

Religious *Fatwā* and Human Security: Managing Public Health through the Lens of Islamic Jurisprudence in Indonesia and Saudi Arabia

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ABSTRACT

This study examines the authorisation of religion in handling COVID-19 through religious *fatwā* issued by the Indonesian Ulema Council, popularly known as the Majelis Ulama' Indonesia (MUI), and the Council of Senior Scholars of Saudi Arabia (CSS). The objectives of this study are threefold: firstly, to analyse the methodological formulation of MUI and CSS *fatwā* regarding COVID-19 handling; secondly, to identify the factors underlying the issuance of these *fatwā*; and thirdly, to assess the impact of MUI and CSS *fatwā* on COVID-19 handling. Using a qualitative descriptive research method and conducting a case study of the MUI and CSS *fatwā* institutions, it was found that the methodological basis of the MUI and CSS *fatwā* on COVID-19 includes sources from the Qur'an, hadith, *ijmā'* (consensus), and *qiyas* (analogy), as well as *maqāṣid sharī'ah*. Referring to *maqāṣid sharī'ah* considerations, two priority dimensions emerge as factors in the issuance of MUI and CSS *fatwā*: *ḥifz al-dīn* (preservation of religion) and *ḥifz al-nafs* (preservation of life). This study also highlights the significant impact of MUI and CSS *fatwā* on COVID-19 handling. In this context, *fatwā* play a role as part of prevention strategies due to their strong theological influence and effective enforcement of policy implementation. This *fatwā* is especially pertinent given the roles of MUI and CSS, which, from the early stages of the COVID-19 pandemic, have contributed to supporting government policies through the *fatwā* they issued. However, differences exist. MUI *fatwā* tend to be recommendations and appeals, often disregarded by the public as they lack legal sanctions for non-compliance. However, *fatwā* issued by CSS possess absolute authority. This study contributes to a deeper understanding of how religious authorization can support public health policies during a pandemic. Additionally, it offers insights for enhancing the effectiveness of *fatwā* in the context of future health crises.

Keywords: *Authorization, fatwā, MUI, CSS, COVID-19*

ABSTRAK

Penelitian ini mengkaji tentang keabsahan agama dalam penanganan COVID-19 melalui fatwa keagamaan yang dikeluarkan oleh Majelis Ulama Indonesia (MUI) dan Majelis Ulama Senior Arab Saudi (CSS). Penelitian ini memiliki tiga tujuan: pertama, menganalisis metodologi perumusan fatwa MUI dan CSS terkait penanganan COVID-19; kedua, mengidentifikasi faktor-faktor yang melatarbelakangi dikeluarkannya fatwa tersebut; dan ketiga, mengkaji dampak fatwa MUI dan CSS terhadap penanganan COVID-19. Dengan menggunakan metode penelitian deskriptif kualitatif dan studi kasus pada lembaga fatwa MUI dan CSS, ditemukan bahwa dasar metodologi fatwa MUI dan CSS terkait COVID-19 meliputi sumber-sumber dari Al-Qur'an, hadis, *ijma'* (konsensus), dan *qiyas* (analogi), serta *maqāṣid syarī'ah*. Merujuk pada pertimbangan *maqāṣid sharī'ah*, muncul dua dimensi prioritas yang menjadi faktor dalam penerbitan fatwa MUI dan CSS, yaitu *ḥifz al-dīn* (menjaga agama) dan *ḥifz al-nafs* (menjaga kehidupan). Kajian ini juga menyoroti dampak signifikan fatwa MUI dan CSS terhadap penanganan COVID-19. Dalam konteks ini, fatwa berperan sebagai bagian dari strategi pencegahan karena pengaruh teologisnya yang kuat dan penegakan implementasi kebijakan yang efektif. Fatwa ini khususnya relevan mengingat peran MUI dan CSS yang sejak awal pandemi COVID-19 telah berkontribusi mendukung kebijakan pemerintah melalui fatwa yang mereka keluarkan. Namun, terdapat perbedaan. Fatwa MUI cenderung berupa anjuran dan himbauan, yang sering kali diabaikan masyarakat karena tidak memiliki sanksi hukum atas ketidakpatuhan. Namun, fatwa yang dikeluarkan CSS memiliki kewenangan absolut. Studi ini memberikan kontribusi untuk pemahaman yang lebih mendalam tentang bagaimana otorisasi keagamaan dapat mendukung kebijakan

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kesehatan publik selama pandemi. Selain itu, studi ini menawarkan wawasan untuk meningkatkan efektivitas fatwa dalam konteks krisis kesehatan di masa mendatang.

