

The Legal Legitimacy of the East Java Indonesian Ulema Council (MUI) Fatwas on COVID-19 in the Regulation of Religious Practices During the COVID-19 Pandemic

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Article	Abstract
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fatwa tersebut. Penelitian ini merupakan penelitian kualitatif dengan pendekatan deskriptif kualitatif yang menggunakan data berupa dokumen fatwa, literatur ilmiah, dan peraturan yang relevan. Hasil penelitian menunjukkan bahwa MUI Provinsi Jawa Timur mengeluarkan lima fatwa utama yang mengatur mengenai penggunaan vaksin AstraZeneca, pelaksanaan tes Covid-19 saat berpuasa, penyelenggaraan pembelajaran tatap muka, pelaksanaan shalat Jumat dua gelombang, serta tata cara pemulasaran jenazah Muslim yang terpapar Covid-19. Penetapan fatwa dilakukan melalui pendekatan qauli dan manhaji dengan mempertimbangkan prinsip masalah mursalah, maqashid syariah, serta kondisi faktual yang berkembang di masyarakat. Fatwa-fatwa tersebut menitikberatkan pada perlindungan jiwa (hifz al-nafs), pencegahan mudarat, dan pencapaian kemaslahatan umum, sehingga mampu memberikan kepastian hukum keagamaan yang adaptif, kontekstual, dan responsif dalam menghadapi krisis kesehatan global serta memperkuat fungsi fatwa sebagai instrumen hukum Islam dalam menjawab persoalan kontemporer.

Kata Kunci: *Pandemi Covid-19; Fatwa; Majelis Ulama Indonesia (MUI); Hukum Islam; Masalah Mursalah.*

Introduction

The advancement of civilization and industrial development has brought numerous conveniences to global society. These global developments have also influenced the implementation of Islamic legal policies within Muslim communities. Islamic law is derived from four primary sources: the Qur'an, Hadith, Ijma' (consensus), and Qiyas (analogical reasoning). The process of Islamic legal reasoning is often aligned with the fundamental principles of Islamic jurisprudence (fiqh), which is inherently flexible and capable of adapting to the realities of changing times.

Approximately two years ago, in 2020, the world was struck by the COVID-19 pandemic, which affected nearly every country across the globe. Consequently, governments were compelled to implement various mitigation measures to prevent the spread of the virus. In responding to, preventing, and managing the pandemic, each country adopted different policies according to its respective political, economic, and social conditions.¹

The President of the Republic of Indonesia, Joko Widodo, officially declared COVID-19 a National Disaster (Non-Natural Disaster), signifying that national policies should prioritize public health over other interests. Subsequently, the Indonesian government issued Government Regulation (PP) No. 21 of 2020 concerning Large-Scale Social Restrictions (Pembatasan Sosial Berskala Besar/PSBB). This policy reflected the implementation of physical distancing measures, which served as an alternative strategy before vaccines became available.²

During the COVID-19 pandemic, the government introduced various policies affecting multiple sectors. In education, teaching and learning activities were shifted from conventional classroom settings to online learning. Within government institutions, employees were instructed to work from home (WFH). In the tourism sector, numerous tourist destinations were temporarily closed to prevent mass gatherings that could accelerate virus transmission.

¹ Yenti Sumarni, 2020, "Pandemi Covid-19: Tantangan Ekonomi dan Bisnis", *Al-Intaj: Jurnal Ekonomi dan Perbankan Syariah*, Vol. 6, No.2, hal: 47-49.

² Faried F. Saenong, dkk, *Fikih Pandemi Beribadah Di Masa Wabah*, (Jakarta: Percetakan Gaya Media Pratama, 2020), hal: 6.

Likewise, in the religious sector, the government urged religious communities to conduct congregational worship at home rather than in public places of worship.³

Implementing restrictions on public activities in a country whose population is predominantly Muslim posed significant challenges. From a religious perspective, such policies required substantial modifications to long-established religious rituals and practices. This situation affected not only Muslims but also followers of other religions. Communal worship, which had traditionally been performed collectively in public places of worship, had to be relocated to private homes. Consequently, these policies generated social tensions between conservative Muslims, who tended to adhere strictly to religious texts, and more moderate Muslims, who were generally more receptive to contextual interpretations in response to social changes.⁴

The rapid social changes brought about by the pandemic also exposed the lack of integration between religious understanding and scientific knowledge. As a result, some members of society interpreted the COVID-19 pandemic arbitrarily without relying on valid scientific evidence. This uncertainty contributed to the widespread circulation of misinformation and false news, leading many people to believe inaccurate claims regarding the pandemic. Recognizing that Muslims required authoritative religious guidance, the Indonesian Ulema Council (Majelis Ulama Indonesia/MUI) issued a number of fatwas addressing various religious issues arising during the COVID-19 pandemic.⁵

The Indonesian Ulema Council (MUI) is an institution comprising Muslim scholars (ulama) and intellectuals from across Indonesia. Its primary responsibilities include providing guidance, direction, and protection to the Muslim community while formulating religious legal opinions (fatwas) that uphold the objectives of Islamic law (maqāṣid al-sharī'ah).

