

Covid-19 Vaccination in Malang City as an Implementation of Religious Moderation from the Perspective of Islamic Law

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Abstract

The polemic about Covid-19 pandemic is indeed quite complicated, especially when it is accompanied by the rise of hoax news on various social media pages. The vaccination program promoted by the government initially encountered problems, some religious leaders refused to implement the vaccine because the raw material used came from pig trypsin. This condition makes it difficult for the government to cope with the COVID-19 pandemic. This study uses an empirical juridical approach by knowing the response of the people of the city of Malang in responding to the Covid-19 vaccination and analyzed with a maqashid sharia approach. The results showed that at first the people of Malang City were not enthusiastic about implementing the vaccine because it was influenced by information that developed on social media. However, in the end they were willing to be vaccinated after knowing the truth of the news and the importance of the covid-19 vaccination. The government's efforts to promote Covid-19 vaccination are in line with the maqashid sharia concept in the form of *hifz al-nafs*. More than that, religion by prioritizing the safety of the soul is a manifestation of moderation.

Keywords: Vaccination, Covid-19, Religious Moderation, Islamic Law.

Abstrak

Polemik tentang pandemi Covid-19 memang cukup pelik, apalagi disertai dengan maraknya berita *hoax* di berbagai laman media sosial. Program vaksinasi yang digalakkan oleh pemerintah pada mulanya mengalami kendala, beberapa tokoh agama menolak pelaksanaan vaksin sebab bahan baku yang digunakan berasal dari tripsin babi. Kondisi semacam ini menyulitkan pemerintah untuk menanggulangi pandemi covid-19. Penelitian ini menggunakan pendekatan yuridis empiris dengan mengetahui respon masyarakat kota Malang dalam menyikapi Vaksinasi Covid-19 dan dianalisa dengan pendekatan maqashid syariah. Hasil penelitian menunjukkan bahwa pada mulanya masyarakat Kota Malang belum antusias melaksanakan vaksin sebab dipengaruhi informasi yang berkembang di media sosial. Walaupun demikian pada akhirnya mereka bersedia divaksin setelah mengetahui kebenaran berita dan pentingnya vaksinasi covid-19. Usaha pemerintah untuk menggalakkan vaksinasi Covid-19 sejalan dengan konsep maqashid syariah berupa *hifz al-nafs*. Lebih dari itu, beragama dengan mengutamakan keselamatan jiwa merupakan manifestasi dari sikap moderat.

Kata Kunci: Vaksinasi, Covid-19, Moderasi Beragama, Hukum Islam.

A. Introduction

The controversy about the Covid-19 vaccination is still ongoing, one of the community leaders who refuses vaccination is the chairman of the Nahdlatul Ulama Teachers Association (PERGUNU) as well as a professor at one of the PTKIN campuses in East Java. In addition to serving as chairman of PERGUNU, he also manages a religious education institution (pesantren) which has tens of thousands of students. He stated that the educational institutions managed were not in an emergency condition and safe from the pandemic, so they did not require the Astrazaneca Covid-19 vaccination.¹ This kind of argument will certainly complicate the government's agenda in carrying out vaccination as a new normal stage. Moreover, these comments were made by public figures or religious figures who have influence in society. The polemic about the Covid-19 pandemic is indeed quite complicated, especially when it is accompanied by the rise of hoax news on various social media pages. In addition, there is a lot of news circulating in the community that the body is getting weaker after being vaccinated.

When the Indonesian government intensively vaccinated against Covid-19, some people even rejected the efforts made by the government. One of the survey results stated that 41% of Indonesians refused the Covid-19 vaccination. The House of Representatives (DPR) said this is a serious problem that must be solved by the government, lest the vaccination efforts towards the new normal be in vain. Because the budget spent by the government for vaccination is 134 trillion.² Therefore, President Joko Widodo recently likes to disseminate vaccines to several regions and provide information that vaccination is a safe action and does not bring side effects. This is evidenced by the vaccination carried out by President Joko Widodo himself.

Meanwhile, the survey agency said that there were several areas whose residents refused to be vaccinated against Covid-19. East Java is the second area after Jakarta, which refuses to be vaccinated against

¹ <https://news.detik.com/berita-jawa-timur/d-5510112/blak-blakan-pengasuh-ponpes-di-mojokerto-tolak-vaksin-astrazeneca>

² <https://www.pikiran-rakyat.com/nasional/pr-011477972/hasil-survei-sebut-41-persen-masyarakat-tolak-vaksin-Covid-19-dpr-masalah-serius>

Covid-19, to be precise, around 32% of respondents refuse to be vaccinated. This fact is the joint responsibility of all citizens of East Java in disseminating the Covid-19 vaccination.³ When the community has carried out the Covid-19 vaccination which is promoted by the government, it does not mean that it is permissible to carry out activities that do not comply with health protocols, because it is not a guarantee that people who have been vaccinated will be immune to the Covid-19 virus.

