

ISLAMIC LAW ANALYSIS OF MUI FATWA NO.13 OF 2021 CONCERNING THE LAW OF COVID-19 VACCINATION DURING FASTING

Evi Eka Elvia

Universitas Islam Negeri Sunan Kalijaga Yogyakarta, eviekaelvia09031999@gmail.com

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Abstract

The object of this study is the fatwa of the Indonesian Ulama Council (MUI) regarding the law of vaccination during fasting. This fatwa was made on the basis of an urgent interest regarding the law of whether or not to vaccinate while fasting. This study uses the nas and ushul fiqh approaches. The data used is to use 'illat (reason) reasoning. The theory used uses the istihsan theory. The interests on which it is based are the interests of the maslahah (public interest), taking into account five interests, namely maintaining religion, nurturing the soul, maintaining reason, maintaining offspring, and maintaining property. This research study contains three findings. First, MUI fatwas have been comprehensively compiled from various valid sources, the Qur'an, hadith, fiqh rules, and scholarly opinions so that there is no doubt about the legal provisions. Second, this fatwa connects and integrates science and religious knowledge that contributes to solving problems in the midst of the COVID-19 pandemic. Third, fatwa's appear at the right time in the condition of people who urgently need legal clarity on the law of vaccination while *fasting*.

Keywords : Vaccine Law, MUI Fatwa, Covid-19.

Abstrak

Objek penelitian ini adalah fatwa Majelis Ulama Indonesia (MUI) mengenai hukum vaksinasi saat berpuasa. Fatwa ini dibuat atas dasar kepentingan mendesak mengenai hukum batal atau tidaknya melakukan vaksinasi saat berpuasa. Kajian ini menggunakan pendekatan nas dan ushul fiqh. Data yang digunakan adalah dengan menggunakan penalaran 'illat (akal). Teori yang digunakan menggunakan teori istihsan. Kepentingan yang menjadi dasar adalah kepentingan masalah (kepentingan umum), dengan mempertimbangkan lima kepentingan, yaitu memelihara agama, memelihara jiwa, memelihara akal, memelihara keturunan, dan memelihara harta. Kajian penelitian ini memuat tiga temuan. Pertama, fatwa MUI telah disusun secara komprehensif dari berbagai sumber yang valid baik, Al-Qur'an, hadis, kaidah-kaidah fiqh, maupun pendapat ulama sehingga tidak diragukan lagi ketetapan hukumnya. Kedua, fatwa ini mengkoneksikan dan mengintegrasikan antara pengetahuan sains dan agama yang memberikan kontribusi penyelesaian masalah di tengah pandemi covid-19. Ketiga, fatwa muncul di waktu yang tepat dikondisi masyarakat yang sangat membutuhkan kejelasan hukum tentang hukum vaksinasi saat berpuasa.

Kata Kunci : Hukum Vaksin, Fatwa MUI, Covid-19.

INTRODUCTION

Since the COVID-19 outbreak appeared, it has had an impact in various sectors; health, economy, education, and social communities. WHO as an international and regional Organization of Cooperation is needed to strengthen the public health system to control the further transmission of this

deadly virus¹ from the world's public health concerns.¹

In the midst of the covid-19 outbreak, people's views vary in dealing with this situation. Social stigma and negative

¹ Tauseef Ahmad et al., "Coronavirus Disease 2019 (COVID-19) Pandemic and Economic Impact," *Pakistan Journal of Medical Sciences* 36, no. COVID19-S4 (May 19, 2020), <https://doi.org/10.12669/pjms.36.COVID19-S4.2638>.

assumptions of the community towards covid-19 often aggravate the situation.² The implementation of emergency conditions in Indonesia is marked by the decision of the President of the Republic of Indonesia No. 12 of 2020 concerning the Determination of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (Covid-19) as a National Disaster and followed by other regulations such as fatwas issued by the Indonesian Ulama Council (MUI). This rule is a form of the government's response to the public as a warning to be aware of the dangerous COVID-19 virus. The role of laws and regulations becomes legal firmness and provides legal certainty as a warning and vigilance in facing difficult situations.

The first effort made by the government in dealing with the Covid-19 pandemic is to socialize the Large-Scale Social Restrictions (PSBB) rules at the beginning of the emergence of covid-19 by limiting activities outside the home from various human activities including economic activities, worship, education and society. After the PSBB is completed, the Implementation of Community Activity Restrictions (PPKM) is implemented. Prevention efforts that continue to be echoed are social distancing and 5M (washing hands, wearing masks, maintaining distance, staying away from crowds, and reducing mobility). In early 2021 the covid-19 vaccination program has begun. The government's efforts, assisted by health workers, organized mass covid-19 vaccinations in various places throughout Indonesia. The accelerated vaccination process in 2021 requires medical personnel to vaccinate from morning to evening. The month of Ramadan is a challenge for medical personnel in the implementation of vaccination. This is because people are worried

that the fasting service they are carrying out is canceled.

