

## ABSORPTION OF MODERATION VALUE IN THE *FATWA* FLEXIBILITY; CASE ON HANDLING A COVID-19 CORPSE

**Muammar Bakry, Abdul Syatar, Muhammad Majdy Amiruddin, M. Ilham**

(Universitas Islam Negeri Alauddin Makassar, Universitas Islam Negeri

Alauddin Makassar, IAIN Parepare, IAIN Palopo)

[muammar.bakry@uin-alauddin.ac.id](mailto:muammar.bakry@uin-alauddin.ac.id) [abdul.syatar@uin-alauddin.ac.id](mailto:abdul.syatar@uin-alauddin.ac.id)

[muhammadmajdyamiruddin@iainpare.ac.id](mailto:muhammadmajdyamiruddin@iainpare.ac.id) [m.ilham@iainpalopo.ac.id](mailto:m.ilham@iainpalopo.ac.id)

**Abstract:** This article aims to analyze and provide ideas about the absorption of moderation values to those who are competent. Fatwa is flexible. Fatwas must have moderate dimensions. This article uses a philosophical approach by analyzing literature, both in the form of classic literature, books, journals and other sources. This article provides the idea that absorption of Fatwas is moderated by balancing all aspects. It is neither hard nor loose. Such a style of Fatwa can be seen from the results of the decided Fatwa that remains in the corridor of the Shari'a, weighs greater consideration, matches the reality of the needs of Muslims, and provides equal convenience. Fatwa must become barometer controlling changes in social reality for Muslims. Every emerging legal issue is responded quickly and accurately. However, what needs to be considered is the method used in exploring the laws related to contemporary problems according to the Fatwa procedure and all its consequences. The implications of the study indicate that the absorption of moderate Fatwa are things that should get attention, both among laity and competent mufti. Mufti is demanded to produce Fatwa that can be accepted by Muslims but does not neglect religious texts originating from Allah. and the Messenger of Allah. Mufti must adopt policies regarding the problems faced by Muslims today. The moderate Fatwa aims to prevent Muslims from carrying out legal arbitrarily and in accordance with their own passions

**Keywords:** *moderation; fatwa; flexibility; wasathy*

### A. Introduction

Moderation has become a viral term in recent years. That does not make the term of moderation emerge today, but it has been known long ago. The Koran used

the term ‘*wasthan*’s meanin with moderate giving understanding that Muslims are just and wise, not to the left side and not to the right.

The praise of the Qur’an to Muslims is found in the QS al-Baqarah/2: 143:

وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ وَيَكُونَ الرَّسُولُ عَلَيْكُمْ شَهِيدًا

Meaning: And it is thus that We appointed you to be the community of the middle way so that you might be witnesses to all mankind and the Messenger might be a witness to you.<sup>1</sup>

The verse gives an understanding that *wasthan* inherent indicator in Muslims is positioned in the context of social and other communities. Muslims can be said to be martyred when they have a strong commitment to the values of moderation and humanity.<sup>2</sup> Therefore, every individual Muslim, maintaining the mandate of the praise of Allah Almighty. The moderate aspect is absolute in all lines of individual life of Muslims.

Muslims need a legal solution in this case an enlightening *Fatwa* to continue to run the corridors of the *wasthan* and martyrdom community, not a *Fatwa* that could lead conflict among Muslims themselves. A Mufti has to fulfil the competence to hold the narrative and appeal needed. Muslims make *Fatwas* as part of managing the life they are facing. Even in terms of legal quality, *Fatwa* has the lowest level because it does not have permanent and binding legal force. In fact, *Fatwa* does not include formal Islamic legal sources for positive Indonesian law<sup>3</sup>.

Indonesia is a country that has a Muslim majority. As consequence, the *Fatwa* plays essential role in community and state life. *Fatwas* are widely issued by institutions adapt moderation values. Even so, there are those who think that the *Fatwa* is only intended to contribute to conservative religion.

The value of moderation is characteristic has to be included in *Fatwa* making proset in the midst of hegemony of extremism and radicalism. Characteristics of *Fatwas* that contain moderation value still require serious rethinking.<sup>4</sup> Lately, a *Fatwa* could deal againts the situation of the corona virus phenomenon (COVID-19) is required. The need for a moderate *Fatwa* in the corona case is very vital because it can have an impact on routine religious activities at the mosque or the daily routine

1 Kementerian Agama RI, *Al-Qur’an Dan Terjemahannya* (Jakarta: Lajnah Pentashihan Mushaf Al-Qur’an Badan Litbang dan Diklat Kementerian Agama RI, 2019), 28-29. <https://doi.org/10.16309/j.cnki.issn.1007-1776.2003.03.004>.

2 Tim Penyusun Kementerian Agama RI, *Moderasi Beragama*, 1st (Jakarta: Badan Litbang dan Diklat Kementerian Agama RI, 2019)., p. 27.