If analyzed more deeply, there are several factors that make people reluctant to vaccinate against Covid-19. One of these factors, among others, comes from vaccine raw materials. This problem is quite widespread in the community because there are two vaccines circulating in Indonesia, namely the Sinovac vaccine and the AstraZeneca vaccine. The raw material for the Sinovac vaccine comes from coronavirus specimens from patients all over the world, from England to China. In the end, samples from China became the basis or raw material for making the Sinovac vaccine.⁴

The Sinovac vaccine itself is made from a dead virus, so the raw material for this virus is halal and not a problem in Indonesian society. The problem of refusal to vaccinate is widely growing in the community, when AstraZeneca is used as a vaccine for Indonesian citizens. The Indonesian Ulema Council (MUI) said that the AstraZeneca vaccine is haram because it comes from trypsin which is sourced from the pancreas of pigs. However, the Fatwa of the Indonesian Ulema Council (MUI) states that if AstraZeneca can be used as a vaccine even though it comes from illegal ingredients, one of the reasons for the permissibility of using this vaccine is the Covid-19

³ <https://www.google.com/amp/s/amp.suara.com/news/2021/03/23/190906/ini-3-daerah-teratas-yang-warganya-menolak-vaksin-Covid-19-nomor-satu-dki>

⁴ Jinling Hua dan Rajib Shaw, "Corona Virus (COVID-19) 'Infodemic' and Emerging Issues through a Data Lens: The Case of China," *International Journal of Environment Research and Public Health* XVII, no. 7 (Maret 2020): 1–12, <https://doi.org/10.3390/ijerph17072309>.

pandemic emergency that exists throughout Indonesia.⁵ This fact then received various responses from the public, ranging from religious leaders, epidemiologists, health workers, to the general public.

In addition, the public's trust in government officials, both central and regional, is waning, which sometimes does not set an example in implementing health protocols. This fact ultimately affects people's mindset towards the Covid-19 outbreak. H. Ahmad (pseudonym) one of the mosque administrators in Lowokwaru District, Malang City, when interviewed said that he was reluctant to be vaccinated because he felt his body was healthy and did not believe in Covid-19. He thought that because a member of his family was sick (broken bones) and was then referred to the hospital, but his family was found to be positive for Covid-19. This incident further convinced him that every disease that was examined at the hospital would actually be "covid" by health personnel.

Understanding as above, of course not only H. Ahmad, there are many other religious figures and public figures who have similar thoughts. H. Ismail as chairman of the Takmir of one of the mosques in Blimbing District, Malang City, said that Covid-19 and vaccination were a form of global conspiracy. In addition, people think that vaccination is a futile act because there is no guarantee that when vaccinated it will be free from the virus from Wuhan. Corona virus cases (Covid-19)⁶ itself initially appeared in Wuhan City, Hubei Province, China, in the late 2019 period. The Covid-19 pandemic then spread to various parts of the country in just a few months. Until finally the Covid-19 pandemic was declared a global pandemic by the World Health Organization (WHO) as the world health agency.⁷

⁵ Fatwa MUI No. 14 Tahun 2022 Tentang Hukum Penggunaan Vaksin Covid-19 Produk Astrazaneca.

⁶ Virus corona bercorak lingkaran dan berdiameter 125 nm. Virus ini mempunyai struktur 4 protein utama, yaitu: *spike protein*, *membrane protein*, *envelope protein*, dan *nucleocapside protein*. Lihat, MLE Parwanto, "Virus Corona (2019-nCoV) Penyebab Covid-19," *Jurnal Biomedika dan Kesehatan III*, no. 1 (Maret 2020): 2–19, <http://dx.doi.org/10.18051/JBiomedKes.2020.v3.1-2>.

⁷ Pandemi virus corona (Covid-19) tidak hanya membahayakan jiwa, tapi juga mengancam seluruh sektor kehidupan. Kebijakan apa pun yang ditempuh, baik mulai

The Covid-19 pandemic is caused by the corona virus that attacks the respiratory tract. The animal market in Wuhan City is considered by most researchers to be the first place to spread the corona virus.⁸ Corona viruses do not initially circulate in humans, but attack or infect animals. Some animals that carry microbes (corona virus seeds) include mice, bats, and cats. As research is being carried out, the corona virus is able to transmit and develop from animals to people (*zoonosis*).⁹ In the latest developments, it is said that the corona virus is capable of transmitting from fellow humans. The death toll caused by the Covid-19 outbreak has reached tens of thousands of people from various parts of the country.

