tarantang, 2018) From worship to muamalah, Covid-19 has generated troubles for humans as well as Muslims in Indonesia (economic and social) (Hakim, 2019). The writing of this research uses a normative method through library research on books related to the research theme that is made, and also comes from several studies. This paper is a type of normative legal research, where there is no need to justify the findings of legal experts, regarding the position and existence of the MUI fatwa as an alternative to the problems that exist among Muslims in Indonesia. (Ibnu Elmi Achmat Slamet Pelu & Tarantang, 2020) Some topics of the fatwa's scope are related to religious, economic, social, political issues, and so on. In the context of this study, a fatwa is an ulama's response to concerns that arise in the daily lives of Muslims in Indonesia as a result of the Covid-19 epidemic.

### Safeguarding The Realization of the New Normal: The Fatwa Role of The Indonesian Ulema Council in The Pre-Covid-19 Pandemic

The spread of illness during the Covid-19 pandemic puts people's lives in jeopardy, causing a slew of issues for them, not just in terms of health, but also in other fields, such as education, elections, office public services, macro and micro economic activities, banking services, public transportation services, even to obtain public services, one must have a vaccine certificate and the prerequisites for health protocols, As a result, an *ijtihad* solution or a product of Islamic legal philosophy that emphasizes the present and future benefits is futuristic (Fateh & Islamy, 2021). Products of Islamic law such as *fiqh*, *fatwas*, *qanun* (laws), and *qadla* (court decisions). Among the many products of Islamic legal theory are the following, of course, the presence of fatwas is more flexible compared to laws and regulations, individual court decisions, and *fiqh* that are not universally binding on Muslims which are certainly less effective in providing solutions to people's problems (Sholeh, 2016).

This is exhibited by Even previously and during the Covid-19 pandemic, the presence of an electronic exchange fatwa is exceptionally applicable to be a train for forestalling the spread of the Covid-19 pandemic, an origination of part of the approach social removing, physical separating in protecting the acknowledgment of the new normal. Before the Covid 19 epidemic, there was already a fatwa for electronic transactions, which imposed social and physical distance in an indirect manner. This is demonstrated by the Indonesian Ulema Council's use of the *sadd adz-dazri'ah* method, preventive efforts, or social engineering in the field of sharia economic fatwas, which legitimized the validity of digital payment systems, e-money, and digital transactions long before the Covid 19 pandemic. Others in a modern future setting have begun to realize the *new normal* (Ibnu Elmi A S Pelu & Dakhoir, 2020).

Since 2000, before the onset of Covid-19, DSN-MUI has issued 137 fatwas related to muamalah as a form of "*ijtihad*" ulama' in response to various developments in Islamic financial products, which at last have benefits during the Covid-19 pandemic to acknowledging social and physical separating that is more extensive than the field of love yet in addition comprehensively in the field of muamalah (Yanlua & Jasin, 2019). In response to the social, political, and economic realities, one kind of *ijtihad* done by DSN-MUI fatwa is through electronic transactions.(Ibnu Elmi Achmat Slamet Pelu & Tarantang, 2020) Even before the

COVID-19 pandemic, the fatwa existed to uncover advantages that were presented in a syar'i approach, not just profit oriented and material rentability, but as a reaction to Islamic law in defending the achievement of the new normal during the pre-COVID-19 pandemic.

### The Fatwa of The Indonesian Ulema Council as a Solution in Guarding The Realization of The New Normal During The Covid-19 Pandemic

The Covid-19 epidemic phase is unquestionably a condition and one that causes a slew of issues for Muslims, so a solution is needed, namely the results of *ijtihad* or products of Islamic legal thought, including *fiqh* (Jaelani et al., 2020), *fatwas*, *qanun* (laws), and *qadla* (court decisions). Of the various outputs of Islamic legal philosophy, the existence of fatwas is, of course, more flexible than statutory laws, individual court rulings, and non-universally obligatory *fiqh*, all of which are less useful in solving people's issues. The fatwa is certainly able to respond to people's problems, both in the field of worship and even in the field of sharia economics (dynamic *muamalah*) both before (Fariana, 2017), when it occurs, and after the Covid-19 pandemic. The need for codification of fatwas is an integral part of the codification of Islamic law, even as material, source, and jurisprudence in answering the problems of Muslims. As the DSN-MUI Fatwa until 2020 is a clear example in overcoming public anxiety about the legal status of electronic money, online transactions and the development of financial technology (Amin, 2017).