3 Faridatus Syuhadak, “Urgensi Fatwa Dalam Perkembangan Hukum Islam,” *De Jure: Jurnal Hukum Dan Syar’iah* 5, no. 2 (2013).

4 Abdul Muqsith Ghazali et. al., *Moderatisme Fatwa; Diskursus, Teori Dan Praktik*, ed. Syafiq Hasyim dan Fahmi Syahirul Alim, Cet. I. (Tangerang: International Center for Islam and Pluralism (ICIP), 2018). p. 4.

of Muslims such as work, school, lecture activities, service to the community and so forth<sup>5</sup>.

*Ijtihad* as *Fatwa* making tool has to prioritize *masalahah*, especially on propositions that are *zanni*. Mufti follows the rules of Jurisprudence and *Maqashid al-Sharia* as guidance. The *qath'i* evidence does not require the existence of *Ijtihad* to find meaning or other laws except in the aspect of application. The *qath'i* text remains open to *Ijtihad* in its application aspects.<sup>6</sup> Mufti must pay attention to aspects of benefit contained in various problems faced by it. Not just issuing *Fatwas* that can lead conflict and division in the community who need *Fatwas*.

The orientation of the *Fatwa* flexibility implies that rules prioritize changes or differences in *Fatwas* based on changes in place, time, conditions, intentions, and habits. The flexibility of the *Fatwa* depends on the wisdom and analysis of mufti in seeing the phenomena of place, time, intention and habits in the community.<sup>7</sup> Thus, the feasibility of the mufti has conditions relating to general conditions, scientific conditions, special requirements and so forth. It is necessary to analyze how the value of moderation implies in *Fatwa* making process related the issues of COVID 19. This research can be used.

## B. The Concept of *Fatwa* Absorbtion

The term absorption is widely used by medicine which means that tissue power to absorb other objects from outside. Also known in chemistry which usually refers to the loss of energy substances into a material.<sup>8</sup> Absorption is meant in this article is the absorption of values, principles, rules apply to realize a systematic understanding of intended issues.

In language, *Fatwa* comes from Arabic الفتوى. No translation was found in the Indonesian language of this word so it is still used in accordance with the original word. This word has the same root word as الفتى (youth, young people, young and strong), as if to state that this word means to strengthen something by eliminating things that are difficult to understand and making it clear.<sup>9</sup> According

5 Abdul Syatar Abdul Syatar, Muhammad Majdy Amiruddin, and Arif Rahman, "Darurat Moderasi Beragama Di Tengah Pandemi Corona Virus Desease 2019 (Covid-19)," *KURIOSITAS: Media Komunikasi Sosial Dan Keagamaan* 13, no. 1 (2020): 1–13.

6 Rauf Amin, "Prinsip Dan Fenomena Moderasi Islam Dalam Tradisi Hukum Islam," *Al-Qalam* 20, no. 3 (2014): 23., p. 25-26.

7 Mayyadah, *Kaidah Fleksibilitas Fatwa (Studi Terhadap Fatwa Ulama-Ulama Kontemporer)* (Makassar, 2013)., p. 59.

8 Kementerian Pendidikan dan Kebudayaan RI, *Kamus Besar Bahasa Indonesia* (Jakarta: Pusat Bahasa, 2008).

9 Ibn Al-Manzur, *Lisan Al-Arab*, Juz 9 (Bairut: Dar al-Sadir, n.d.), p. 164.

to the terminology of Jurisprudence, the word *Fatwa* is given as “Explanation of the law of a problem which is the answer to a question”.<sup>10</sup> Thus, *Fatwa* becomes something that is needed by Muslims in undergoing the current problems and legal dynamics<sup>11</sup>.

### C. Fatwa Projection in Responding to People’s Problems

Jurisprudence can be renewed through *Fatwa* projections to respond broad and complex latest issues. Therefore, fiqh *Fatwas* in various dimensions of life are carried out by official institutions established on an international scale and within the scope of a country, including in Indonesia.<sup>12</sup> Besides being institutional in nature, fiqh *Fatwas* are often found in the form of mass media, electronics and articles published in magazines in scientific journals. There are also edicts issued by social organizations, research institutions in universities and local organizations.

*Fatwas* issued by international official *Fatwa* institutions have been distributed to Muslims throughout the world to be used as a foothold. For example, Dar al-Ifta in Egypt issued edicts in various fields up to 10 volumes.<sup>13</sup> The *Fatwas* published in magazines and other mass media to answers the anigma raised by readers.

*Fatwa* can be issued by individuals respected by Muslims. Muslims ask him for *Fatwas* on various fiqh issues. Mufti conveyed his *Fatwa* in writing which was spread through books and books. For example, the *Fatwas* of Sheikh Mahmud Syaltut, Yusuf al-Qaradawi, Muhammad Said Ramadan al-Buti and others.