Faced with the unprecedented social changes caused by the COVID-19 pandemic, which affected the educational, political, economic, social, and religious sectors, MUI recognized its responsibility to serve the Muslim community (khādim al-ummah). Beyond providing moral and spiritual support, MUI fulfilled its institutional obligation by issuing religious fatwas designed to assist society in mitigating the spread of COVID-19, which had claimed millions of lives worldwide.

Although the COVID-19 pandemic had never occurred during the lifetime of the Prophet Muhammad (peace be upon him), MUI addressed this unprecedented situation by applying analogical reasoning (qiyas) based on prophetic traditions concerning contagious diseases. This demonstrates that Islamic jurisprudence possesses the flexibility to adapt to contemporary issues. While COVID-19 itself did not exist during the Prophet's era, a well-known epidemic referred to as ṭā'ūn (plague) was recorded in Islamic history. Historical accounts indicate that this disease claimed thousands of lives within a relatively short period. Several hadiths concerning contagious diseases include: The Prophet (peace be upon him)

³ Muhammad Fikri Haekal, dkk, 2020, "Efektifitas Penetapan PSBB dalam Menurunkan Perilaku Konsumtif Masyarakat Pada Masa Covid-19", Jurnal Talenta Psikologi, Vol. XV, No. 2, hal: 155.

⁴ Ayi Yunus Rusyana, dkk, "*Fatwa Penyelenggara Ibadah Di Saat Pandemi Covid-19 di Indonesia dan Mesir*", (Digital Library UIN Sunan Gunung Djati), hal: 4

⁵ Faiq Tobroni, 2020, "Pembatasan Kegiatan Keagamaan dalam Penanganan Covid-19", Jurnal Komunikasi Hukum (JKH), Vol. 6, No. 2, hal: 373.

said: "The sick should not be brought together with the healthy." (Narrated by al-Bukhari and Muslim from Abu Hurairah).⁶

Another hadith narrated by al-Bukhari states: "If you hear of an outbreak of plague in a land, do not enter it. But if it occurs in the land where you are, do not leave that land." (Narrated by al-Bukhari).⁷

Based on these prophetic traditions, during the early stages of the pandemic, MUI conducted extensive deliberations before issuing Fatwa No. 14 of 2020 concerning the Implementation of Religious Worship during the COVID-19 Outbreak. Among its provisions, the fatwa temporarily suspended Friday prayers and daily congregational prayers in areas categorized as high-risk (red zones), instructing Muslims to perform these prayers at home. This fatwa received positive responses from major Islamic organizations, including Nahdlatul Ulama (NU), Muhammadiyah, religious leaders, and various Islamic institutions. The COVID-19 pandemic in Indonesia lasted approximately two years, from 2020 to 2022. During this period, numerous fatwas were issued by MUI, particularly by the East Java Provincial MUI, in response to the social transformations caused by the pandemic.⁸

Therefore, this study aims to examine several fatwas issued by the East Java Provincial Indonesian Ulema Council during the COVID-19 pandemic. Furthermore, this research seeks to analyze the legal reasoning and methodological approaches employed by the East Java Provincial MUI in formulating these pandemic-related fatwas.

The findings of this study are expected to provide valuable insights for the Muslim community, particularly among conservative groups who tend to rely exclusively on textual interpretations without adequately considering contextual circumstances. Such an understanding is essential because the successful implementation of COVID-19 mitigation measures was often hindered by segments of society who were reluctant to comply with both government policies and MUI fatwas during the pandemic.⁹ Based on the foregoing background, this study addresses the following research questions. First, what were the characteristics and substance of the fatwas issued by the East Java Provincial MUI concerning the COVID-19 pandemic? Second, what methods of Islamic legal reasoning were employed by the East Java Provincial MUI in formulating these COVID-19-related fatwas?

Research Method

This study employs a qualitative research design, in which the findings are not derived from statistical analysis or quantitative measurement.¹⁰ As a qualitative study, the research presents descriptive data in the form of written words obtained from individuals who serve as the research informants. The primary data collection methods used in this study are interviews and observations.¹¹

⁶ Sahih al-Bukhari, Kitab al-Ṭibb, Hadith No. 5771; Sahih Muslim, Kitab al-Salam, Hadith No. 2221.

⁷ Sahih al-Bukhari, Kitab al-Ṭibb, Hadith No. 5728.

⁸ MUI issued Fatwa No. 14 of 2020 concerning the Implementation of Religious Worship during the COVID-19 Outbreak.

⁹ Edi Kurniawan, Alhusni, dan Syed Arif Asyraf Hamzah, "Worship During the COVID-19 Outbreak: Analysis of the Fatwa of the Indonesian Ulema Council Number 14 of 2020 Based on the Theory of Maqāṣid al-Sharī'ah al-Shāṭibī," *Jurnal Fiqh* 19, no. 1 (2022).

¹⁰ F. Wiratna Sujarweni, *Metodologi penelitian* (Yogyakarta: Pustakabaru Press, 2011), 19.