It is very relevant to be the locomotive of the spirit of codification of the pre-post-Covid-19 pandemic, a conception of part of policies *social distancing*, *physical distancing* and *new normal*. Even in issues of religion, the Ministry of Religion distributed Circular Letter (SE) Number 15 of 2020, named Guidelines for the Implementation of Religious Activities in Houses of Worship in Realizing a Productive and Safe Society in a Pandemic Period for Covid-19. The authorities had previously advised the people to worship at home in order to stop the chain of transmission of the corona virus (Covid-19). The Ministry of Religion issues recommendations when the directions for entering the new normal have been issued. In addition, the Fatwa Commission of the Indonesian Ulema Council released Fatwa Number 31 of 2020 about the Implementation of Friday and Congregational Prayers to Prevent Covid-19 Transmission. Places of worship must also be supported by health guidelines that every congregation must follow in order to avoid the spread of Covid-19 (Rosanti, 2021), During the Covid-19 pandemic, COVID-19 vaccine, and the government's issue of the pilgrimage, it requires the validity of the Indonesian Ulema Council's fatwa in giving legal certainty for Muslims in Indonesia, including the following fatwas:

**Table 1 Fatwas of the Indonesian Ulema Council in Providing Legal Certainty for the Ummah**

No	Fatwa Numbers	About
1	23 Year 2021	Law Tests Swab to Detect Covid-19 When Fasting
2	14 Year 2021	Lawful Use of Vaccines Covid-19 Production Astrazeneca
3	13 Year 2021	Law Vaccination Covid-19 When Fasting
4	02 Year 2021	Items Vaccines Covid-19 From Sinovac Life Sciences Co.LTD and PT. Bio Farma (Persero)
5	005/MUNAS X/MUI/XI/2020	Postponement of Hajj Registration for Those Who Are Able
6	003/MUNAS XI/MUI/XI/2020	Use of Masks for People in Ihram
7	002/MUNAS X/MUI/XI /2020	Registration of Hajj at an Early Age
8	001/MUNAS X/MUI/XI/2020	Use of <i>Human Diploid Cells</i> for Drug and Vaccine Production Materials

9	31 Year 2020	Execution of Friday Prayers and Congregations to Prevent Transmission of the Covid-19 Outbreak
10	36 Year 2020	Eid al-Adha Prayers and the Slaughter of Sacrificial Animals During the Covid-19 Outbreak
11	28 Year 2020	Manual for the Kaifiat of Takbir and Eid Prayers During the Covid-19 Pandemic
12	23 Year 2020	Usage of Zakat, Infaq, and Shadaqah Assets for Overcoming the Covid-19 Outbreak and its Impacts
13	18 Year 2020	Guidelines for Management of bodies of (Tajhiz Al-Jana'iz) Infected Muslim Covid-19
14	17 Year 2020	Rules for quality Prayers for Health Workers who wear Personal Protective Equipment (Apd) While Caring and patient Handling Covid-19
15	14 Year 2020	organizers Worship in Situations Occurs Wa bah Covid-19

Similarly, in protecting the new normal, from components of worship, muamalah, vaccines, and even *fardhu kifayah* managing the bodies of Covid-19 (Syukri et al., 2019). The fatwa of the Indonesian Ulema Council during the COVID-19 pandemic as many as 15 fatwas that are able to respond to the problems of the people are certainly a solution for the nation and state, According to M. Asrorun Ni'am Sholeh, the fatwa contains (four) critical occurrences relating strict perspectives and direct during the Covid-19 pestilence. In the first place, the legitimate fatwa on Covid-19 depends on intelligent thinking that is steady with paramedic guidance; second, the legitimate fatwa on Covid-19 is predictable with the public authority's political advantages in regards to physical and social limitations; third, the lawful fatwa on Covid-19 eliminates the negative disgrace related with strict entertainers' political jobs; and fourth, the legitimate fatwa on Covid-19 shows the developing job of kyiai as social dealers to entertainers in Islamic regulation (Sholeh, 2020).

Starting with the establishment of lockdown, social distance, and physical separation in order to limit the spread of Covid-19, especially in supporting government policies and legal assurance for the people (religious insurance method). Without the fatwa of the Indonesian Ulema Council, state law cannot function properly through government rules and policies. Starting from the business of limiting congregational prayers, Friday prayers (Muhlisah, 2021), Eid prayers, Eid al-Adha prayers, tarawih prayers, in the context of social restrictions starting to be obeyed by the community, prayer fatwas using personal protective equipment by medical personnel in charge of dealing with COVID-19 (Nurhayati & Nasution, 2020), postponement of hajj registration for those who can afford it, swab law, vaccines (Yusdani & Arfaizar, 2021), to the use of masks during *ibram*, and *qurban* implementation during the Covid-19 epidemic (Syatar et al., 2020).