*Fatwa* is casuistic because it is a response or answer to the questions asked by the *Fatwa* request even though the *Fatwa* becomes a legal product. *Fatwa* does not have a binding capacity, in the sense that the person requesting the *Fatwa* is not obliged to follow the results of the legal formulation issued. Although the *Fatwa* is dynamic because it is a response to new developments faced by the *Fatwa* requesting community, the *Fatwa* content is not always dynamic and responsive. It depends on the legal vision and social vision of the *Fatwa* giver<sup>14</sup>.

Submission of *Fatwa* results in the context of da’wah and religious lectures which makes textualist and literalist religious understanding increasingly develop in the midst of contemporary society. This situation can ignite emotionally some

---

10 Sya’ban Muhammad Ismail, *Usul Al-Fiqh Al-Muyassar*, Juz 3 (Bairut: Dar Ibn Hazm, 2008)., p. 347.

11 Muhammad Majdy Amiruddin, “IMPOSISI FATWA TERHADAP REGULASI PERBANKAN SYARIAH,” *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum* 12, no. 1 (2018): 49–78.

12 Abdul Manan, *Pembaruan Hukum Islam Di Indonesia*, 1st ed. (Depok: Kencana, 2017)., p. 128

13 Abdul Manan, *Pembaruan Hukum Islam Di Indonesia*. p. 129.

14 Ghazali, *Moderatisme Fatwa; Diskursus, Teori Dan Praktik*.

Muslims. Therefore, the *Fatwa* socialization strategy in the form of da'wah and religious lectures needs a untextualist and unliteralist redesign.<sup>15</sup> The distribution of *Fatwas* through da'wah and lectures both synergize the contextualist in da'wah. The synergy will spawn an understanding of religiosity that takes the middle path (*wasathan*)<sup>16</sup>.

One example, the projection of a flexible and moderate *Fatwa* in responding to the needs of the community in dealing with the Covid 19 virus is a *Fatwa* issued by *Haiah Kibar al-Ulama al-Azhar* (Al-Azhar Grand Ulama Association). The *Fatwa* contains religious provisions not performing Friday Prayer and prayers in congregation in order to prevent the corona. The *Fatwa* was issued on Sunday, March 15, 2020 in Egypt. The *Fatwa* considered the mutual benefit, both Muslims and non-Muslims in order to prevent transmission *corona*.<sup>17</sup> The scholars provide advice for patients with illness and old age (elderly) to remain restrained at home following the rules of the authorities in the region<sup>18</sup>.

The evidence used by *Haiah Kibar al-Ulama al-Azhar* concludes two *Shari'a* lawyers who allow Muslims to leave Friday Prayers and congregational prayers due *khauf* (fear) and *al-maradh* (sickness). The proposition from the Prophet's hadith asks someone to come out of the mosque and offer prayers at home because they eat onions and have a strong smell. The Hadith can be found in Sahih al-Bukhari in the chapter on garlic (*al-tsum*) and shallots (*al-bashal*), the text of the hadith as follows:

عن جابر بن عبد الله رضي الله عنه أن النبي صلى الله عليه وسلم قال: «من أكل ثومًا أو بصلاً فليعتزلنا أو قال: فليعتزل مسجدنا وليقعد في بيته»<sup>19</sup>

Meaning: Narrated Jabir bin Abdullah ra., bahwasanya Nabi saw. pernah bersabda: "I heard Jabir bin `Abdullah saying, «The Prophet (ﷺ) said, 'Whoever eats (from) this plant (he meant garlic) should keep away from our mosque.» (on other version: leaving the mosque and stay at home)".

15 Muhammad Aziz Hakim Dkk., *Moderasi Islam: Deradikalisasi, Deideologisasi Dan Kontribusi Untuk NKRI*, I (Tulungagung: IAIN Tulungagung Press, 2017)., p. 62.

16 Syatar, Amiruddin, and Rahman, "Darurat Moderasi Beragama Di Tengah Pandemi Corona Virus Desease 2019 (Covid-19)."

17 M. Alvin Nur Choironi, "Fatwa Ulama Al-Azhar: Boleh Hentikan Sementara Shalat Jumat Dan Shalat Jamaah Karena Corona," *Islami.Co*, last modified 2020, accessed on 17 Maret 2020, <https://islami.co/ulama-besar-al-azhar-fatwakan-untuk-hentikan-sembentara-shalat-jumat-dan-shalat-jamaah/>.

18 Dadang Darmawan et al., "Sikap Keberagamaan Masyarakat Menghadapi Wabah COVID-19," *Religious: Jurnal Studi Agama-Agama Dan Lintas Budaya* 4, no. 2 (2020): 115–24.