Various efforts have been made by the government to suppress the spread of the Covid-19 pandemic. One of the efforts made is to boost the production of local vaccines and the like. In the end, the Indonesian government used two types of vaccines, namely the Sinovac vaccine and the AstraZaneca vaccine. The problem finally arose when the Indonesian Ulama Council (MUI) said that the raw material for the AstraZaneca vaccine was made from pork trypsin, so the vaccine was haram. However, due to an emergency, the vaccine may be used and the law becomes permissible. This is different from the East Java MUI and the results of the East Java PWNU *bahsul masa'il* which stated that the AstraZaneca vaccine was halal and must be used to prevent the pandemic from being sustainable. The East Java MUI fatwa even obliges the public to vaccinate as a form of application for *maqashid sharia* in the form of *hifd al-nafs*. This provision was ultimately appreciated by President Joko Widodo when reviewing vaccinations in East Java. However, this message has not “reached” to

dari *lockdown*, PPKM Mikro akan berdampak pada sektor ekonomi, pariwisata, transportasi, hingga pendidikan. Lihat, Syafrida dan Ralang Hartati, “Bersama Melawan Virus Covid 19 di Indonesia,” *Salam; Jurnal Sosial & Budaya Syar-i* VII, no. 6 (Mei 2020): 495–508, <https://doi.org/10.15408/sjsbs.v7i6.15325>.

⁸ Sutaryo, *Buku Praktis Penyakit Virus Corona 19 (Covid-19)* (Yogyakarta: Gadjah Mada University Press, 2020), 78.

⁹ Muchammad Bayu Tejo Sampurno dkk, “Budaya Media Sosial, Edukasi Masyarakat dan Pandemi Covid-19,” *Salam; Jurnal Sosial & Budaya Syar-i* VII, no. 6 (Mei 2020): 76, <https://doi.org/10.15408/sjsbs.v7i5.15210>.

the public about the importance of vaccination.

B. Research Methodology

The type of research in this research is empirical juridical which in other words is a type of sociological legal research and can also be referred to as field research, namely examining applicable legal provisions and what is happening in reality in society.¹⁰ Or in other words, that is a research conducted on the actual situation or real conditions that occur in the community with the intention of knowing and finding the facts and data needed, after the required data is collected then leads to problem identification which ultimately leads to problem solving. This research was conducted empirically, because it wanted to know the public response related to the COVID-19 vaccine and its implementation, especially the people in the city of Malang. As well as knowing the policies of Malang City stakeholders in socializing the covid-19 vaccination. It is important to do this to explore the opinion of the stakeholders of Malang City so that vaccination can run smoothly. In addition, the Covid-19 vaccine and its implementation will be studied in the perspective of maqashid sharia, because one type of vaccine used also uses ingredients from pig trypsin. This is an interesting study, because it is not impossible that there are people who do not understand vaccines and vaccine laws. While there are several fatwas with different laws regarding the Covid-19 vaccine. This study will ultimately bring optimal knowledge related to vaccination and its law.

C. Discussion

Definition and Typology of the Covid-19 Virus

Coronavirus Disease 2019 (Covid-19) is an infectious disease caused by Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2). SARS-CoV-2 is a new type of coronavirus that has never been previously identified in humans. There are at least two types of

¹⁰ Bambang Waluyo, *Penelitian Hukum Dalam Praktek* (Jakarta: Sinar Grafika, 2002), 80–81.

coronavirus that are known to cause diseases that can cause severe symptoms such as Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS).¹¹ Common signs and symptoms of Covid-19 infection include symptoms of acute respiratory distress such as fever, cough and shortness of breath. The average incubation period is 5-6 days with the longest incubation period being 14 days. In severe cases of Covid-19 it can cause pneumonia, acute respiratory syndrome, kidney failure, and even death.

On December 31, 2019, the WHO China Country Office reported a case of pneumonia of unknown etiology in Wuhan City, Hubei Province, China. On January 7, 2020, China identified the case as a new type of coronavirus. On January 30, 2020, WHO declared the incident a Public Health Emergency of International Concern (PHEIC) and on March 11, 2020, WHO had declared Covid-19 a pandemic.¹² Coronavirus is zoonotic (transmitted between animals and humans). Research says that SARS was transmitted from civet cats to humans and MERS from camels to humans. Meanwhile, the animal that is the source of Covid-19 transmission is still unknown. The average incubation period for Covid-19 is 5-6 days, with a range between 1 and 14 days but can be up to 14 days. The highest risk of transmission is obtained in the first days of the disease due to the high concentration of virus in the secretions. Infected persons can be directly infectious up to 48 hours before symptom onset (presymptomatic) and up to 14 days after symptom onset. One study reported that 12.6% showed presymptomatic transmission. It is important to know the presymptomatic period because it allows the virus to spread through droplets or contact with contaminated objects. In addition, that there are asymptomatic confirmed cases, although the risk of transmission is very low, there is still a small possibility of transmission.