¹¹ Hamidi, *Penelitian Kualitatif* (Malang: Universitas Muhammadiyah Malang, 2005), 14.

Furthermore, this study adopts a descriptive qualitative approach, which aims to examine phenomena experienced by the research subjects, including their motivations, actions, behaviors, perceptions, and other related aspects. The findings are analyzed and presented descriptively within their specific context using various naturalistic methods.¹² Accordingly, the research data are reported in their natural setting, with the researcher describing events and occurrences as they exist in the field without transforming them into numerical data or symbolic representations.

Results and Discussion

Fatwas Issued by the East Java Provincial Indonesian Ulema Council (MUI) Regarding the COVID-19 Pandemic

In 2019, the world was confronted with the outbreak of the coronavirus disease, commonly known as COVID-19 (Coronavirus Disease 2019). The pandemic brought about profound changes to the social order across the globe, significantly influencing government policies and public life. These changes were driven by the rapid spread of the virus, which resulted in increasing mortality rates and widespread public anxiety.¹³

To curb the transmission of COVID-19, the Indonesian government implemented the Community Activity Restrictions (Pemberlakuan Pembatasan Kegiatan Masyarakat/PPKM) policy, which limited public gatherings, face-to-face interactions, and activities involving large crowds, while mandating the use of face masks and hand sanitizers. However, pandemic management was not limited to preventing transmission; it also focused on providing medical treatment for COVID-19 patients. In response to these circumstances, various institutions contributed to public guidance, including the Indonesian Ulema Council (Majelis Ulama Indonesia/MUI), which issued a number of fatwas concerning religious practices, such as the legal status of Friday prayers, the management of Muslim corpses, and other religious issues arising from the pandemic.¹⁴

Given the extensive organizational network of the Indonesian Ulema Council, regional MUI branches also issued fatwas concerning the COVID-19 pandemic in response to public inquiries regarding legal uncertainties in both social and public health matters. In this regard, the East Java Provincial MUI issued several fatwas to provide legal guidance for the Muslim community.

- a) East Java Provincial MUI Fatwa No. 1 of 2021 on the Legal Status of the AstraZeneca COVID-19 Vaccine

The Fatwa Commission of the East Java Provincial MUI issued a fatwa concerning the use of the AstraZeneca COVID-19 vaccine against the backdrop of the global health emergency and the urgent need for mass vaccination. The limited supply of the Sinovac vaccine, which could satisfy only part of the national demand, prompted the Indonesian

¹² Tohirin, *Metode penelitian Kualitatif dalam Pendidikan dan Bimbingan Konseling*, (Jakarta: PT Raja Grafindo Persada, 2012), 3.

¹³ Abdul Mutakabbir dan Rukman Abdul Rahman Said, 2021, "Dinamisasi Hukum Islam, Analisis Fatwa MUI Masa Pandemi Covid-19", *Palita: Journal of Social Religion Research*, Oktober-2021, Vol.6, No.2, hal: 172.

¹⁴ Dian Herdiana, 2021, "Aplikasi Peduli Lindungi: Perlindungan Masyarakat dalam Mengakses Fasilitas Publik di Masa Pemberlakuan Kebijakan PPKM", *Jurnal Inovasi Penelitian*, Nopember, Vol. 2, No. 6, hal: 1687.

government to cooperate with AstraZeneca to overcome the vaccine shortage. Nevertheless, public concerns emerged regarding the halal status of the AstraZeneca vaccine due to reports that porcine-derived trypsin had been used during its production process. These concerns intensified following the issuance of MUI Fatwa No. 14 of 2021, making it necessary to provide legal clarification in order to ensure public certainty and confidence.¹⁵

The East Java Provincial MUI initially determined that the AstraZeneca vaccine was haram (prohibited) because its production process involved porcine-derived trypsin. However, its use was deemed permissible (mubah) under conditions of shar'i necessity (darurah syar'iyah), considering the urgent public health need and expert testimony concerning the serious risks of delaying vaccination. At the same time, the government remained obligated to ensure the availability of halal and pure vaccines. Since the AstraZeneca vaccination program was scheduled to commence in East Java in March 2021, public concern regarding its legal status also became the subject of discussion in Bahtsul Masail forums within Islamic boarding schools (pesantren).¹⁶

The controversy surrounding the AstraZeneca vaccine encouraged Muslim scholars and pesantren clerics to deliberate the issue within the Bahtsul Masail LBM Nahdlatul Ulama (NU) forum, resulting in LBM PBNU Decision No. 01 of 2021. The decision concluded that the AstraZeneca vaccine was halal and pure (suci), making it permissible for use under both normal and emergency circumstances.¹⁷

In addressing public concerns, the Fatwa Commission of the East Java Provincial MUI based its ruling on the Qur'an, the Sunnah of the Prophet Muhammad (peace be upon him), Islamic legal maxims (qawā'id fiqhiyyah), classical juristic opinions contained in traditional Islamic texts (kitab kuning), expert opinions, and previous fatwas. Qur'anic verses such as Qur'an 4:71, 2:195, and 4:59 emphasize the obligation to protect oneself from harm and to obey legitimate authority, principles highly relevant during a public health crisis. Likewise, prophetic traditions prohibiting harm, encouraging medical treatment, and affirming that every disease has a remedy, together with legal maxims requiring the elimination and prevention of harm and emphasizing that government policies should pursue public welfare (maslahah), formed the basis of the legal determination.