Kata kunci: Otorisasi, fatwa, MUI, CSS, COVID-19

INTRODUCTION

The use of *fatwā* issued by the Indonesian Ulema Council (MUI) and the Council of Senior Scholars (CSS) of Saudi Arabia in managing the COVID-19 pandemic has highlighted the significant authority of religious *fatwā*. *Fatwā* plays a crucial role in various aspects of Muslim life, including religion, society, culture, and politics (Hassner, 2009). Governments in both countries have utilized *fatwā* as instruments to demonstrate their power, prestige, and political dominance (Aljahli, 2017).

Several government policies implemented through religious *fatwā* to manage COVID-19 include the temporary closure of mosques, including Masjid al-Haram in Mecca and the Prophet's Mosque in Medina, *fatwā* restricting the number of Hajj pilgrims by CSS, and *fatwā* delaying the organization of the Hajj pilgrimage by MUI. However, the implementation of these policies has encountered public resistance, as evidenced by the increasing number of COVID-19 cases (Auladi, 2020). In Indonesia, by 18 July 2020, the total number of COVID-19 cases had reached 84,882, with 1,752 new positive cases confirmed that day (Pabbajah et al., 2020). In Saudi Arabia, by 28 July 2020, total cases had reached 270,000 with 2,789 deaths (Chtatou, 2020).

Studies on the management of COVID-19 have been examined from various perspectives, including medical and health (Rothan & Byrareddy, 2020; Alzahrani et al., 2020; Velavan & Meyer, 2020; Algaissi et al., 2020), economic (Sedais & Shahab, 2020; El Gamal, Rania; Alex Lawler, Alex; Astakhova, 2020; Arfah et al., 2020; Schneider & Domonoske, 2020), social, cultural dan politics (Yezli & Khan, 2020; Alkhamees et al., 2020; Abdullah, 2020; Ahmed et al., 2020; AlHumaid et al., 2020), and government policies (Sarnoto, 2021).. However, the religious perspective, particularly the role of *fatwā* in managing the pandemic, has not been extensively explored. Some studies have addressed the involvement of religious leaders, the empowerment of religious institutions, and the internalization of *fatwā* (Aji & Habibaty, 2020; Aula, 2020). Yet, the public's response to *fatwā* in this context has been diverse, ranging from acceptance to resistance.

The motivations behind the role of the MUI in mitigating the COVID-19 pandemic through its *fatwā* are shaped by three key factors: the dominance of rational-legal authority, traditional authority, and charismatic authority (Mushodiq & Imron, 2020). The MUI's decision to issue *fatwā* on COVID-19 management aligns with the preservation of the fundamental objectives of religion (*al-Darūrat al-Khams*) and the protection of human (Aji & Habibaty, 2020; Chaq, 2020). Sholeh (2020) identified four important aspects of these *fatwā* concerning religious attitudes and behaviours during the pandemic. First, the *fatwā* are logically reasoned, aligning with paramedical advice. Second, they support the government's political interests, particularly regarding physical and social restrictions. Third, they help dispel the negative stigma surrounding the political involvement of religious actors. Lastly, the *fatwā* highlight the evolving role of religious leaders, from cultural intermediaries to practitioners of Islamic jurisprudence.

In addition to the MUI's role, numerous studies have examined the public's reactions to government measures during the pandemic, focusing on three main areas of religion: theology, as explored by Maliki (2020), Hidayah (2020), Rosyid (2020), Syamsurijal (2020), and Alkaf (2020); Sufism, as researched by Naan et al. (2020); Dewi (2020); and Abdullah, 2020); and Islamic law, as investigated by Auladi (2020) and Qotadah (2020). These studies provide valuable insights into the complex relationship between religion, law, and public health during the COVID-19 crisis.

Previous studies have given significant attention to addressing COVID-19 from various perspectives. However, there is a gap in the literature when it comes to a systematic analysis of the role of *fatwā* in shaping public health policies during the pandemic, particularly in Indonesia and Saudi Arabia. This study aims to fill that gap by adopting a religious perspective and examining the *fatwā* issued by the Indonesian Ulema Council (MUI) and the Saudi Supreme Scholars (CSS) in response to COVID-19 management. While both countries are Muslim-majority, their social, political, and religious structures differ significantly. Indonesia, as a democratic nation with a diverse population, adopts a pluralistic approach to *fatwā*, whereas Saudi Arabia, as an Islamic monarchy, operates within a more centralized, authoritarian framework. By comparing these two contexts, this study explores how *fatwā* influenced public health policies and aims to analyse the distinct contributions of religious authorities in each country during the pandemic.