¹¹ Dharmendra Kumar dan Rishaba Malviya, "Corona Virus: A Review of COVID-19," *Eurasian Journal of Medicine and Oncology* 4, no. 2 (2020): 78–80.

¹² S Amit dan G Regev-Yochay, "Early rate reductions of SARS-CoV-2 infection and COVID-19 in BNT162b2 vaccine recipients," *The Lancet* 397, 2021, 101, [https://doi.org/10.1016/S0140-6736\(21\)00448-7](https://doi.org/10.1016/S0140-6736(21)00448-7).

In the context of Covid-19, airborne transmission may be possible in special circumstances where aerosol-generating supportive procedures or treatments such as endotracheal intubation, bronchoscopy, open suction, administration of nebulized medication, manual ventilation prior to intubation, turning the patient to the prone position, disconnecting the ventilator, noninvasive positive pressure ventilation, tracheostomy, and cardiopulmonary resuscitation. Further research is still needed on airborne transmission.

The symptoms experienced are usually mild and appear gradually. Some infected people do not show any symptoms and still feel well. The most common symptoms of COVID-19 are fever, fatigue, and a dry cough. Some patients may experience aches and pains, nasal congestion, runny nose, headache, conjunctivitis, sore throat, diarrhea, loss of smell and smell or skin rash. Indonesia reported its first case of COVID-19 on 2 March 2020 and the number continues to grow until now. . As of June 30, 2020, the Ministry of Health reported 56,385 confirmed cases of COVID-19 with 2,875 cases of death (CFR 5.1%) spread across 34 provinces. As many as 51.5% of cases occurred in men. Most cases occurred in the age range of 45-54 years and the least occurred at the age of 0-5 years. The highest mortality rate was found in patients aged 55-64 years.

With regard to policies for controlling infectious disease outbreaks, Indonesia has Law Number 4 of 1984 concerning Outbreaks of Infectious Diseases, Government Regulation Number 40 of 1991 concerning Overcoming Outbreaks of Infectious Diseases, and Regulation of the Minister of Health Number 1501/Menkes/Per/X/2010 concerning Certain Types of Infectious Diseases That Can Cause Outbreaks and Prevention Efforts. For this reason, in the context of efforts to prevent the Covid-19 outbreak early, the Minister of Health has issued a Decree of the Minister of Health Number: HK.01.07/MENKES/104/2020 concerning the Determination of Novel Coronavirus Infection (2019-nCoV Infection) as a Type of Disease That Can Cause Outbreaks and Efforts The countermeasures. The determination was based on the consideration that the Novel

Coronavirus Infection (2019-nCoV infection) has been declared by WHO as a Public Health Emergency of International Concern (PHEIC). In addition, the widespread spread of Covid-19 to various countries with the risk of spreading to Indonesia related to population mobility, requires efforts to overcome the disease. The increase in the number of cases took place quite quickly, and spread to various countries in a short time. As of 9 July 2020, WHO reported 11,84,226 confirmed cases with 545,481 deaths worldwide (Case Fatality Rate/CFR 4.6%). Indonesia reported its first case on March 2, 2020. Cases are increasing and spreading rapidly throughout Indonesia. As of 9 July 2020 the Ministry of Health reported 70,736 confirmed cases of Covid-19 with 3,417 deaths (CFR 4.8%).¹³

The handling of KKM is carried out through the implementation of health quarantine both at the entrance and in the area. In implementing health quarantine in the region, after a fairly comprehensive study was carried out, Indonesia adopted a policy to implement Large-Scale Social Restrictions (PSBB) which in principle were implemented to suppress the spread of Covid-19 from expanding, based on epidemiological considerations, the magnitude of the threat, effectiveness, and support from sources. resources, operational technical, political, economic, social, cultural, defense and security considerations. PSBB regulation is stipulated through Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19), and is technically described in Minister of Health Regulation Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Acceleration. Handling Corona Virus Disease 2019 (Covid-19).¹⁴

Contact tracing activities in Indonesia have encountered several obstacles in their implementation. One of the things that is considered

¹³ S.N. Rohman, "Adakah Peluang Bisnis di Tengah Kelesuan Perekonomian Akibat Pandemi Corona?," *'Adalah* 4, no. 1 (2020): 98.

¹⁴ Imas Novita Juaningsih dan Yosua Consuello, "Optimaslisasi Kebijakan Pemerintah dalam Penanganan Covid-19 Terhadap Masyarakat Indonesia," *Salam; Jurnal Sosial & Budaya Syar-i* VII, no. 6 (Mei 2020): 110–12, <https://doi.org/10.15408/sjsbs.v7i6.15363>.

difficult is the existence of neglect or negative stigma from the community towards Covid-19 positive patients. This causes opposition or resistance in the community as well as a closed attitude of the community in providing information to health workers. The lack of human resources in conducting contact tracing also hinders the examination of PCR Swab test results. With a clear tracing system, the availability of competent Tracer officers and full community support, the implementation of tracer contacts can be optimized. Meanwhile, patients who are confirmed positive with symptoms are required to isolate themselves in hospitals that have been appointed by the government. If the patient after the test shows a negative result but has symptoms, the patient can carry out treatment at home in the form of self-isolation. Self-isolation is carried out to keep people around from getting infected and to make it easier for health workers to monitor isolated patients.