The Commission also referred to the opinions of prominent jurists, including Tafsir Marah al-Labib, which emphasizes vigilance against danger through medical treatment and epidemic prevention, and Fatawa al-Azhar by Shaykh Hasanain Makhluḥ, which asserts that preventing destruction of life is a religious obligation. Scientific opinions, including those of Dr. Alucia Artarini from the Bandung Institute of Technology (ITB), argued that the porcine-derived trypsin used during production had undergone istihalah (substantial chemical transformation), rendering it pure and no longer impure according to Islamic law. Based on

¹⁵ Fatwa Majelis Ulama Indonesia tentang Penggunaan Vaksin Covid-19 Astrazeneca, <https://mui.or.id/wp-content/uploads/2021/03/Fatwa-MUI-No-14-Tahun-2021-tentang-Hukum-Penggunaan-Vaksin-Covid-19-Produk-AstraZeneca-compressed.pdf>, diakses pada tanggal 28 Mei 2023

¹⁶ Konik Naimah dan Dwi Runjani Juwita, 2021, "Urgensi Pesantren dalam Penggunaan Vaksin Astrazeneca di Masa Pandemi Covid-19", dalam Jurnal Ilmiah Ahwal Syahsiyah (JAS), Vol. 3, No. 1, hal: 45

¹⁷ Alhafiz Kurniawan, "Hukum Penggunaan Vaksin Covid-19 Astrazeneca", <https://www.nu.or.id/nasional/pbnu-keluarkan-fatwa-terkait-kehalalan-vaksin-astrazeneca-TfTvo>, diakses pada tanggal 28 Mei 2023.

these considerations, the East Java Provincial MUI ultimately concluded that the AstraZeneca vaccine was halal, not merely permissible due to emergency circumstances, but because its transformed status rendered it ritually pure. The fatwa was intended to provide legal certainty for the public while supporting the government's vaccination program.

b) East Java Provincial MUI Fatwa No. 2 of 2021 on the Legal Status of Rapid Tests, GeNose Tests, and Swab Tests During Fasting

The COVID-19 pandemic required society to adapt to various public health policies, including mandatory virus testing as an effort to reduce transmission, particularly for individuals engaging in activities outside the home or accessing public facilities. This raised legal questions regarding the permissibility of undergoing COVID-19 testing while fasting during Ramadan. Consequently, the Fatwa Commission of the East Java Provincial MUI issued a fatwa based on the Qur'an, the Sunnah, Islamic legal maxims, scholarly opinions, and expert medical testimony.¹⁸

Verses such as Qur'an 2:183–187 establish the obligation and limits of fasting while emphasizing the principle of ease (taysir), whereas Qur'an 2:195 and 4:59 underscore the duty to protect oneself from harm and obey lawful authority. Relevant prophetic traditions include the prohibition against harming oneself or others, the permissibility of otherwise prohibited acts under necessity, and analogies demonstrating that medical procedures such as applying kohl or undergoing cupping do not invalidate fasting.¹⁹ These served as important legal foundations for evaluating COVID-19 testing during Ramadan.

The Commission concluded that COVID-19 testing while fasting is permissible based on Islamic legal principles requiring the elimination of harm and promoting ease. Classical jurists also maintain that substances which do not enter the body through an open bodily cavity or remain inside the body do not invalidate fasting.²⁰ Medical experts explained that a Rapid Test involves drawing blood, a Swab Test collects samples from the nasopharynx, and a GeNose Test analyzes exhaled breath. Since none of these procedures constitutes an act that invalidates fasting, all three methods were declared permissible and non-invalidating. Nevertheless, the fatwa recommended that Rapid Tests and GeNose Tests be conducted during daytime for screening purposes, whereas Swab Tests should preferably be performed at night whenever feasible.²¹ This fatwa aimed to provide legal certainty, strengthen public confidence, and support efforts to prevent the spread of COVID-19.

c) East Java Provincial MUI Fatwa No. 4 of 2021 on Face-to-Face Schooling During the COVID-19 Pandemic

In 2021, the COVID-19 pandemic remained unresolved, with a sharp increase in infections following the emergence of the more contagious Delta variant.²² These

¹⁸ Majelis Ulama Indonesia Provinsi Jawa Timur, *Fatwa Nomor 1 Tahun 2021 tentang Hukum Rapid Test, Swab Test, dan GeNose Test Saat Berpuasa*, (Surabaya: Komisi Fatwa MUI Provinsi Jawa Timur, 2021), 1–10.

¹⁹ Ibn Mājah, *Sunan Ibn Mājah*, Kitāb al-Aḥkām, no. 2341; Abū Dāwūd, *Sunan Abī Dāwūd*, Kitāb al-Ṣawm, no. 2380; al-Tirmidhī, *Jāmi' al-Tirmidhī*, Kitāb al-Ṣawm, no. 725.