MUI as an important institution in determining Islamic law in Indonesia and as an institution that protects the conditions of Muslims in worshipping has shown its existence in answering legal problems in the emergency conditions of the Covid-19 pandemic.³ The precariousness of emergencies and requests from several parties, such as the Ministry of Health, the public or the government. So, MUI officially issued MUI Fatwa NO.13 of 2021 concerning the Law on Covid-19 Vaccination during Fasting. This fatwa is answering questions about the law of vaccination when fasting and convince the public not to hesitate and not worry about vaccinating while fasting. This effort is made so that fasting activities in the month of Ramadan can continue to run and can be a driver of the decline in covid-19 cases that continue to increase. The fatwa that the MUI complained about the ability to vaccinate while fasting is a fatwa that is set to get legal clarity which helpsthe government. So that the public response to the fatwa is very good, this is because the fatwa is indeed a necessity in efforts to accelerate vaccination carried out in 2021.

Based on previous research conducted by M. Asrorun Ni'am Sholeh, entitled "Towards a Progressive Fatwa MUI's Response to the Covid-19 Pandemic" that the MUI is beyond the force of non-compelling law, the fatwa has shown the important role of Indonesian Ulama figures and assisted the state in overcoming the pandemic that occurred in helping to deal with the covid-19 pandemic. This is because the logic of fatwas is built based on logical (reason) and conceptual so that it is in line with WHO recommendations to

² Nilam Fitriani Dai, "Stigma Masyarakat Terhadap Pandemi Covid-19," *Prosiding Nasional Covid-19*, 2020, 66–73, <https://www.ojs.literacyinstitute.org/index.php/prosiding-covid19/article/download/47/32>.

³ Muhammad Ulil Albab and Nurwahidin Nurwahidin, "Methods and Stages of Ijtihad in Fiqh Nawazil: Correlation and Implementation in Fatwa of the Indonesia Ulama Council Related to Covid-19," *Al-Hurriyah: Jurnal Hukum Islam* 7, no. 1 (2022): 1–14.

protect the public in preventing the transmission of the Covid-19 virus.⁴

In addition, according to Mahsa Alimardani and Mona Elswah in a study entitled "Online Temptations: Covid-19 and Religious Misinformation in the MENA Region" it was explained that the role of religion in the conditions of the Covid-19 pandemic provides attractiveness in social life, social, customary and cultured. So that religion has a responsibility to handle this problem.⁵

Husni Mubaraak A.Latief's research entitled "Emergency Vaccines, MUI Fatwas and Daruri Jurisprudence Review (Case Study of Covid Vaccine Fatwas in Indonesia)" said that the MUI Fatwa, in fact, is supported by arguments and reasoning to provide arguments about the ability of vaccines containing illicit elements with the pretext of an emergency.⁶

Abdur Rahman Adi Saputera's research entitled, "Researching the Dynamics and Existence of MUI Fatwas as an Effort to Mitigate the Covid-19 Pandemic" explained that at the beginning of the presence of fatwas about pandemics, community responses varied, some opposed and accepted them. After the pandemic, the role and influence of MUI fatwas during the pandemic have provided responsive reactions from all walks of life, so as to realize alternatives and solutions to religious and worship patterns that are more progressive, realistic, dynamic, and conceptualist. At the same time showing Islamic

Law rahmatan lil alamin sholihul likuli zaman wal makan.⁷

Based on the description of previous research, it explains more about the existence and urgency of fatwas against the pandemic presented in general. In contrast to this study, which analyzed a more specific fatwa, namely about the MUI fatwa on vaccination during fasting. This study does not talk about halal or illegitimate vaccine laws. However, explaining the law of vaccines when fasting, so the formulation presented, namely how the covid-19 vaccination law is carried out in fasting conditions, how the relevance of fatwas to the social conditions of society and how the relevance of religion and science in fatwas.

METHOD

The research study in this paper discusses MUI Fatwa No.13 of 2021 concerning the Law of Vaccination Covid-19 during Fasting. This research is a normative legal research to find legal rules that can answer legal issues that occur. Data sources are taken from books, articles, journals, and the internet that have a connection with the theme discussed. The most data sources are taken from fatwas that are used as research objects. The approach used is the nas and ushul fiqh approach. The focus of his research is to carefully investigate the results of ijihad ulama in responding to the problems that occur, namely the law of vaccination carried out during Ramadan fasting. As well as exploring the arguments used to strengthen the MUI fatwa which is used as a basis for establishing the law. The theory used is the theory of istihsan as a theory of Islamic law that can be revised in the future taking into account nas.⁸

⁴ M Asrorun Ni'am Sholeh, "Towards a Progressive Fatwa: MUI's Response to the COVID-19 Pandemic," *Abkam: Jurnal Ilmu Syariah* 20 (2020).