19 Muhammad bin Ismail Abu Abdillah Al-Bukhari, *Shahih Al-Bukhary*, Juz I (Bairut: Dar al-Thuq al-Najah, n.d.), p. 170.

This hadith indicates that the Prophet once ordered Muslims who had just consumed onions before the time of prayer, then wanted to perform the prayer in congregation in the mosque. The proposition was used as a foothold by *Haiah Kibar al-Ulama al-Azhar* to provide an examination of the global situation faced by Muslims namely corona. The encouragement of permissibility and not Friday prayers and congregational prayers at home is a classic response to the case of 'eating onions' that occurred during the time of the Holy Prophet. because it can interfere with other Muslims.

The cleric *Fatwa* was responded from various parts of the world including Indonesia. The MUI agreed with the *Fatwa* issued by the cleric which allowed Friday prayers to be replaced by lohor prayers and congregational prayers in mosques at home. However, there are some circles in social media (netizens) who negatively judge the *Fatwa* issued by the competent institution. In fact, the *Fatwa* issued has a very strong foothold in the context of fiqh and *Maqashid al-Sharia*. Therefore, if there are scholars who have the opposite view of the *Fatwa*, they still respect the views of different scholars<sup>20</sup>.

#### D. *Fatwa Wasathiyah* Form

Indicators of moderate Islamic law such a flexible, accepts innovation, adaptive to the needs of places and times, and accommodative toward fiqh issues arise in the community. It became the actualization and habituation of the teachings of Islam that rahmatan lil 'alamin. Therefore, *Fatwas* are part of Islamic law that should follow the flow of space and time. *Fatwa* has the values of flexibility as well as moderate content of the material.

The emphasis of a moderate *Fatwa* (wasthan) must have its own characteristics. As such, there are a number of issues that are contained in moderate *Fatwas*, among others:

##### 1. Stay in *Nash* Corridor

*Fatwas* that come from various circles of mufti, both individuals and institutions must have arguments that are not in conflict with the passages (Qur'an and Sunna). The method used by the mufti must be in line with the nas corridor and understanding of the reality of society.

*Fatwas* that contradict the argument from the *nash* automatically cannot be a reference in dealing with community problems such *Fatwas* can break harmony among people who need *Fatwas*. Mufti must be free from excessive fanaticism. Mufti does not merely adopt previous opinions without regard to the existing argument<sup>21</sup>.

---

20 Khozainul Ulum, "Fatwa-Fatwa Majelis Ulama Indonesia (Mui) Dalam Pemikiran Hukum Islam Di Indonesia," *Akademika* 8, no. 2 (2014): 166–79.

21 Umi Kulsum, "Konstelasi Islam Wasathiyah Dan Pancasila Serta Urgensinya Dalam Bernegara Perspektif Maqasid Al-Syari'ah," *Journal of Islamic Civilization* 2, no. 1 (2020): 51–59.

Nash interpretations from various methods are needed in the *Fatwa*. One method is infant. The bayani method is a pattern of legal reasoning that is concerned with linguistic aspects (*lugawiyah*)<sup>22</sup>.

## 2. Tend to achieve greater *maslahah*

Islamic law in the form of moderate *Fatwas* is relevant to the needs of mankind from time to time in accordance with their needs and benefits. Allah SWT. allows us to promote the *Ijtihad* facing the challenges of the dynamics of life with limitations in accordance with the procedures. Muslims in the face of contemporary problems are also given the authority to find solutions, both through religious texts and reasoning in accordance with *maqasid al-syari'ah*<sup>23</sup>.

Maslahat in terms of the *Shari'ah* scholars is the benefit that *Shari'ah* aims at for the servant includes five things, preserving religion, soul, reason, descent and wealth. Benefits are medium of pleasure and medium and reject pain as the cause<sup>24</sup>.

Larger benefits can be used as a consideration for issuing *Fatwas*. There are many propositions of al-Qur'an to prove the truth that religious laws are for the benefit of humans. As the word of Allah Almighty. in QS al-Anbiyâ' / 21 :107:

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

Meaning: We have not sent you, [O Muhammad], except as a mercy to the worlds.<sup>25</sup>

The verse explains that the disconnection of the Apostle become a blessing if the *Shari'a* fulfills the benefit and guarantees human happiness. If it applies otherwise, it becomes a disaster for humans. Thus, Allah Almighty guarantees the happiness of the world and the hereafter and makes the *Shari'a* as the regularity of human benefit.

## 3. Compatible to Reality

Islamic law itself embraces systemic changes to social sphere such as the development of global social space and time. These cultural and social developments are related to the development of human civilization over time. *Fatwa* is included in matters requiring changes in accordance with the times globally.

22 Yudhi Kawangung, "Religious Moderation Discourse in Plurality of Social Harmony in Indonesia," *International Journal of Social Sciences and Humanities* 3, no. 1 (2019): 160–70, <https://doi.org/https://doi.org/10.29332/ijssh.v3n1.277>.