In order to protect the new normal, the Indonesian Ulema Council's fatwa supports government health standards in the form of orders governing places of worship, which must be supported by standard health procedures that worshipers must follow (Mustafa, 2020). The legal provisions that must be considered by both the mosque management and the congregation are the stretching of the *rows* when praying in congregation. The utilization of actual distance during collective petitions to heaven by extending the lines legitimate is satisfactory, the requests are certified, and the virtue of being in congregation is not lost since this condition is a shari'ah goal, according to the fatwa of the Assembly of Indonesian Scholars. The Indonesian Ulema Council's fatwa also prohibits the wearing of masks during prayers. When praying, the original law of wearing a mouth covering (mask) is *makruh tanzih*, which means that it does not invalidate the prayer. It is allowed to wear a mask in some circumstances, such as when there is a purpose. It may even become mandatory if a person who would be attending congregational prayers is sick, such as with a fever, cough, or the flu. This is expected

to prevent the corona virus from spreading throughout the community (Rosanti, 2021).

Specialists assess the capacity of the Indonesian Ulema Council in getting sorted out the execution of love and muamalah, which is transient during the Covid-19 pandemic, during the Covid-19 pandemic, However, after the conditions and states of the Covid-19 plague have passed, the law of performing love will return, while in the circle of muamalah, as indicated by the unique requests of the times, the law of completing love will return (Musyafaah et al., 2021). The three major grounds for the Indonesian Ulema Council's socio-religious activity, as expressed in the fatwa, are instrumentally rational, value rational, and traditional. As far as reasons, the fatwa connects with various sorts of dedication that are respected the most sensible to be done to break the chain of Covid-19's multiplication and perceive the khams' crisis. In terms of the theme value rational, the Indonesian Ulema Council employs rational, dynamic, and probabilistic Islamic values drawn from the Qur'an, Hadith, and fiqh norms, resulting in alternate forms of worship that can be employed to mitigate the Covid-19 pandemic.

In terms of traditional motifs, the Indonesian Ulema Council seeks to carry on the traditions of the Prophets and Companions when facing a plague (*tho'un*), so the worship model they recommend is an effort to continue the previous tradition with a hermeneutical approach. The predominance of the force of the Indonesian Ulema Council as the power that figures out what is required and illegal in love during the Covid-19 pandemic is based on two models, in particular the strength of lawful power with a sign of a fatwa, that the Indonesian Ulema Council has teamed up with the focal government and acquired authenticity. The charismatic influence of the Indonesian Ulema Council was founded on two things: first, as an umbrella body for various Islamic groups in Indonesia, and second, by religious leaders who suggest following the fatwa. Because there are still many Muslim groups that are theodic, fatalistic, and determined in religion, organized religion, like as the Indonesian Ulema Council, plays a critical role in moderating the Covid-19 in Indonesia (Mushodiq & Imron, 2020).

The position of fatwas in Islamic law is known as one of the legal references that can be followed. Initially, fatwas were given individually. Rasulullah saw. always provide answers to questions asked by friends. The answers given by the Prophet became the legal basis and were binding on Muslims as sharia rules. However, after he died, the question of law was asked to the caliph who succeeded him or the scholars of that period. If they do not get guidance from the Qur'an and Sunnah then they make ijtihad. Ijtihad given as an individual decision is called a fatwa. Fatwa as a legal opinion of a scholar at that time was not binding, different from the time of the Prophet. But it is legal information for people who need it. So sometimes, even often, the fatwa between one cleric and another on the same issue can be different. The next development is that fatwas are no longer given individually but shifted to official institutions or institutions created by government institutions to get considerations in Islamic law. (Hidayati & Hidayatullah, 2021)

Based on the situation and conditions of Covid-19, it also refers to the rules of fiqh:

دَفْعُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى حَلْبِ الْمَصَالِحِ

Meaning: Rejecting mafsadah comes first to gaining maslahat (Djazuli, 2007).

According to Hasan Hanafi, if the text contradicts mashlahat, then mashlahat must come first, because the text is just wasilah, means and tools. While mashlahat is the reason, purpose, and importance that must be given priority in anticipating Covid-19 as the rules of fiqh:



## الْحُكْمُ يَتَّبِعُ الْمَصْلَحَةَ الرَّاجِحَةَ

Meaning: The law follows the most powerful benefit (Muchlis, 2002).

In addition, the development of the times continues to move dynamically with the era of globalization and science as well as technology that has participated in experiencing rapid development in various sectors of people's lives has brought a major influence in the line of discussion of life interactions, including the presence of new problems that cannot be separated from the legal aspect. Fatwa is an answer to the problems and problems faced by Muslims which are increasingly complex and diverse day by day. Fatwa is a solution that provides religious answers to emerging problems such as COVID-19.