⁵ Mahsa Alimardani and Mona Elswah, "Online Temptations: COVID-19 and Religious Misinformation in the MENA Region," *Social Media + Society* 6, no. 3 (July 30, 2020): 205630512094825, <https://doi.org/10.1177/2056305120948251>.

⁶ Husni Mubarrak A. Latief, "Darurat Vaksin, Fatwa MUI, Dam Tinjauan Fikih Daruri (Studi Kasus Fatwa Vaksin COVID-19 Di Indonesia)," *Jurnal Hukum Dan Ekonomi Islam* 20, no. 2 (2021): 241-61, <http://www.istinbath.or.id>.

⁷ Abdur Rahman Adi Saputera, "Menelisis Dinamika Dan Eksistensi Fatwa Mui Sebagai Upaya Mitigasi Pandemi Covid-19," *Tabkim* 3, no. 2 (2020): 59-78.

⁸ H Satria Effendi and M Zein, *Ushul Fiqh: Edisi Pertama* (Prenada Media, 2017).

The istihsan theory is a theory used by the selection of two 'illats that each has different levels of power. The point of the different levels of power is, the 'clear illat and the hidden 'illat. The basis applied in istihsan is the Qur'an and Hadith.⁹ The interests that are used as the basis for the fatwa are the public interest (masalah), taking into account the five interests that include maintaining religion, nurturing the soul, maintaining reason, maintaining offspring, and maintaining property.¹⁰

DISCUSSION

Mui Fatwa No. 13 of 2021 Concerning the Law on Covid-19 Vaccination During Fasting

MUI Fatwa Number 13 of 2021 concerning the Law of Vaccination during fasting was set on 2 Sya'ban 1442 H / 16 March 2021 in Jakarta. This fatwa is proof of the rise of Islamic law that plays an active role in the covid-19 problem in Indonesia as a religious action determined by the MUI as an effort to prevent and stop covid-19 through vaccination. This fatwa uses logical reasoning based on reason ('illat), in establishing a law, namely to reduce the spread of covid-19 which has become a serious problem in this century. In addition, this fatwa is based on the determination of the issuance decision by the World Health Organization (WHO) which states that covid-19 is a pandemic.¹¹

MUI revealed that the COVID-19 pandemic is an international problem that has reached an emergency situation that requires quick action to stop it. This is related to the expression of experts who say that if

vaccination is not carried out immediately, it will have a dangerous impact on the people of Indonesia. Meanwhile, the mass vaccination program is also carried out during the holy month of Ramadan. As stated in the fatwa, the MUI supports the efforts made by the Indonesian government in accelerating prevention in overcoming the transmission of the covid-19 virus by targeting the implementation of covid-19 vaccination of 181.5 million (70% of Indonesian citizens) in 2021 for the realization of herd immunity.

The vaccination process, which continues to be carried out by medical personnel, raises questions in the midst of the community approaching the fasting month of Ramadan. The question arises because of the concerns of people who, if they vaccinate during the day, will cancel the fast they are running. So at the request of the Ministry of Health as a result of an interview by CNN Indonesia, as a representative of the voice of the public that is hesitant to be vaccinated. Siti Nadia explained that health workers need legal clarity on vaccinations carried out during fasting. So with that consideration, the Indonesian Ulama Council officially established MUI Fatwa No.13 of 2021 concerning the Covid-19 Vaccination Law when fasting to be used as a guideline. Based on the results of the decision against Fatwa No. 13 of 2021, the implementation of vaccines carried out during fasting is allowed based on the provisions of Islamic law. The fatwa explained that vaccination does not cancel fasting even though it is done during the day because there is an emergency that requires it. So that with the issuance of the fatwa, the Indonesian people, especially Muslims who carry out ramadan fasting, can still vaccinate. The ability to vaccinate during fasting has been considered by scholars and medical personnel through the process of implementing vaccinations carried out by the intramuscular injection method. In addition to

⁹ Moh Mufid, *Ushul Fiqh Ekonomi Dan Keuangan Kontemporer: Dari Teori Ke Aplikasi* (Kencana, 2018).

¹⁰ M Ag Busyro, *Maqāshid Al-Syariah: Pengetahuan Mendasar Memahami Masalah* (Prenada Media, 2019).

¹¹ M. Asrorun Ni'am Sholeh, "Towards a Progressive Fatwa: MUI's Response to the COVID-19 Pandemic," *AHKAM: Jurnal Ilmu Syariah* 20, no. 2 (December 30, 2020): 281–98, <https://doi.org/10.15408/ajis.v20i2.17391>.

the method of implementation considered, matters related to the condition of the body of Muslims are very important to pay attention to considering that vaccination is carried out when Muslims with a weak body condition. In the decision, it is explained that the vaccination process can be dangerous due to weak body conditions, if possible, the implementation of vaccination can be carried out after Muslims have broken their fast, namely at night. Muslims and non-Muslims are required to take part in the covid-19 vaccination that has been organized by the government in order to realize herd immunity and be able to stop the covid-19 outbreak.