23 Elvan Saputra, "Maslahah as an Islamic Source and Its Application in Financial Transactions," *Journal of Research in Humanities and Social Science* 2, no. 5 (2014): 66–71.

24 Muhammad Ali Rusdi, "Maslahat Sebagai Metode Ijtihad Dan Tujuan Utama Hukum Islam," *DIKTUM: Jurnal Syariah Dan Hukum* 15, no. 2 (2017): 151–68.

25 Kemenag Kementerian Agama, *Alquran Dan Terjemahnya*, 1st ed. (Bandung: J-ART, 2004), p. 332.

*Fatwa* must generate to legal solutions needed by Muslims as a guideline to accommodate the expectations of achieving the desired ideal values. Islamic law in the form of *Fatwas* must live in every generation. The characteristics of Islamic law are able to live on and timeless<sup>26</sup>.

*Fatwa* can be said as an *Ijtihad* to respond to the needs of Muslims. *Fatwa* studies must comply reality and be carried out by competent people. Jurisprudence is realistic which means that it originates from reality and should not be ignored. It is built on the basis of reality and does not depart from silent space. *Fatwa* basically is to provide justification for a social reality in line with the journey of Muslims.

#### 4. Ease Priority.

One characteristic of Islamic law is that it provides convenience. This is in line with QS al-Nisa / 4:28.

يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ وَخُلِقَ الْإِنْسَانُ ضَعِيفًا

Meaning: And Allah wants to lighten for you [your difficulties]; and mankind was created weak.<sup>27</sup>

*Fatwa* is part of Islamic law which should contain elements provide convenience solutions for Muslims, not the other way around, which complicates the community itself. Difficulties that can be used as a legal reference for dispensation and bring relief according to Sharia instructions have real implications in the determination of law and *Fatwa*. Determination of the difficulty criteria is an important thing that cannot be underestimated. The criteria for difficulty is very important to know that the substance is not explained by the *Shari'a*<sup>28</sup>.

#### E. Moderated Fatwa on Covid 19 Corpse

The World Health Organization (WHO) has determined the status of the global Covid-19 pandemic because this dangerous virus has spread to most parts of the world. The number of infected and dying continues to increase but an effective treatment vaccine has not been found until now. Large crowds have been restricted or even stopped to avoid the process of transmission, such as schools, colleges, entertainment venues, conferences, including religious activities such as Friday prayers.<sup>29</sup> In fact, what's interesting is that there is a prohibition on gathering to

---

26 Achmad Yusuf, "Moderasi Islam Dalam Dimensi Trilogi Islam (Akidah, Syariah, Dan Tasawuf)," *AL MURABBI* 3, no. 2 (2018): 203–16.

27 Kemenag Kementerian Agama, *Alquran Dan Terjemahnya*. p.

28 Arif Fikri, "FLEKSIBILITAS HUKUM ISLAM DALAM PERUBAHAN SOSIAL," *ASAS* 11, no. 2 (2019): 147–57.

29 Eman Supriatna, "Wabah Corona Virus Disease (Covid 19) Dalam Pandangan Islam," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 7, no. 6 (2020), <https://doi.org/10.15408/sjsbs.v7i6.15247>. 558



take care of bodies exposed to Covid-19. As a result of this ban, of course, caused a polemic for Muslims who were worried that their family members would die from Covid-19 so that they could not carry out their obligations to take care of the body.

Muslims have the right to health which is a basic right that has been recognized and protected by the constitution. The government or related parties such as the MUI and other religious organizations are required to be fully responsible for guaranteeing and protecting the safety of the entire community from covid-19.<sup>30</sup> In fact, the government predicts influenza will infect the whole world, including Indonesia.<sup>31</sup> The polemic requires a fatwa product that is in accordance with the needs of Muslims in the form of a moderate fatwa. When this Covid-19 patient died, the virus was still dangerous and could be transmitted to people who had contact with the body.

MUI fatwa product Number 18 of 2020 concerning Guidelines for the Management of the Body (Tajhiz al-Janaiz) of Muslims Infected with Covid-19 on March 27, 2020. MUI revealed that Muslims who died because of Covid-19 were included as martyrs in the hereafter provided that the right to the body must be fulfilled such as, be bathed, dipped, put on and buried in compliance with established health protocols.<sup>32</sup> The philosophy of the fatwa reinforces the understanding that Covid-19 is a very dangerous disease. The provisions of the obligations for bodies exposed to Covid-19 apart from being based on religious instructions, are also carried out in accordance with medical protocols. For example, bathing, dipping, altar and burying are carried out by Muslim medical officers in accordance with religious and medical provisions.