Therefore, Ijtihad maximized its function as a tool for extracting law during the tabi'in period, it was even seen as a necessity that had to be done to be able to answer the problem, it could not be called a law digging tool, because at that time the Prophet SAW was still alive, every problem that faced by friends and they experience confusion or doubt about a legal case, then they can ask the Messenger of Allah directly to ask for an answer. Meanwhile, looking at the current situation and conditions, where the rapid flow of times and rapid technological advances as well as the transition and shift in social behavior in complex interactions, it affects various sectors of life which in turn gives birth to new cases which are the problems faced and are very important to obtain information. legal status in order to provide legal certainty of its existence in society. Thus, ijthihad occupies a central position in responding to this, so that people are not confused and overwhelmed by a sense of doubt in dealing with contemporary problems that are so diverse by getting answers to solve legal problems that occur, including the problem of Covid-19. (Hidayati & Hidayatullah, 2021)

The place of fatwas in the development of Islamic regulation has an elevated place. Fatwas are viewed as an answer that can loosen things up in lawful improvements that are not obliged by texts. Fatwa is an answer in unwinding the issues looked by individuals who are arranged to the advantage of individuals. (Ibnu Elmi Achmat Slammat Pelu & Tarantang, 2020) The comprehensiveness of Islamic teachings has shown Islamic Shari'a as the law that regulates *habluminallah* and *habluminann's* and the natural surroundings in life with worship and muamalah. Shari'a cannot be separated from benefit, and vice versa, benefit cannot be separated from Shari'a. The purpose of Allah SWT stipulates his law is to maintain human welfare as well as to avoid *mafsadat*, both in this world and in the hereafter. The goal is to be achieved through *tagleed*, the implementation of which depends on the reasoning of the main sources of law, namely the Quran and Hadith.

Therefore, asy-Syatibi asserts that benefits are not measured by lust, because if something contains the benefits of the world without the benefits of the hereafter, then it is not a benefit. In this way, the proportion of maslahat is to get back to the Qur'an and sunnah as *mashadir al-Abkam al-Syar'yyah*, not only based on the intellect alone, but the intellect must be based and guided by the Shari'ah, not directed freely without direction moreover built by mere lust. The purpose of the Shari'ah of law is for the benefit, so between the Shari'ah and the benefits cannot be separated, they are connected to each other in the framework of Islamic law. Fatwasin society in order to answer the problems faced by the people, especially in contemporary cases, has urgency and significance that can be seen in the function carried out as a mediator between the ideal of Islamic law on the one hand and factual reality on the other (Hidayati & Hidayatullah, 2021).

It must be admitted that efforts to build the benefit of the people through fatwas by the Indonesian Ulema Council is an authentic thing that cannot be denied. The fatwa capacity and effect during the pandemic as a sort of COVID-19 moderation is that ideal and vital drives might be invited and heartily got by all areas of society, Even the public authority embraces the



substance of these fatwas to be used as an establishment and guide in fostering a standard or strategy as a lawfully restricting guideline relating to protection measures to slow the improvement of Covid-19 in Indonesia (Abdur Rahman Adi Saputera, 2020), going from wellbeing methods and vaccinations to Large-Scale Social Restrictions and Community Activity Restrictions Enforcement. The Indonesian Ulema Council unequivocally expressed in Fatwa Number 14 of 2020 concerning the Implementation of Worship in Situations of the Covid-19 Outbreak that the public authority involved the fatwa of the Indonesian Ulema Council as an aide in laying out approaches to manage Covid-19 connected with strict issues, and Muslims were expected to submit to it. This demonstrates the harmonious coexistence of positive state legislation and Islamic law in the form of a fatwa issued by the Indonesian Ulema Council (Syafei, 2017). With the goal that if the field including strict and non-strict exercises of Muslims turns into the space of the Indonesian Ulema Council institutionally in monitoring the acknowledgment of the new normal.

## CONCLUSION

Coronavirus has produced worries for mankind as well as Muslims in Indonesia, going from love to muamalah (monetary and social). Obviously, the fatwa of the Indonesian Ulema Council is more responsive than other legitimate merchandise, starting before the Covid-19 episode, going on through the pandemic, and in any event, guaranteeing the accomplishment of the new typical. The presence of the Indonesian Ulema Council's fatwa is an assurance of legitimate conviction (strict protection) in guaranteeing peacefulness for Indonesian Muslims, During the Covid-19 pestilence, both regarding religion, immunization, and the circle of muamalah. In any case, love will continue as expected from here on out, Muamalah, then again, is a field that changes with the times and necessities.

Obviously, the Indonesian Ulema Council's space of legitimate conviction as legitimate items as fatwas gives defense and authenticity to government arrangements during the COVID-19 pandemic that are in accordance with the goals of Islamic regulation (maqashid sharia) and the advantage of society, Protecting the acknowledgment of the new ordinary, which exhibits the job of fatwas in friendly change, is especially significant and fit for tending to Muslim worries in Indonesia.

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