Fasting during Ramadan is a command of Allah as a mandatory worship for Muslims as in Sura Al-Baqarah (2) verses 183-184. Surah al-Baqarah (2) verse 183 is the first verse on the fasting commandment. This verse is a mandatory commandment for fasting for Muslims in the month of Ramadan and at the end of the verse it is explained that fasting is in the interest of man to be piety. The next verse in surah al-Baqarah verse 184, Allah Almighty gives relief for people who cannot afford to fast i.e. the sick, the traveling (safar) and is obliged to replace it by paying fidhiyah or feeding to the poor.

Ibn Sa'ad narrated in his *Thabaqat* of the Mujahideen. He said, the verse comes down with regard to my servant, Yasin bin Said,

*"For people who are unable to fast in the month of Ramadan because there are obstacles so that they cannot afford to carry out, they are required to pay fidyah to the poor every day."*¹²

Furthermore in Sura al-Baqarah (2) verse 187,

"... and eat drink to the light unto thee the white thread of the black thread,, which is the dawn. Then complete the fast until (come) night ..."

This verse explains that in carrying out fasting there is harmony in fasting, one of which is to avoid things that can cancel the fast, namely from dawn until the time of breaking the fast. Things that can break fasting such as eating, drinking, having sex for husband and wife in the middle of the day, and other undoing things. Surah al-Baqarah verse 195.

"And do not throw yourselves into perdition, and do good, for verily God loves those who do good."

Discusses the call to do good and the prohibition to zhalim to oneself because of the reluctance to do infaq. In the passage "wa la tulqu bi aidikum ila al-tahlukah" this section may be generally applicable. As scholars make this verse a postulate that can be used as a handle for Muslims in general so as not to plunge themselves and harm themselves from things that can be self-destructive. So the taking of the above verses is appropriately used as the basis for the postulate in this fatwa.¹³

In addition to the verses of the Qur'an as the basis for determining the postulate, the hadith is also used as a reference for the determination of the law. Here are the hadiths used in this fatwa: the following hadith is a hadith regarding a disease there must be a cure and the command to treat well, taken in a good way and halal content.

"From Abu Dar'da, he said: The Messenger of Allaah sallallahu 'alaibi wa sallam said: "Verily Allah has brought down disease and cure for every disease, so seek treatment and do not seek treatment with the illegitimate" (HR. Abu Dawud).

From the three hadiths above, it is explained that various diseases handed down by Allah Almighty must have a cure, except for old and dead diseases. The verse describes the command to seek treatment for self-

¹² Imam As-Suyuthi, *Asbabun Nuzul: Sebab-Sebab Turunya Ayat Al-Quran* (Qisthi Press, 2018).

¹³ Ali Mursyid, "Tafsir Ayat-Ayat Pandemi: Studi Atas Fatwa Majelis Ulama Indonesia (MUI)," *MISYKAT Jurnal Ilmu-Ilmu Al-Quran Hadist Syari Ab Dan Tarbiyah* 5, no. 1 (2020): 23–50.

healing from illness. However, this verse forbids treatment in the way forbidden by Allah.¹⁴ This hadith is relevant to the fatwa studied about the ability to vaccinate against COVID-19. In addition to the hadith that explains the command of treatment this fatwa explains how the fasting command is described in the following hadith: hadith about the monastery lingering *istinsyaq* during ablution.

“From 'Ashim bin Laqith bin Shabrah of his father said: I said "Rasulullah sallallahu 'alaihi wa sallam, teach me about ablution". The apostle sallallahu 'alaihi wa sallam said: "perfect ablutions, mean it when *istinsyaq* (inhale water into the nose), except when you are fasting". (HR. Ibn Majah)

"Indeed, the Prophet Muhammad sallallahu 'alaihi wa sallam used *celak itsmid* (antimony stone with a surface color like metal) while fasting." (HR. al-Baihaqi).

The affirmation in the fatwa is also determined based on the provisions of the *ushul fiqh* rules. Here are some of the rules used: The *fiqh* rule on which this fatwa is based, namely Danger must be eliminated. This provision is taken from the Qur'an and the hadith of the Messenger of Allah. Allah says in surah Al-Baqarah verse 173.

“Indeed, Allah only forbids you carcasses, blood, pork and animals which (when slaughtered) are called (names) other than Allah. But whoever is in a state of compulsion (eating it) while he does not want it and does not (also) go beyond the limit, then there is no sin for him. Indeed, Allah is All-Forgiving again All-Merciful.”

¹⁴ Mutiara Fahmi, “Penggunaan Manusia Sebagai Relawan Dalam Ujicoba Obat Baru: Kajian Alquran, Hadis Dan Kaedah Fiqih,” *El-Ushab: Jurnal Hukum Keluarga* 4, no. 1 (2021): 64–75.