Furthermore, MUI is of the view that Muslims who have died due to the COVID-19 outbreak in a religious view are included in the category of martyrs in the hereafter and must fulfill the rights of their bodies, namely to be bathed, dipped, and buried, whose implementation is obliged to maintain the safety of officers by complying with the provisions medical protocol provisions.<sup>33</sup> MUI's moderate attitude is marked by advising Muslims when burying the body of Covid-19 not

---

30 Siti Nurhalimah, "Covid-19 Dan Hak Masyarakat Atas Kesehatan," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 7, no. 6 (2020), <https://doi.org/10.15408/sjsbs.v7i6.15324>. 552.

31 Kementerian Kesehatan RI, "Keputusan Menteri Kesehatan Republik Indonesia Nomor 300/Menkes/Sk/IV/2009" (Jakarta: Kemenkes, 2009), 4.

32 Majelis Ulama Indonesia, "FATWA MAJELIS ULAMA INDONESIA Nomor: 18 Tahun 2020 Tentang PEDOMAN PENGURUSAN JENAZAH (TAJHIZ AL-JANA'IZ) MUSLIM YANG TERINFEKSI COVID-19" (mui.or.id, 2020), <https://mui.or.id/produk/fatwa/27752/fatwa-no-18-tahun-2020-pedoman-pengurusan-jenazah-tajhiz-al-janaiz-muslim-yang-terinfeksi-covid-19/>.

33 Majelis Ulama Indonesia. 9

to attend. Guidelines for burying bodies exposed to COVID-19 are carried out in accordance with religious provisions and medical protocols and are carried out by inserting the body along with the chest into the grave without having to open the chest, plastic and shroud.

Muhammadiyah as a social organization (ormas) issued a fatwa by making the covid-19 outbreak one of the calamities that included a test from Allah so that Muslims must face it with patience, trust and effort. Muslims who because of Covid-19 died who previously have tried with full faith to prevent and or treat it, then get a reward like the reward of a martyr.<sup>34</sup> That, according to the hadith at the time of the Prophet. there was an epidemic of infectious diseases (al-tha'un). Muhammadiyah's attitude provides a moderate understanding for Muslims to make full efforts to prevent Covid-19. In fact, it can be worth worshipping and imposing a will that deliberately carries the risk of covid-19 transmission is considered a form of tyranny.

The Nahdlatul Ulama (NU) mass organization stated that it is mandatory for all Indonesian people, especially Muslims, to follow health protocols as long as Covid-19 is still endemic. NU argues that if you do not follow health protocols, you will harm yourself and others. This clearly contradicts the Word of God Almighty. and the hadith of the Prophet Muhammad.<sup>35</sup> PBNU releases fiqh guidelines on organizing corpses. The fatwa products include:

1. Whereas Covid-19 is an epidemic (tha'un), therefore people who die as a result of Covid-19 have their status as martyrs. Because the position of martyrdom is not only obtained by those who die on the battlefield. Those who die because of the plague (tha'un) can also gain positions of shahada.
2. The bodies of Muslim Covid-19 patients have the same position and treatment as those of Muslims in general, namely that they must be bathed, diphani, and buried.
3. How to bathe the bodies of Covid-19 patients using equipment that can prevent transmission of the disease. Bathing is carried out by a professional or health worker who must protect himself and ensure his safety (using protective clothing, gloves, masks, and personal disinfection) so as not to catch the virus from the

---

34 Pimpinan Pusat Muhammadiyah, "Edaran Pimpinan Pusat Muhammadiyah Nomor 02/ Edr/I.0/ E/2020 Tentang Tuntunan Ibadah Dalam Kondisi Darurat Covid-19" (muhammadiyah.or.id, 2020). 2.

35 Abdurrahman Ahdhori, "PBNU: Wajib Hukumnya Mengikuti Protokol Kesehatan Selama Ada Covid-19," *NU Online*, July 10, 2020, <https://www.nu.or.id/post/read/121420/pbnu--wajib-hukumnya-mengikuti-protokol-kesehatan-selama-ada-covid-19>.

body. After being washed, the bodies of Covid-19 patients are wrapped in a shroud and then wrapped in a kind of plastic so they are not easily contaminated.

4. For protocols or extra technical, extra covering of the bodies of Covid-19 patients and their burials must follow the directions of medical experts.<sup>36</sup>

Even more interesting, the PB NU explained that the bodies of Covid-19 patients were washed as much as possible even though they were only splashed with water without rubbing, like the obligation to bathe the bodies in general. However, if there are other considerations that are not possible, the baths of Covid-19 patients can be replaced with tayamum.<sup>37</sup> PB NU provides an alternative to tayamum as a dispensation (*rukhsah*) for bathing the bodies of Covid-19 patients if medical considerations or the condition of the body does not allow the patient to be bathed. This consideration is a moderate fatwa in the midst of the Muslim need for a solution to various difficult conditions at this time.

The provisions of various fatwa products related to organizing the bodies of Covid-19 patients provide a target for Muslims who are in good health to prioritize the safety of themselves and Muslims (*hifzh al-nafs*) widely. The efforts of the fatwa product are to provide a median attitude to Muslims to suppress the spread of covid-19 by regulating all religious activities of the people, one of which is related to the management of bodies. The fatwa products are also in line with government instructions so that religious people do not gather for too long and maintain the cleanliness of the environment around them.