Covid-19 Vaccination

Vaccination is the injection of vaccines in order to actively generate or increase a person's immunity against a type of disease, so that when exposed to the disease, they will become immune or experience mild illness. Vaccines are biological products that contain antigens in the form of microorganisms or their parts that have been processed in such a way that they are safe, and when given to a person, they will cause specific and active immunity against certain viruses or diseases. Vaccines are not drugs, but vaccines will encourage the formation of specific immunity to avoid certain viruses or diseases and minimize serious illness. Vaccines will stimulate the formation of immunity against certain viruses or diseases. The body that has been given the vaccine will be able to detect the incoming virus that carries the disease and be able to fight it.¹⁵

The Covid-19 vaccination program in Indonesia starts on January 13, 2021. For In the first batch, the vaccine was given to

¹⁵ Kementerian Kesehatan RI., "Protokol Tatalaksana COVID-19 di Indonesia," 2021, 46, <https://covid19.go.id/p/protokol/protokol-tatalaksana-covid-19-di-indonesia>.

health workers, public officials, and the elderly. In the second wave, the target of vaccination is vulnerable groups and people other general public. The government targets 181.5 million people to have received Covid-19 vaccination in March 2022. To meet the targets that have been set, the Indonesian government is trying to ensure the availability of vaccines. The types of vaccines that have been and will be used in Indonesia are AstraZeneca, Moderna, Pfizer, Sinopharm and Sinovac. The five types of vaccines have different efficacy based on clinical trials that have been carried out. WHO explained that the performance of vaccines can be seen from three measurements, namely through the efficacy, effectiveness, and impact of the vaccine. Vaccine efficacy measures the reduced risk of infection in vaccinated individuals in controlled situations. These efficacy data were obtained from a randomized control trial. While vaccine effectiveness measures the reduction in the risk of infection occurring in vaccinated individuals related to the implementation of vaccination in the community or in the real world using observational studies. Furthermore, the impact of vaccines is to reduce the risk of infection or disease in a population where some of the people have been vaccinated.

Studies showing the effectiveness of the vaccine in several countries have been carried out. However, data is not yet available showing how the impact of the vaccine has on the Indonesian people, especially with regard to the five types of vaccines used. A study measuring the impact of vaccines on the population was carried out in the UK using two types of vaccines namely AstraZeneca and Pfizer.¹⁶ The Indonesian government until April 2021 targets that 40.3 million people have been vaccinated with the complete dose (twice the injection dose). Three types of vaccines, namely Sinovac, AstraZeneca and Sinopharm, have been used in Indonesia, but the achievement of vaccine delivery until the end of April 2021 only reached 19% of the

¹⁶ M. McKee dan S. Rajan, "What do countries need to do to implement effective 'find, test, trace, isolate and support' systems," *The Royal Society of Medicine* 113, no. 7 (2020): 134, <https://doi.org/10.1177/0141076820939395>.

target. In addition to the low speed of vaccine delivery, another thing that causes the low coverage of the Covid-19 vaccine is the lack of public acceptance of the vaccine itself.

Vaccination is not only aimed at breaking the chain of transmission of the corona virus, but in the long term it aims to destroy the virus or disease itself. Indonesia has a long history of efforts to control infectious diseases by vaccination or immunization. Indonesia also contributes to the prevention of diseases on earth through vaccination. For example, since smallpox immunization was first launched in 1956, finally smallpox could be eradicated, namely it was destroyed or eliminated worldwide in 1974 so that the implementation of smallpox immunization was stopped in 1980. Likewise with polio, since polio immunization was first launched in 1980, Indonesia finally achieved polio-free in 2014. Currently, the world, including Indonesia, is in the process of eradicating polio, which is targeted at 2023.

Another example is Indonesia, with its intensive efforts to provide tetanus immunization to infants and children (through the DPTHB-Hib DT and Td vaccines) as well as to women of childbearing age (Td vaccines), Indonesia finally achieved the status of maternal and neonatal tetanus elimination in 2016. In terms of implementing the Covid vaccination -19, adults/elderly who do not get a complete Covid-19 vaccination according to schedule and ignore health protocols will be vulnerable to contracting and falling ill due to Covid-19. The types of covid-19 vaccines used in Indonesia are Sinovac, AstraZaneca, Sinopharma, Pfizer, Moderna, Novavax, Cansino and Sputnik V. The first five types are mostly used by the government in the implementation of vaccinations. The use of the vaccine must obtain a distribution permit or an emergency use authorization (EUA) from BPOM.