Avoiding negative effects and wanting convenience in any form so that a benefit is formed is highly recommended in Islam. That is, all dangers that come then must be eliminated and prevented, whether at a time that has passed, is being faced or that will occur. This rule is in line with the hadith of the Messenger of Allah "It is not permissible to make *mudharatan* and repay the *mudharatan*.”¹⁵

The word *kemudharatan* (*dharar*) is another word for bringing danger. According to al-Husaini that *dharar* means "for you there is a benefit but for others there is a danger." As for *dharar*, "for you there is no benefit and for others harm." Therefore, there is a *sharia* that can realize the goals of Muslims, so as to bring benefits and reject *mudharatan* (danger).¹⁶ The covid-19 virus is a terrible and dangerous virus.¹⁷ It provides harm to humans, but the use of vaccines will provide benefits, so the rules used in this fatwa are appropriate because the covid-19 vaccine is a prevention and eradication effort to eliminate dangers that must be pursued as soon as possible.

The next rule, "danger must not be eliminated by impurity." The vaccine is a recommendation from the government to prevent the transmission of the covid-19 virus. In the process of implementation, it is necessary to meet the requirements for vaccination, one of which is a healthy and

¹⁵ Abdul Mun'im, *Hukum Manusia Sebagai Hukum Tuhan: Berpikir Induktif Menemukan Hakikat Hukum Model Al-Qawa'id Al-Fiqhiyah* (Pustaka Pelajar, 2009).

¹⁶ Abdur Rahman Adi Saputera Putra, “The Contextualization of Islamic Law in the Pandemic Period through Fiqhiyyah Rules in the MUI Fatwa No. 14 of 2020 as an Effort to Re-Actualize the Concept of Religious Moderation,” *KURIOSITAS: Media Komunikasi Sosial Dan Keagamaan* 13, no. 2 (December 8, 2020): 141–66, <https://doi.org/10.35905/kur.v13i2.1415>.

¹⁷ Barton F. Haynes et al., “Prospects for a Safe COVID-19 Vaccine,” *Science Translational Medicine* 12, no. 568 (November 4, 2020), <https://doi.org/10.1126/scitranslmed.abe0948>.

strong condition. For Muslim communities who fast if there is concern about their weak physical condition because they are fasting, this fatwa recommends vaccinating at night. This means that the vaccine is an effort to avoid the dangers of the covid-19 virus but in the process of eliminating danger (eliminating the danger) cannot run with other conditions, namely weak physical conditions.

The next rule, "danger is prevented wherever possible." From this rule, it can be explained that a mudharatan that occurs must be eliminated quickly and as soon as possible for a prevention in order to avoid something that becomes a mudharatan with everything that is possible can be worked on.

This rule is in line with the intention of *maslahah mursalah*.¹⁸ Prevention efforts to avoid the dangers of the covid-19 virus are to carry out government efforts by following the implementation of covid-19 vaccination. Even though muslims are carrying out fasting services prevention against covid-19 needs to continue to be carried out. Thus, in line with this rule, prevention of harm can be carried out wherever possible against the human endeavors that they can get and strive for. This is to realize the benefit of mankind.

The essence of fasting, which has been agreed upon by most scholars is that fasting is a refrain or abstinence from self-lust such as, enduring to endure thirst and hunger, not having sex, not denouncing, not lying, not smoking and others. MUI Fatwa No. 13 of 2021 requires that the ability to vaccinate against covid-19 when one of them is by considering the vaccination process carried out by intramuscular injection. The most common things that cancel fasting are eating and drinking. As in surah al-Baqarah (2) verse 187,

“..And eat and drink until the light is to you the white thread of the black thread, which is the dawn....”. (al-Baqarah (2):187)

This verse explains that when fasting is not allowed to eat or drink, it is also explained that the limit for the start of fasting is the rising of the dawn. According to Ulama that there are two restrictions on eating and drinking in fasting.

First, the object passes through the throat. The object in question is in the form of objects that are commonly eaten or drunk by humans, such as rice, side dishes, vegetables, mineral water and so on. In addition, the intention of the object can be unusual objects for humans to eat or drink, such as stones, sand, flies, oil and so on. If the object is ingested through the throat and down into the stomach it can be considered something that cancels the fast. However, scholars agree that the limit on including something that can cancel fasting is the throat. While the mouth, lips, saliva, teeth, are not restrictions. So that if the aforementioned object is not swallowed or has not been swallowed, then it has not been said to be "eating" and does not cancel the fast. For example: brushing your teeth and rinsing your mouth.