## F. Conclusion

The problems faced by Muslims every time must have a legal solution. Legal solutions can be given in the form of *Fatwas* from the mufti, both individuals and institutions. Moderate *Fatwa* absorption which seeks to balance all aspects by taking non-loose and non-loose paths. Such a style of *Fatwa* can be seen from the results of the *Fatwa* that came out which at least remained in the corridor of the *Shari'a*, the consideration of greater benefit, was in line with the reality of the needs of Muslims and provided convenience that was felt equally. *Fatwa* must be a barometer controlling changes in social reality for Muslims. Every new legal issue that arises is responded quickly and precisely. However, what needs to be considered is the method used in exploring the laws related to contemporary problems according

---

<sup>36</sup> Fiqih Pemulasaraan and Jenazah Pasien, "Hasil Bahtsul Masail Lembaga Bahtsul Masail PBNU Tentang Fiqih Pemulasaraan Jenazah Pasien Covid-19" (nu online, 2020). 2-6

<sup>37</sup> LBM PBNU, "Saat Kritis, Pemandian Jenazah Pasien Covid-19 Diganti Tayamum," *NU Online*, March 23, 2020, <https://www.nu.or.id/post/read/118117/lbm-pbnu-saat-kritis-pemandian-jenazah-pasien-covid-19-diganti-tayamum>.

to the *Fatwa* procedure and all its consequences. The study of the absorption of moderate *Fatwas* is something that should get attention, both among laity and competent mufti. Mufti is demanded to give *Fatwa* that can be accepted by Muslims, but does not neglect religious texts originating from Allah. and the Messenger of Allah. Mufti must adopt policies regarding the problems faced by Muslims today. The moderate *Fatwa* aims to prevent Muslims from carrying out legal burdens arbitrarily and in accordance with their passions

## References

- Ahdhori, Abdurrahman. "PBNU: Wajib Hukumnya Mengikuti Protokol Kesehatan Selama Ada Covid-19." *NU Online*. July 10, 2020. <https://www.nu.or.id/post/read/121420/pbnu--wajib-hukumnya-mengikuti-protokol-kesehatan-selama-ada-covid-19>.
- Al-Bukhari, Muhammad bin Ismail Abu Abdillah. *Shahih Al-Bukhary*. I. Bairut: Dar al-Thuq al-Najah, n.d.
- Al-Manzur, Ibn. *Lisan Al-Arab*. Bairut: Dar al-Sadir, n.d.
- Amin, Rauf. "Prinsip Dan Fenomena Moderasi Islam Dalam Tradisihukum Islam." *Al-Qalam* 20, no. 3 (2014): 23. <https://doi.org/10.31969/alq.v20i3.339>.
- Amiruddin, Muhammad Majdy. "IMPOSISI FATWA TERHADAP REGULASI PERBANKAN SYARIAH." *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum* 12, no. 1 (2018): 49–78.
- Choironi, M. Alvin Nur. "Fatwa Ulama Al-Azhar: Boleh Hentikan Sementara Shalat Jumat Dan Shalat Jamaah Karena Corona." *islami.co*, 2020. <https://islami.co/ulama-besar-al-azhar-fatwakan-untuk-hentikan-mentara-shalat-jumat-dan-shalat-jamaah/>.
- Darmawan, Dadang, Deni Miharja, Roro Sri Rejeki Waluyajati, and Erni Isnaeniah. "Sikap Keberagaman Masyarakat Menghadapi Wabah COVID-19." *Religious: Jurnal Studi Agama-Agama Dan Lintas Budaya* 4, no. 2 (2020): 115–24.
- Dkk., Muhammad Aziz Hakim. *Moderasi Islam: Deradikalisasi, Deideologisasi Dan Kontribusi Untuk NKRI*. I. Tulungagung: IAIN Tulungagung Press, 2017.
- Fikri, Arif. "FLEKSIBILITAS HUKUM ISLAM DALAM PERUBAHAN SOSIAL." *ASAS* 11, no. 2 (2019): 147–57.