²⁰ Wahbah al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adillatuhu*, vol. 3 (Damascus: Dār al-Fikr, 1985), 1717–1723.

²¹ Majelis Ulama Indonesia Provinsi Jawa Timur, *Fatwa Nomor 1 Tahun 2021 tentang Hukum Rapid Test, Swab Test, dan GeNose Test Saat Berpuasa*, (Surabaya: Komisi Fatwa MUI Provinsi Jawa Timur, 2021), 1–10.

²² World Health Organization, Coronavirus Disease (COVID-19): Weekly Epidemiological Update No. 46, 29

developments required serious efforts to suppress transmission, including careful consideration of face-to-face learning policies, which generated considerable debate due to the limitations of online education and the risks associated with in-person instruction.²³

In response, the Fatwa Commission of the East Java Provincial MUI issued a fatwa grounded in the Qur'an, the Sunnah, Islamic legal maxims, and the opinions of Muslim scholars. These sources emphasize the obligation to safeguard life, prevent the spread of disease, and comply with government policies enacted for the public good.²⁴ The fatwa also relied on the views of scholars such as Shaykh Nawawi al-Bantani²⁵, Shaykh Hasanain Makhluḥ²⁶, and Imam al-Ghazali²⁷, all of whom stressed the importance of protecting human life and promoting the common good. Accordingly, educational policies during the pandemic were required to prioritize public safety and welfare.²⁸

Based on epidemiological and educational analyses, the Commission noted the dramatic increase in COVID-19 cases during June 2021, the Delta variant's transmission rate being approximately eight times faster than previous strains, and the limited vaccination coverage at that time. Online learning also faced numerous obstacles, including unequal internet access, reduced teacher-student interaction, shortened instructional time, and ineffective practical learning.²⁹ Consequently, the fatwa stipulated that where COVID-19 transmission remained uncontrolled, learning should continue online in order to protect students' lives and health. Schools located in green and yellow zones were permitted to conduct face-to-face instruction provided that all personnel had been vaccinated and strict health protocols were enforced. Schools situated in orange, red, or black zones were required to continue online learning. The fatwa thus served as both a legal guideline and a public appeal to minimize the risk of COVID-19 transmission.³⁰

d) East Java Provincial MUI Fatwa No. 6 of 2021 on Holding Friday Prayers in Two Separate Sessions During the COVID-19 Pandemic

The Fatwa Commission of the East Java Provincial MUI ruled that conducting Friday prayers in two separate sessions during the COVID-19 pandemic is not permissible. Friday prayers remain a religious obligation that must be performed in congregation while observing health protocols such as physical distancing, wearing face masks, and using hand sanitizer.³¹

²³ Ministry of Education, Culture, Research, and Technology; Ministry of Religious Affairs; Ministry of Health; Ministry of Home Affairs, Joint Decree of Four Ministers on Guidelines for Learning During the COVID-19 Pandemic, 2021

²⁴ Majelis Ulama Indonesia Provinsi Jawa Timur, Fatwa Nomor 1 Tahun 2021 tentang Panduan Penyelenggaraan Pembelajaran Tatap Muka pada Masa Pandemi COVID-19, Surabaya, 2021.

²⁵ Shaykh Nawawi al-Bantani, *Nihayat al-Zain fi Irsyad al-Mubtadi'in* (Beirut: Dar al-Fikr, n.d.), pp. 281–284.

²⁶ Hasanain Muhammad Makhluḥ, *Fatawa Syar'iyah wa Buhuth Islamiyyah*, Vol. 1 (Cairo: Dar al-Qalam, 1997), pp. 233–239.

²⁷ Abu Hamid al-Ghazali, *Al-Mustasfa min 'Ilm al-Usul*, Vol. 1 (Beirut: Dar al-Kutub al-'Ilmiyyah, 1993), pp. 286–287.

²⁸ Jalal al-Din al-Suyuti, *Al-Ashbah wa al-Naza'ir*, (Beirut: Dar al-Kutub al-'Ilmiyyah, 1990), pp. 83–87.

²⁹ World Health Organization, *Weekly Epidemiological Update No. 46*, 29 June 2021

³⁰ Scientific Advisory Group for Emergencies (SAGE), *SPI-M-O: Consensus Statement on COVID-19*, United Kingdom, 2021

³¹ Majelis Ulama Indonesia Provinsi Jawa Timur, Fatwa Nomor 1 Tahun 2021 tentang Panduan Penyelenggaraan Pembelajaran Tatap Muka pada Masa Pandemi COVID-19, Surabaya, 2021.

This fatwa is based on Qur'anic verses (Qur'an 62:9; 2:185; 2:195; and 22:78), prophetic traditions concerning the obligation of Friday prayers and the prohibition against causing harm, and Islamic legal maxims emphasizing harm prevention and religious ease. The Commission also considered the opinions of classical scholars such as Imam Nawawi, Zakariyya al-Anshari, and Imam al-Shafi'i, who permitted multiple Friday congregations or reduced congregational requirements in cases of hardship. However, the Commission concluded that the Indonesian context generally still allowed Friday prayers to be performed safely in adequately equipped mosques. Therefore, the fatwa serves as legal guidance to ensure that Friday prayers continue to be observed safely while remaining consistent with Islamic law.