Secondly, the object passes through the body cavity. For example: the process of administering drugs that are entered through hoses and syringes. The infusion fluid that is channeled into the body is glucose that is not introduced through the mouth but through a syringe so that it does not pass through the throat like the process of eating and drinking.¹⁹

According to Yusuf Qardhawi that injections during fasting with interest as supplements, for example injections of vitamins, vaccines, calcium, and the like do not cancel fasting. This is because the object in question does not enter through an open organ such as the mouth. In addition, it is not a meal for the physical as opposed to the

¹⁸ Sugianto Sugianto, “Membangun Lemma Ekonomi Islam Berbasis Qawâ'id Al-Fiqhiyah (Studi Kasus *يزال الضرر*)”, *HUMAN FALAH: Jurnal Studi Ekonomi Dan Bisnis Islam* 1, no. 1 (2016): 1–16.

¹⁹ Ahmad Sarwat, “Puasa: Syarat Rukun & Yang Membatalkan,” 2019.

wisdom of fasting to relieve thirst and hunger. Injections that are inserted into the body contain food substances that do not provide satiety; this is because the liquid does not enter the large stomach so that it does not go through the digestive process.

According to Yusuf Qardhawi that it is true that if a person is injected with food substances, that person will feel fresh. But this cannot be used as the main reason that cancels the fast. This phenomenon is caused by bathing in the middle of the day, both of which can refresh the body but do not relieve thirst and hunger. Yusuf Qardhawi injecting fluid with water used for bathing that does not enter through open cavities such as the mouth or throat.²⁰

Fatwa Analysis

The fatwa raised in this research study is supported by relevant *nash-nash* so that the discussion is in line with the issues discussed. One of the legal bases used in fatwas is sourced from the Qur'an which is in line with the content of the fatwa which discusses the legal basis for covid-19 vaccination when fasting accompanied by verses that require Ramadan fasting, matters related to the pillars of fasting to refrain from those who cancel it and coupled with verses that prohibit dropping from destruction, namely the Quran surah al-Baqarah verses 183,184,187, and 195. The hadith used to explain the fatwa on treatment uses the *shahih* hadiths, as in the first hadith narrated by al-Bukhari, the second hadith narrated by Abu Dawud, Tirmidzi, Nasa'il, and Ibn Majah, and the third hadith narrated by Abu Dawud.

The hadith narrated by Ibn Majah about lingering *instinsyaq* during ablution and the hadith of al-Baihaqi about using *celak* comes from the hadith that is *shahih*. Meanwhile, the *fiqh* rule used in fatwas is the rule that

something harmful must be eliminated but in an effort to eliminate it is not allowed with impurity, and harm is prevented by the ability we strive for. From the source of the arguments used in this fatwa, it has been shown that the Indonesian Ulema Council in exploring and establishing the law has interpreted the texts of religious books in accordance with the objectives of Islamic law, namely, maintaining religion, soul, reason, descendants, and property. Departing from the sources of arguments that have been explained above, the Indonesian Ulema Council has provided legal clarity on the ability to vaccinate during the month of Ramadan.

Based on the determination of the decision in the fatwa related to the process of implementing vaccination using intramuscular injection which experts think that it does not harm. It can be explained in medical science that there are four types of injections or injections used by medical personnel to carry out treatment or vaccination carried out through injections, namely intramuscular injection (IM), subcutaneous injection (SC), intravenous injection (IV) and intrathecal injection.²¹ First, subcutaneous injection is an injection injected into the fatty tissue under the skin which is usually used in insulin injections for diabetics.

Second, intrathecal injection is an injection used by some pregnant women who are about to give birth. Third, intravenous injection is a way of inserting a needle into a blood vessel (vein), that way the drug will go to the bloodstream which will then be spread throughout the body. This injection is commonly used for injectable infusions.

Fourth, Intramuscular injection means injecting drugs into muscles, the intramuscular method is a method often used in vaccine injections.

²⁰ Willy Giantomi, "Pendapat Syaikh Utsaimin Dan Yusuf Qardhawi Tentang Hukum Suntik Ketika Puasa" (UIN Sunan Gunung Djati Bandung, 2019).

²¹ Majestika Septikasari, *Konsep Dasar Pemberian Obat Untuk Bidan* (STIKES Al Irsyad Al Islamiyyah Cilacap, 2018).

Covid-19 vaccination is done by intramuscular injection which is the right solution and treatment method compared to oral administration of vaccines such as capsules or syrup passed through the mouth. The reason for this is precisely because most vaccines that enter the body cannot be absorbed properly in the GI tract if they have to be forced to use oral or oral means.²² Drugs in aqueous solutions will be absorbed more quickly through intramuscular injection injections. This is because intramuscular injection injections in injections in the deltoid musculus or vastus lateralis (upper arm muscles) will be absorbed faster than injected in the maximus gluteus (buttocks). This means that if the vaccination that COVID-19 is carried out by intramuscular injection in the arm, it will increase the body's ability to absorb the vaccine. In addition, muscle is a part of the body that has a greater number of blood vessels than fatty tissue, so the use of intramuscular injection will be much more effective and accelerate the absorption of drugs compared to other forms of injection.²³