- Ghazali, Abdul Muqstith dkk. *Moderatisme Fatwa; Diskursus, Teori Dan Praktik*. Edited by Syafiq Hasyim dan Fahmi Syahirul Alim. I. Tangerang: International Center for Islam and Pluralism (ICIP), 2018.
- Ismail, Sya'ban Muhammad. *Usul Al-Fiqh Al-Muyassar*. Bairut: Dar Ibn Hazm, 2008.
- Kawangung, Yudhi. "Religious Moderation Discourse in Plurality of Social Harmony in Indonesia." *International Journal of Social Sciences and Humanities* 3, no. 1 (2019): 160–70. <https://doi.org/https://doi.org/10.29332/ijssh.v3n1.277>.
- Kementerian Agama. *Alquran Dan Terjemahnya*. 1st ed. Bandung: J-ART, 2004.
- Kementerian Agama RI. *Al-Qur'an Dan Terjemahnya*. Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an Badan Litbang dan Diklat Kementerian Agama RI, 2019. <https://doi.org/10.16309/j.cnki.issn.1007-1776.2003.03.004>.
- . *Moderasi Beragama*. I. Jakarta: Badan Litbang dan Diklat Kementerian Agama RI, 2019.
- Kementerian Kesehatan RI. "Keputusan Menteri Kesehatan Republik Indonesia Nomor 300/Menkes/Sk/IV/2009." 2009. ???
- Kementerian Pendidikan dan Kebudayaan RI. *Kamus Besar Bahasa Indonesia*. Jakarta: Pusat Bahasa, 2008.
- Kulsum, Umi. "Konstelasi Islam Wasathiyah Dan Pancasila Serta Urgensinya Dalam Bernegara Perspektif Maqasid Al-Syari'ah." *Journal of Islamic Civilization* 2, no. 1 (2020): 51–59.
- Majelis Ulama Indonesia. "FATWA MAJELIS ULAMA INDONESIA Nomor: 18 Tahun 2020 Tentang PEDOMAN PENGURUSAN JENAZAH (TAJHIZ AL-JANA'IZ) MUSLIM YANG TERINFEKSI COVID-19." 2020. <https://mui.or.id/produk/fatwa/27752/fatwa-no-18-tahun-2020-pedoman-pengurusan-jenazah-tajhiz-al-janaiz-muslim-yang-terinfeksi-covid-19/>.
- Manan, Abdul. *Pembaruan Hukum Islam Di Indonesia*. 1st ed. Depok: Kencana, 2017.
- Mayyadah. *Kaidah Fleksibilitas Fatwa (Studi Terhadap Fatwa Ulama-Ulama Kontemporer)*. Makassar, 2013.
- Nurhalimah, Siti. "Covid-19 Dan Hak Masyarakat Atas Kesehatan." *SALAM: Jurnal Sosial Dan Budaya Syar-I* 7, no. 6 (2020). <https://doi.org/10.15408/sjsbs.v7i6.15324>.

- PBNU, LBM. "Saat Kritis, Pemandian Jenazah Pasien Covid-19 Diganti Tayamum." *NU Online*. March 23, 2020. <https://www.nu.or.id/post/read/118117/lbm-pbnu--saat-kritis--pemandian-jenazah-pasien-covid-19-diganti-tayamum>.
- Pemulasaraan, Fiqih, and Jenazah Pasien. "Hasil Bahtsul Masail Lembaga Bahtsul Masail PBNU Tentang Fiqih Pemulasaraan Jenazah Pasien Covid-19." 2020.
- Pimpinan Pusat Muhammadiyah. "Edaran Pimpinan Pusat Muhammadiyah Nomor 02/ Edr/I.0/E/2020 Tentang Tuntunan Ibadah Dalam Kondisi Darurat Covid-19." 2020.
- Rusdi, Muhammad Ali. "Maslahat Sebagai Metode Ijtihad Dan Tujuan Utama Hukum Islam." *DIKTUM: Jurnal Syariah Dan Hukum* 15, no. 2 (2017): 151–68.
- Saputra, Elvan. "Maslahah as an Islamic Source and Its Application in Financial Transactions." *Journal of Research in Humanities and Social Science* 2, no. 5 (2014): 66–71.
- Supriatna, Eman. "Wabah Corona Virus Disease (Covid 19) Dalam Pandangan Islam." *SALAM: Jurnal Sosial Dan Budaya Syar-I* 7, no. 6 (2020). <https://doi.org/10.15408/sjsbs.v7i6.15247>.
- Syatar, Abdul Syatar Abdul, Muhammad Majdy Amiruddin, and Arif Rahman. "Darurat Moderasi Beragama Di Tengah Pandemi Corona Virus Desease 2019 (Covid-19)." *KURIOSITAS: Media Komunikasi Sosial Dan Keagamaan* 13, no. 1 (2020): 1–13.
- Syuhadak, Faridatus. "Urgensi Fatwa Dalam Perkembangan Hukum Islam." *De Jure: Jurnal Hukum Dan Syar'iah* 5, no. 2 (2013).
- Ulum, Khozainul. "Fatwa-Fatwa Majelis Ulama Indonesia (Mui) Dalam Pemikiran Hukum Islam Di Indonesia." *Akademika* 8, no. 2 (2014): 166–79.
- Yusuf, Achmad. "Moderasi Islam Dalam Dimensi Trilogi Islam (Akidah, Syariah, Dan Tasawuf)." *AL MURABBI* 3, no. 2 (2018): 203–16.