- e) East Java Provincial MUI Fatwa No. 5 of 2021 on Guidelines for the Management of Muslim Corpses Infected with COVID-19

The Fatwa Commission of the East Java Provincial MUI issued guidelines for the management of Muslim corpses infected with COVID-19 in response to the continuing global health crisis. The spread of the Delta variant, which was estimated to be eight times more contagious than previous variants, together with the surge in COVID-19 cases and deaths in East Java, overwhelmed hospitals and necessitated strict health protocols for the handling of deceased patients.³²

The fatwa is based on Qur'anic verses (Qur'an 17:70 and 2:195), prophetic traditions prohibiting harm and requiring that Muslim corpses be washed, shrouded, prayed over, and buried, as well as Islamic legal maxims such as *ad-dhararu yuzalu* (harm must be eliminated), *al-mashaqqatu tajlibu al-taysir* (hardship brings about legal facilitation), and *dar'u al-mafasid muqaddam 'ala jalbi al-masalih* (preventing harm takes precedence over obtaining benefits). The Commission also relied upon the opinions of scholars and medical experts, including Dr. Nur Kholish Qomari and Dr. Edi Suyanto, as well as previous MUI fatwas. The fatwa affirms that Muslims who die from COVID-19 are regarded as martyrs in the Hereafter (*syahid akhirat*). Accordingly, their bodies must be managed in accordance with Islamic law while applying the safest possible procedures to protect public health and prevent further transmission.³³

Legal Reasoning Method of the East Java Indonesian Ulema Council (MUI) Concerning COVID-19

This section explains the legal reasoning methods employed by the East Java Provincial Indonesian Ulema Council (MUI) in issuing fatwas concerning COVID-19. This study is limited to five fatwas of the East Java Provincial MUI, which are discussed as follows:

- a) East Java Provincial MUI Fatwa No. 1 of 2021 on the Legal Status of the Use of the AstraZeneca COVID-19 Vaccine

East Java Provincial MUI Fatwa No. 1 of 2021 concerning the legal status of the AstraZeneca COVID-19 vaccine was formulated through a systematic method of legal

³² Majelis Ulama Indonesia Provinsi Jawa Timur, *Fatwa Nomor 1 Tahun 2021 tentang Pedoman Pengurusan Jenazah (Tajhiz al-Jana'iz) Muslim yang Terinfeksi COVID-19*

³³ World Health Organization, *COVID-19 Weekly Epidemiological Update* (2021), menjelaskan penyebaran varian Delta dan peningkatan risiko penularannya. <https://www.who.int/publications/m/item/weekly-epidemiological-update-on-covid-19>

reasoning to ensure the public welfare (maslahah) of the Muslim community.³⁴ The *qauli* approach was employed by referring to Qur'anic verses (Qur'an 4:71, 2:195, and 4:59), the Prophet Muhammad's hadith prohibiting self-harm and harm to others and encouraging efforts to prevent disease, principles of Islamic legal maxims (*qawa'id fiqhiyyah*) such as *ad-dhararu yuzalu* (harm must be eliminated), *ad-dhararu yudfa'u bi qadri al-imkan* (harm should be prevented to the greatest extent possible), and **tasharruf al-imam 'ala al-ra'iiyyati manutun bi al-maslahah* (government policies toward the people must be based on public welfare). The fatwa also considered the opinions of Islamic scholars and medical experts, including Dr. Athoillah Isfandiary, an epidemiologist from Airlangga University, Surabaya. The *manhaji* approach was applied by examining all relevant sources of Islamic law and the doctrine of *maslahah mursalah* as the basis for preventing harm and promoting public benefit. The fatwa concludes that the use of the AstraZeneca vaccine is permissible because it complies with Islamic principles, serves the public interest, and is scientifically justified in minimizing the spread of COVID-19.

b) East Java Provincial MUI Fatwa No. 2 of 2021 on the Legal Status of Rapid Tests, GeNose, and Swab Tests During Fasting

East Java Provincial MUI Fatwa No. 2 of 2021 concerning the legal status of Rapid Tests, GeNose, and Swab Tests during fasting was established through a systematic method of legal reasoning to safeguard public welfare. The *qauli* approach referred to Qur'anic verses (Qur'an 2:183–185 and 2:187), which emphasize the obligation of fasting, dispensations for the sick and travelers, and the principle of ease in Islamic law. It also relied on hadith concerning exemptions under necessity, the prohibition against harming oneself and others, and the narration indicating that cupping (*hijamah*) does not invalidate fasting. Islamic legal maxims such as *ad-dhararu yuzalu*, *ad-dhararu yudfa'u bi qadri al-imkan*, and *al-masyaqqatu awla min al-rafi* served as fundamental considerations. The opinions of Islamic jurists and experts, including Dr. M. Atoillah Isvandiary, an epidemiologist from Airlangga University, were also considered in explaining the medical mechanisms of viral testing. The *manhaji* approach involved examining all relevant legal references and expert recommendations, while the doctrine of *maslahah mursalah* was employed to ensure that the fatwa promotes benefit, prevents harm, and remains consistent with Islamic law. The fatwa concludes that Rapid Tests, GeNose, and Swab Tests do not invalidate fasting, provided that the procedures do not violate the essential requirements of fasting.³⁵

c) East Java Provincial MUI Fatwa No. 4 of 2021 on Face-to-Face Schooling During the COVID-19 Pandemic