The Fatwa Commission of the Indonesian Ulema Council has determined that the CoronaVac vaccine produced by Sinovac Lifescience Co. whose certification was submitted by PT Biofarma as a vaccine manufacturer that will produce the COVID-19 vaccine, a consortium with Sinovac, is sacred and halal. MUI Fatwa No. 02 of

2021 uses three arguments from the Qur'an, six supporting hadiths and four principles of fiqh. In addition, the opinions of scholars are also considered, including the opinion of Imam al-Zuhri in the book of Sahih al-Bukhari, Ibn Hajar al-Haitami in the book Tuhfatul Muhtaz, Imam Nawawi in the book Raudlatu al-Thalibin, the opinion of Imam al-Thabary in his book Tahdzib al -atsar, as well as the opinion of al-Qasthalani in the book Ersyadu al-Sari. Meanwhile, the MUI Fatwa No. 14 of 2021 concerning the Law on the Use of the Covid-19 Vaccine for AstraZaneca Products. This fatwa uses several legal bases, including the Koran, the Hadith of the Prophet SAW, and several fiqh rules. Then also quoted some opinions of scholars. This fatwa decides that the Covid-19 vaccine from AstraZaneca is haram because it uses pork in the form of trypsin in its production stage. However, the use of the AstraZaneca vaccine is allowed due to an urgent need (syar'i hajah) who are in a syar'i emergency situation, then expert information was also obtained stating that there is a risk of death if vaccination is not carried out, the availability of halal and holy vaccines is not sufficient to the implementation of the Covid-19 vaccination as an effort to achieve herd immunity.

Covid-19 Vaccination in the Perspective of Islamic Law

After studying the typology of the corona virus, the next thing to be studied is the covid-19 vaccination from an Islamic perspective. At the time of the Prophet Muhammad there was a pandemic of leprosy. The solution offered by the Prophet is contained in the hadith "Avoid lepers, like you avoid lions" or another hadith which reads "Don't mix the healthy and the sick". From these two hadiths, the Prophet ordered people with infectious diseases (leprosy) to self-isolate, so as not to infect others.¹⁷ Guidance on overcoming the plague is also found in another hadith, the Prophet indicated that the Companions should not go to areas affected by the plague. Meanwhile, residents living in

¹⁷ Syihabuddin ibn Ahmad ibn Hajar al-Asqalani, *Fath al-Bari bi Syarh Shahih al-Bukhari*, vol. III (Beirut: Dar al Fikr, 1990). See Must}ofa al-Zuhaili>, *al-Qowa>'id al-Fiqhiyyah Wa Tat}biqotuha> Fi> al-Mad}a>hib al-'Arba'ah* (Damaskus: Dar al-Fikr, 2006), 98.

outbreak areas should not leave their area. This condition is a form of prevention carried out by the Prophet so that the death toll due to the plague can be minimized. However, the Prophet guaranteed the victims who died due to the plague with the reward of martyrdom.¹⁸

At the time of the caliph Umar bin Khattab (18 Hijriyah)¹⁹ also found a disease outbreak when he headed to the land of Sham. On the advice of Abdurrahman bin Auf, he canceled the trip to Sham. The decision of the second caliph was refuted by Abu Ubaidah bin Jarrah with the argument that Muslims should not run from the provisions of Allah SWT. In the end, Umar bin Khattab still canceled the trip to Sham on the pretext that he was avoiding Allah's provisions, but towards other and more beneficial provisions of Allah. Abu Ubaidah bin Jarrah did not agree with the opinion of the caliph, so he continued his journey to Sham, until finally he died of the plague. The position of Abu Ubaidah bin Jarrah was replaced by Muadz bin Jabal, but Muadz bin Jabal also died along with his son due to the Yersinia pestis (bubonic plague) bacterial pandemic in the country of Syria.²⁰ Then in 749 Hijriyah there was also a pandemic in the city of Damascus, at that time people were gathering and praying in the hope that the pandemic would end soon. But what has happened is that the pandemic is getting more and more epidemic and taking more lives. When the whole world is being hit by the COVID-19 pandemic, several Islamic countries such as Kuwait, Turkey, Bahrain, and even Saudi Arabia have begun to close access to worship in public places. Indonesia itself follows the Muslim countries above to eliminate the practice of worship that invites large crowds.

¹⁸ Muhammad bin Ismail al-Bukhari, *Shahih al Bukhary*, vol. II (Beirut: Dar al-Fikr al-Arabi, 1987).