Injections or injections are often used in terms of treatment, strengthening, and satiating. First, injectable treatment is usually used to lower body temperature, blood pressure, and the like. This injection is an intravenous injection. According to the scholar of the contentporer that the use of injectables as a means of treatment does not cancel the fast based on the agreement of the experts of the contentporer fiqh. Second, strengthening injections are injections that contain vitamins so that they can strengthen or increase immunity from various diseases or viruses. This corroborating injection the scholars do

²² Amilia Shafa and Sriwidodo Sriwidodo, "Microneedle: Teknologi Baru Penghantar Vaksin COVID-19," *Majalah Farmasetika* 6, no. 1 (October 24, 2020), <https://doi.org/10.24198/mfarmasetika.v6i1.28092>.

²³ Joyce L Kee and Evelyn R Hayes, "Farmakologi" (EGC, 1996).

not consider as fasting-breaking. This is because these injections are not inserted through open parts of the body (for example, the mouth) and do not relieve hunger and thirst. This injection or injection is an intramuscular injection, which is commonly used for vaccination. Thirdly, while the filling injection is usually in the form of an IV, which provides a food change for those who are sick and have no appetite so that the physique is weak.²⁴

Some scholars allow this injection and others do not. Scholars who consider that injectable infusions cancel are caused by eating through the mouth that cancels fasting. Meanwhile, scholars who argue that infusion does not cancel because the fluid that enters does not reach the jauf (throat) through the mouth. They interpret jauf as a big belly. In essence, infusion does not relieve hunger or thirst caused unlike putting food into the mouth then through a large stomach and through the process of digestion by the intestines.

So that vaccines that by intramuscular injection do not cancel fasting. Taking into account that covid-19 vaccination activities do not go through open organs. As in the provisions of things that cancel fasting, that is, such as putting something through the mouth so that it enters the stomach like eating and drinking. This opinion is reinforced by Yusuf Qardhawi's opinion that injections do not cancel fasting, fluids that enter by injection or injection do not enter through open body cavities and are not used for the purpose of being a food that can cancel fasting which can eliminate the wisdom contained in the wisdom of fasting, namely hunger and thirst.²⁵ Therefore, covid-19 vaccination does not have the effect of satiety as an energizer in the body.

²⁴ Saiyid Mahadhir and M A Lc, *Bekal Ramadhan Dan Idul Fitri 4: Batalkah Puasa Saya?*, 2019.

²⁵ Giantomi, "Pendapat Syekh Utsaimin Dan Yusuf Qardhawi Tentang Hukum Suntik Ketika Puasa."

The decision in the fatwa discussed in this study provides a provision for using intramuscular injection in terms of avoiding acts that cancel fasting is appropriate. As long as it does not cause damage and endanger the vaccinated person. The fatwa decision has been in line with the principle of the purpose of nurturing the soul. It is connected with the covid-19 emergency that endangers human life.

MUI Fatwa No.13 of 2021 concerning the Covid-19 Vaccination Law during Fasting was officially issued and passed in the midst of the conditions of the Indonesian people who urgently need guidelines for the implementation of covid-19 vaccination during fasting.²⁶ At the beginning of the emergence of the covid 19 vaccine, many people argued about the material for making the vaccine. Not a few parties give the public's view of vaccines, namely views on the controversy over vaccines issued, the pros and cons not only occurred at this time but since the vaccine was developed (1790s).²⁷ For example, when the policy on the ability to vaccinate against COVID-19 is issued, there will be many different public perceptions. Although their arguments are based on the same religious fervor.²⁹

In the moments leading up to the month of Ramadan, Indonesians, especially Muslims, questioned how the law is to observe fasting but to vaccinate. They questioned whether or not fasting would be canceled in Ramadan if they vaccinated as the government is trying to accelerate the spread of covid-19. This fatwa is official and stipulated when Muslims will observe the mandatory fasting of Ramadan.

²⁶ Ahmad Zain Sarnoto and Lamy Hayatina, "Polarization of the Muslim Community towards Government Policies in Overcoming the COVID-19 Pandemic in Indonesia," *Linguistics and Culture Review* 5, no. S1 (September 6, 2021): 642–52, <https://doi.org/10.21744/lingcure.v5nS1.1449>.

²⁷ Eve Dubé, Maryline Vivion, and Noni E MacDonald, "Vaccine Hesitancy, Vaccine Refusal and the Anti-Vaccine Movement: Influence, Impact and Implications," *Expert Review of Vaccines* 14, no. 1 (2015): 99–117.

This fatwa is in response to the questions of the Muslim community, especially in concerns about whether or not to cancel vaccinations during fasting.

This fatwa is one of the guidelines for Muslims in carrying out Ramadan fasting in the midst of the covid-19 vaccination program that is being run by the government. Through this fatwa, people are expected to participate in vaccinations organized by the government through an attitude of compliance with fatwa decisions. This attitude of participation is an attitude of supporting the government in reducing the covid-19 rate. So that the issuance of fatwas provides benefits and protects the souls of Muslims.