East Java Provincial MUI Fatwa No. 4 of 2021 concerning face-to-face learning during the COVID-19 pandemic was formulated through a systematic legal reasoning process. The fatwa referred to Qur'anic verses (Qur'an 4:59, 4:71, and 2:195), which emphasize vigilance against danger, the prohibition against exposing oneself to destruction, and obedience to legitimate authorities. It also cited hadith prohibiting self-harm and harm to others, discouraging contact between healthy and infected individuals, and recommending avoidance

³⁴ Majelis Ulama Indonesia Provinsi Jawa Timur, Fatwa Nomor 1 Tahun 2021 tentang Hukum Penggunaan Vaksin COVID-19 AstraZeneca, MUI Provinsi Jawa Timur.

³⁵ Majelis Ulama Indonesia Provinsi Jawa Timur, *Fatwa Nomor 2 Tahun 2021 tentang Hukum Rapid Test, GeNose dan Swab Saat Berpuasa* (Surabaya: Komisi Fatwa MUI Provinsi Jawa Timur, 31 March 2021)

of contagious diseases. Islamic legal maxims such as *ad-dhararu yuzalu*, *ad-dhararu yudfa'u bi qadri al-imkan*, and the principle that governmental policies should prioritize public welfare were employed as supporting arguments. Opinions from prominent scholars, including Shaykh Nawawi al-Bantani, Imam al-Ghazali, and Dr. M. Sholeh, M.Pd., reinforced the obligation to protect society while maintaining educational effectiveness. The *qauli* approach relied on classical Islamic legal texts, whereas the *manhaji* approach incorporated recommendations from epidemiologists and education experts. The methodology of *maslahah mursalah* was applied to establish legal rulings that maximize benefits and minimize harm. The fatwa concludes that face-to-face learning may be conducted in areas with low COVID-19 transmission rates, whereas online learning should continue in areas with high transmission risks.³⁶

d) East Java Provincial MUI Fatwa No. 6 of 2021 on Conducting Friday Prayers in Two Separate Sessions During the COVID-19 Pandemic

East Java Provincial MUI Fatwa No. 6 of 2021 concerning the implementation of Friday prayers in two separate sessions during the COVID-19 pandemic was formulated through legal reasoning based on Qur'anic verses (Qur'an 62:9, 2:195, and 22:78), which emphasize the obligation of Friday prayer, the prohibition against self-harm, and the principle of ease in religious obligations. Relevant hadith regarding the obligation of congregational Friday prayer, exemptions for the sick, and the prohibition against causing harm to oneself or others were also considered. Islamic legal maxims such as *ad-dhararu yuzalu*, *ad-dhararu yudfa'u bi qadri al-imkan*, and *al-masyaqqatu tajlibu al-taysir* (hardship begets facilitation) provided additional legal foundations. The fatwa further relied on the opinions of classical jurists, including Imam 'Atha, Zakariya al-Ansari, and MUI Fatwa No. 53 of 2016, which support flexibility regarding prayer locations. Both the *qauli* and *manhaji* approaches were employed through the methodology of *maslahah mursalah* to preserve public welfare. Considering geographical conditions and the risk of disease transmission, the East Java MUI concluded that conducting Friday prayers in two separate sessions is not permissible. However, Friday prayers may be held in courtyards, parking areas, or other open spaces while maintaining physical distancing, without diminishing the religious merit of the worship.³⁷

e) East Java Provincial MUI Fatwa No. 5 of 2021 on Guidelines for the Management of Muslim Deceased Persons Exposed to COVID-19

East Java Provincial MUI Fatwa No. 5 of 2021 concerning the management of deceased Muslims, including those who died from COVID-19, was formulated through a systematic method of legal reasoning based on Qur'anic verses (Qur'an 17:70 and 2:195), which emphasize human dignity and the prohibition against self-harm. It also referred to hadith concerning the prohibition against causing harm and the obligation to wash, shroud, perform funeral prayers for, and bury deceased Muslims. Islamic legal maxims such as *ad-dhararu yuzalu*, the obligation to prevent harm to the greatest extent possible, and *al-masyaqqatu tajlibu al-taysir* served as additional legal foundations. The opinions of Islamic jurists, including Imam Zakariya al-Ansari in *Asna al-Mathalib* and Imam al-Nawawi in *al-Majmu'*,

³⁶ Heri Fadli Wahyudi dan Fajar, 2018, "Metode Ijtihad Komisi Fatwa Majelis Ulama Indonesia dan Aplikasinya dalam Fatwa", *Cakrawala: Jurnal Studi Islam*, Vol. 13, No. 2, hal: 129.