¹⁹ Jala>l al-Di>n al-Suyu>tji>, *al-Asybah Wa an-Nadja>ir* (Beirut: Dar al-Kutub al-‘Ilmiyyah, 2015), 98. See Abū Hāmid Muhammad bin Muhammad al-Gazāli, *al- Mustasfā min ‘Ilm al-Uṣūl* (Mesir: Syirkah at- Ṭibā’ah al-Fanniyyah al-Muttahidah, 1971), 198.

²⁰ Saifuddin Zuhri Qudsy dan Ahmad Sholahuddin, “Kredibilitas Hadis dalam COVID-19:Studi atas Baḏl al-Mā’ūn fi Fadhli al-Thāun karya Ibnu Hajar alAsqalany,” *Al Quds Jurnal Studi Alquran dan Hadis* IV, no. 1 (April 2020): 1–18, <https://doi.org/10.29240/alquds.v4i1.1476>.

The Kuwait Fatwa Council forbids local Muslims from worshipping in mosques, they are required to worship at home to reduce the spread of the COVID-19 outbreak. Even the call to prayer in Kuwait uses the editorial "shallu fii rikhalikum" which means, "pray in your homes". This kind of call to prayer was uttered at the time of the Prophet when Muslims experienced difficulties or exhaustion when worshipping at the mosque. The meaning of difficult conditions in the hadith, among others, is due to heavy rains, desert storms, to any conditions that threaten human safety. Meanwhile, Egypt's al-Azhar Fatwa Council stated that an invitation to gather (worship) during a pandemic is a crime because mass gathering is one of the causes of disease (covid-19). So the Shari'a obliges to avoid gatherings (worships) that endanger life.

More firmly, the Saudi Arabian government has closed access to Umrah for all Muslims in the world. The main reason is to prevent the spread of COVID-19, at its peak Saudi Arabia locked down the two most important mosques in the world and canceled the pilgrimage for Muslims around the world. The Indonesian government, through President Jokowi, instructed them to work from home, worship at home and study from home. The appeal is not without a reason, the government's goal is to reduce the spread of the COVID-19 virus. Then the real effort of the government to overcome the covid-19 pandemic outbreak is to carry out covid-19 vaccinations. One of the types of vaccines used in Indonesia is the AstraZaneca vaccine, although the raw material for this vaccine comes from pig trypsin, but it is allowed because the pandemic condition is already in such an emergency and many people have died due to the pandemic. The vaccination policy carried out by the government is in line with the concept of Islamic law contained in maqashid sharia by maintaining the safety of the soul of *hifz an-nafs*.

Covid-19 Vaccination and Implementation of Religious Moderation

The word moderation comes from the Latin, namely *moderatio* which means moderate (not excessive and not lacking). This definition also means self-control (from an attitude of excess or deficiency). The

Big Indonesian Dictionary (KBBI) mentions two notions of moderation, namely: First, the reduction of violence. Second, avoidance of extremes. The word moderation is often used in the sense of average, core, standard, or non-aligned. In general, moderate means prioritizing balance in terms of beliefs, morals, and character both when treating others as individuals, and when dealing with state institutions.²¹

Whereas in Arabic, moderation is known as *wasath* or *wasathiyah*, which has the equivalent meaning with the words *tawassuth* (middle--middle), *i'tidal* (fair), and *tawazun* (balanced). People who apply the principle of *wasathiyah* can be called *wasith*. In Arabic too, the word *wasathiyah* is defined as "the best choice". Whatever words are used, they all imply the same meaning, namely fairness, which in this context means choosing a middle ground between various extreme options. The word *wasith* has even been absorbed into Indonesian into the word 'arbitrator' which has three meanings, namely: 1) intermediary, intermediary (eg in trade, business); 2) mediator (separator, reconciler) between the disputants; and 3) the leader in the match. The opposite of moderation is excessive, or *tatharruf* in Arabic, which means extreme, radical, and excessive in English. The word extreme can also mean "to go too far, go from end to end, turn around, take the opposite action/path". In the KBBI, the word extreme is defined as "the very end, the highest, and the loudest".²²

The essence of religious moderation is fairness and balance in viewing, responding to, and practicing all of the paired concepts above. In the KBBI, the word "fair" is defined as: 1) impartial/impartial; 2) side with the truth; and 3) appropriate/not arbitrary. The word "referee" which refers to someone who leads a match, can be interpreted in this sense, namely someone who is not

²¹ Yusuf Qaradhawi terj. Alwi A.M, *Islam Jalan Tengah; Menjauhi Sikap Berlebihan dalam Beragama*, III (Bandung: Mizan, 2017), 98.