Religiously, Ramadan fasting is the obligation of all Muslims in the world, which brings benefits to the human beings who practice. On the other hand, covid-19 is a dangerous virus caused by rapid discharge and needs to be eliminated through the vaccination process. The fatwa on the Law of Covid-19 Vaccination during Fasting is the result of an interconnection between religious knowledge and scientific knowledge. Without obeying both of them, Indonesian clerics in making a decision look at the side of both in benefiting from the results of ijtihad and to avoid mudharatan.

Basically epistemologically science (science) and religion (belief) are two different things that contradict each other.²⁸ This is because science (science) comes from the rational and empirical while religion is a religious science that is intuitive and theological (divine).²⁹ The relationship between religion and science does not lead to a safe situation in an increasingly complex life. There are many potential problems and risks. If the

²⁸ John H Evans and Michael S Evans, "Religion and Science: Beyond the Epistemological Conflict Narrative," *Annu. Rev. Sociol* 34 (2008): 87–105.

²⁹ Edwin Syarif, "Pergulatan Sains Dan Agama," *Refleksi* 13, no. 5 (August 26, 2014), <https://doi.org/10.15408/ref.v13i5.917>.

relationships between them are dialogued and put together ideally it will lead in a much better direction.³⁰ However, the two can be put together which can result in new contributions in science and religion being obtained if the two are inseparable. According to Islamic epistemology, logic is an important aspect in deciding Islamic laws. Thus, the divine aspect and the human aspect must be taken into consideration in bringing together religious values and scientific values.³¹ According to Barbour, that religion and science can be brought together through an integrated approach. This approach offers a theological notion that is open to theories of science to confront the ever-evolving world system.³²

In the case of the COVID-19 pandemic, Ulama do not only normatively involve religious texts in establishing a fatwa. However, looking at it from a contextual point of view, it involves the role of medical findings (science) in stopping the covid-19 virus through vaccination using intramuscular injection. There is an integration of the role of logic derived from reality and the role of religion derived from revelation (religious texts). By connecting the method of vaccination through intramuscular injection derived from science with religious rules regarding the obligation to fast in the month of Ramadan which must continue to be carried out as it should be.

From both sides, the ulama then correlates and interprets both, namely religious texts and science so that they can become a unit that can help realize the purpose of

Islamic law in relations with mankind, namely to bring benefits and protect humans from omnipresence.

CONCLUSION

MUI Fatwa No. 13 of 2021 concerning the Law on Covid-19 Vaccination During Fasting is very relevant to the social conditions of the community. Fatwas are needed to answer people's questions and become guidelines for religious activities in the covid-19 emergency. This research study contains three findings. First, MUI fatwas have been comprehensively compiled from various valid sources, both the Qur'an, hadith, fiqh rules, and scholarly opinions so that there is no doubt about the legal provisions. Second, this fatwa connects and integrates science and religious knowledge that contributes to solving problems in the midst of the COVID-19 pandemic. Third, fatwas appear at the right time in the condition of people who urgently need legal clarity on the law of vaccination while fasting.

The theory or basis of arguments used in fatwas has reflected a harmonious contextual and textual relationship. In its legal determination, it has used religious texts (nas) and used the rules of fiqh. A combination of the correlation of scientific studies (science) and religious studies in accordance with reality. Both sciences can integrate and respond to the needs of a law. The explanation of the fatwa is part of a reason for the urgency and need for the law, the details of its ability cannot be carried out in all conditions in general; an emergency makes a condition that should not initially be allowed to be done as a form of distancing from the chaos.

The purpose of ijihad carried out by the MUI, which in fact is a religious organization, is none other than to realize the benefit of the people. In order to fulfill the needs of mankind and facilitate all human needs. In addition, to realize the five basic interests of human beings, namely maintaining religion, nurturing the soul,

³⁰ M. Amin Abdullah, "Religion, Science, and Culture: An Integrated, Interconnected Paradigm of Science," *Al-Jami'ah: Journal of Islamic Studies* 52, no. 1 (April 8, 2015): 175, <https://doi.org/10.14421/ajis.2014.521.175-203>.

³¹ Ali Sodikin, "Science-Based Ijtihad: Religious and Scientific Dialectic on Fatwas Regarding Congregational Worship amid the Covid-19 Pandemic," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 1 (2021): 79–98.

³² Yordan Khaedir, "Perspektif Sains Pandemi Covid-19: Pendekatan Aspek Virologi Dan Epidemiologi Klinik," *Maarif* 15, no. 1 (2020): 40–59.

nurturing reason, nurturing offspring, and preserving property. This fatwa is a testament to the rise of Islamic law in the face of the challenges of an ever-evolving era.

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