³⁷ Majelis Ulama Indonesia Provinsi Jawa Timur, *Fatwa Nomor 6 Tahun 2021 tentang Hukum Pelaksanaan Shalat Jumat Dua Gelombang pada Masa Pandemi Covid-19* (Surabaya: Komisi Fatwa MUI Provinsi Jawa Timur, 2021)

together with recommendations from forensic experts at Dr. Soetomo General Hospital, strengthened the fatwa's conclusions. Both the qauli and manhaji approaches were applied through the methodology of *maslahah mursalah* to adapt funeral management practices to local conditions while ensuring compliance with public health protocols, thereby safeguarding both the objectives of Islamic law (*maqasid al-shari'ah*) and public welfare.³⁸

The analysis of these five East Java Provincial MUI fatwas concerning the COVID-19 pandemic demonstrates that the legal framework adopted was not exclusively based on a normative-textual (qauli) approach but was predominantly characterized by a contextual (manhaji) approach that considered social realities, scientific developments, and state policies. This is evident from the consistent use of Qur'anic verses, hadith, Islamic legal maxims, and scholarly opinions, integrated with expert testimony from the fields of public health, epidemiology, education, and forensic science throughout the fatwa formulation process. Consequently, the COVID-19 pandemic was treated as a contemporary issue requiring collective *ijtihad* (*ijtihad jama'i*), whereby legal legitimacy was established not only through religious textual authority but also through scientifically validated knowledge as an instrument for realizing public welfare. This finding indicates a transformation in the legal reasoning (*istinbath al-ahkam*) methodology of the East Java MUI toward a more adaptive approach to multidisciplinary issues without abandoning established principles of Islamic jurisprudence.

Furthermore, the legal reasoning process reveals that *maslahah mursalah* constituted the dominant paradigm integrating both the qauli and manhaji approaches in every fatwa issued. All five fatwas shared the same objective: the protection of human life (*hifz al-nafs*), one of the primary objectives of Islamic law (*maqasid al-shari'ah*), even when achieving this objective required adjustments to religious practices and social activities. Accordingly, the fatwas of the East Java Provincial MUI should not be understood merely as normative religious legal products but also as instruments of social engineering designed to guide public behavior in support of pandemic mitigation efforts. These findings demonstrate that the East Java MUI's methodology of legal reasoning successfully produced fatwas possessing both strong religious legitimacy and empirical relevance, thereby reinforcing the role of Islamic legal opinions as responsive legal instruments capable of addressing public health crises and the continuing development of modern science.

Conclusion

An analysis of the fatwas issued by the East Java Provincial Indonesian Ulema Council (MUI) between 2020 and 2022 demonstrates the institution's strategic role in providing contextual Islamic legal guidance in response to the COVID-19 pandemic. Five principal fatwas addressed the use of the AstraZeneca COVID-19 vaccine, the administration of Rapid Tests, GeNose, and Swab Tests during fasting, the implementation of face-to-face learning, the performance of Friday prayers in two separate sessions, and the management of Muslim deceased persons infected with COVID-19. These fatwas were formulated through a systematic method of Islamic legal reasoning that combined the qauli approach based on the Qur'an, the Sunnah of the Prophet Muhammad (peace be upon him), Islamic legal maxims

³⁸ Majelis Ulama Indonesia Provinsi Jawa Timur, *Fatwa Nomor 5 Tahun 2021 tentang Pengurusan Jenazah (Tajhiz al-Jana'iz) Muslim, Termasuk yang Terpapar Covid-19* (Surabaya: Komisi Fatwa MUI Provinsi Jawa Timur, 2021)

(qawa'id fiqhiyyah), the opinions of classical Muslim jurists, and recommendations from subject-matter experts with the manhaji approach, which comprehensively examined relevant legal sources while applying the doctrine of maslahah mursalah (public interest). This methodology emphasized the promotion of public welfare, the prevention of harm, and compliance with public health protocols, thereby ensuring that the fatwas were not only consistent with Islamic law but also socially and medically relevant.

The fatwas demonstrate the flexibility of Islamic religious practices and social activities under emergency circumstances. The AstraZeneca vaccine was declared permissible due to its legal status under Islamic law and its urgent public health necessity; Rapid Tests, GeNose, and Swab Tests were determined not to invalidate fasting; face-to-face learning was permitted according to regional COVID-19 risk levels; Friday prayers were allowed to continue provided that health protocols were strictly observed; and the management of Muslim deceased persons followed safe procedures consistent with both Islamic law and public health requirements. The differing opinions and public debate that emerged in response to these fatwas were considered a natural consequence of the unprecedented nature of the global COVID-19 pandemic, which required both legal adaptation and adjustments to social practices. Accordingly, the fatwas issued by the East Java Provincial MUI functioned not only as authoritative Islamic legal guidance but also as instruments of social regulation aimed at safeguarding public safety, health, and welfare, while reaffirming the continuing relevance of Islamic law in addressing contemporary global public health crises.

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