²² Agus Zainul Fitri, "Pendidikan Islam Wasathiyah: Melawan Arus Pemikiran Takfiri di Nusantara," *Jurnal Kuriositas: Media Komunikasi Sosial dan Keagamaan* VIII, no. 1 (November 2015): 45–54, <https://doi.org/10.35905/kur.v8i1.147>.

partial, but rather sided with the truth. The second principle, balance, is a term to describe perspectives, attitudes, and commitments to always side with justice, humanity, and equality. The tendency to be balanced does not mean having no opinion. Those who have a balanced attitude are firm, but not harsh because they always side with justice, only that their alignment does not rob other people of their rights to the detriment. Balance can be considered as a form of perspective to do something in moderation, neither too much nor less, neither conservative nor liberal.

If we elaborate further, we can identify several other qualities that must be possessed as a prerequisite for religious moderation, such as: the need to have comprehensive knowledge regarding worship rituals. Comprehensive knowledge of the law of carrying out worship in a religion will certainly make it easier for people to choose alternatives if they need it, although of course with the principle not to take lightly or 'facilitate' a religious ritual practice. This method is solely to promote the principle of ease in religion, as far as its implementation is possible. This condition is indeed quite difficult to have because of the assumption that the ummah must really understand religious texts comprehensively and contextually. For example, some time ago there was widespread rejection of the covid-19 vaccine immunization from religious groups due to uncertainty regarding the law, even though the vaccine was urgently needed to prevent the spread of the COVID-19 virus disease. This departs from the MUI Fatwa No. 14 of 2021 concerning the Law on the Use of the Covid-19 Vaccine for Astrazaneca Products. The fatwa clearly forbids the use of the Astrazaneca vaccine, which is derived from pig trypsin. The Astrazaneca vaccine can be used due to an urgent need and emergency situation, there is expert information explaining the dangers of the Covid-19 virus and the urgency of vaccination, the lack of availability of halal vaccines and safety guarantees initiated by the government.

The fatwa recommends the government to prioritize the use of halal vaccines for Muslims. The public's response is different regarding the MUI fatwa regarding the Sinovac vaccine, because the

raw material for the vaccine is halal in accordance with the MUI fatwa, so it does not cause quite a polemic upheaval among the public. The Central MUI Fatwa regarding the AstraZaneca vaccine law contradicts the East Java MUI Fatwa which allows the AstraZaneca vaccine. KH. Ma'ruf Khazin as Chair of the East Java MUI said that the clinical trial of the AstraZaneca vaccine had undergone a process of changing its shape (istihalah/istihlak), so that the use of the AstraZaneca vaccine was halal and not unclean..

Conclusion

Covid-19 is a pandemic that has claimed quite a number of victims in various parts of the country. The government itself has made various efforts, one of which is to carry out regional restrictions, lock down, to vaccinate against COVID-19. The implementation of vaccination in Indonesia received mixed responses. The Indonesian Ulema Council (MUI) is one of the community organizations that responds to the various types of vaccines used in Indonesia. Through its fatwa, MUI allows the Sinovac vaccine because the raw material for the vaccine is halal and does not contain najis or items that are forbidden as in Islamic law. Meanwhile, MUI forbids the AstraZaneca vaccine on the grounds that it is made from pork trypsin. However, due to urgent conditions, MUI allowed the vaccine to use AstraZaneca. However, MUI provides recommendations to the government to seek vaccinations from halal raw materials for the benefit of Muslims.

This fatwa is one of the references for people who are reluctant to carry out vaccinations. In fact, many religious leaders are reluctant to be vaccinated with the AstraZaneca type. Likewise, some religious leaders (mosque takmir) in Malang City are reluctant to be vaccinated with the AstraZaneca type. The main reason is the prohibition of the MUI fatwa on this type of vaccine. If examined further, the MUI Fatwa regarding the AstraZaneca vaccine actually allows it because the condition is in an emergency. However, people read the information piecemeal, so there is an incomplete understanding. This kind of pattern is due to the proliferation of rapidly growing information on

various social media pages without any tabayyun over the validity of the information.

Meanwhile, the covid-19 vaccination in the perspective of Islamic law is one part of the effort to protect the soul which is included in the dharuriyat al-khomsah in the maqashid shari'ah concept. At this level, protecting the soul is an important element in the objectives of Islamic law. The analogy is that while there is someone who gets lost in the forest for days and finds no food except haram food, while if he does not eat it is feared that he will die, then the person concerned is allowed to eat the food in order to maintain the safety of the soul. This parable is at least similar to the implementation of the Covid-19 vaccination with the AstraZaneca type. This attitude is in line with the concept of religious moderation, where the implementation of moderate religion is to maintain the benefit. The Prophet SAW himself once gave a statement that the best case is the moderate one. Receiving vaccinations of any kind is one of the efforts to be moderate in order to avoid difficulties and calamities. In his time, the Prophet had locked down an area affected by the plague. Likewise, the Prophet carried out PSBB/PPKM by prohibiting residents from visiting areas affected by the epidemic.

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