This study is guided by three main research questions: 1) How has *fatwā* influenced public health policies in Indonesia and Saudi Arabia during the COVID-19 pandemic? 2) What are the significant differences in the *fatwā* approaches between these two countries in handling the pandemic? 3) How has the public in both countries responded to the *fatwā* issued during the COVID-19 crisis?

The novelty of this study lies in its comparative approach, which examines the role of *fatwā* not only as a religious tool but also as a pivotal element in public health management across two distinct political and cultural contexts. While existing research has explored *fatwā* in the context of COVID-19, there has been limited systematic comparison of how these *fatwā* have shaped public health responses in countries with differing socio-political systems. The contribution of this study lies in its exploration of the intersection between religious authority and public health policy, offering a nuanced understanding of how *fatwā* influenced government measures, social behaviour, and public health outcomes in Indonesia and Saudi Arabia. By highlighting these unique contributions, the study provides valuable insights into the evolving role of religious authorities in global health crises, with implications for both the academic field of religious studies and the practical management of future public health emergencies.

LITERATURE REVIEW

Religious Authority

According to Max Weber, religious authority is “a certain quality of an individual personality by virtue of which he is set apart from ordinary men and treated as endowed with supernatural, superhuman, or at least specifically exceptional qualities” (Weber, 1964). In his classical theory of authority, Max Weber categorises authority into three types: rational, traditional, and charismatic (Weber, 1964). Religious authority falls under the category of charismatic authority, as the religious authority held by religious leaders, such as muftis, stems from the charisma they exhibit to the adherents of a particular religion (Islam) or the ruler who grants them institutionalised authority within a *fatwā*-issuing institution or body.

However, the concept of authority differs from power. If *power* is defined as the capacity to act freely in response to resistance from individuals or groups, authority is the right to act, lead, or decide. Additionally, power is not institutionalised and is always associated with resistance and confrontation. In contrast, authority is institutionalised and represents a set of norms, procedures, and traditions to be applied within a social unit (Miller et al., 1979). The point of convergence between the two is that “Power is one means of obtaining compliance with decisions made by those in positions of authority” (Miller et al., 1979).

According to Weber, the most influential authority combines all three types of authority. For instance, a state with rational-legal, solid authority led by a charismatic leader can strengthen the government's power and enhance public trust. However, Weber also acknowledges that authority can be misused by those in power, potentially leading to domination or oppression of others. Therefore, Weber emphasises the importance of checks and balances in a political system to prevent the abuse of authority and to safeguard human rights.

The Concept of *Fatwā*

A *fatwā* is a legal explanation of Sharia law on a particular issue, provided in response to a query from a specific or non-specific individual or group (Qardhawi, 1988). This definition indicates the fulfilment of four essential elements of a *fatwā*: First, *iftā'*, which is explaining or responding to questions about religious law. Second, *mustaftī*, which is a person or institution that asks questions related to religious law. Third, *muftī*, which is a person or institution that, based on religious qualifications, has the authority to answer the question. Fourth, clarification or legal response to the *fatwā* submitted.

Ijtihad facilitates the realisation of *fatwā* as a legal product. Understanding Ijtihad involves combining the mufti's understanding of the Qur'an and hadith with their respective contexts to formulate and apply Islamic law (Hairuddin et al., 2016; Irawan et al., 2019). According to Jum'ah (2017), there are three competencies and qualifications that a mufti must have, both individually and collectively, namely: understanding *naş*, namely legal texts sourced from the Qur'an and hadith, understanding reality, and connecting absolute texts with relative events.

Majelis Ulama' Indonesia (MUI) and the Council of Senior Scholars (CSS)

Majelis Ulama' Indonesia (MUI), also known as the Indonesian Ulema Council, came into existence on 17th Rajab 1395 AH, which corresponds to 26th July 1975 (Fauzi, 2017). The Muslim community's collective awareness to build a solid foundation for the development of a progressive and morally upright society motivated the establishment of MUI. Moreover, MUI serves as a gathering place for various societal potentials, including ulema and Muslim leaders, with the aim of promoting the welfare of all Indonesians. MUI has the following functions: (1) providing *fatwā* and advice on religious and social issues to the government and the general Muslim community, in line with the principle of enjoining good and forbidding evil, to enhance national resilience. (2) Strengthening Islamic brotherhood, maintaining and promoting harmony among religious communities to achieve national unity and cohesion. (3) Representing the Muslim community in interfaith consultations. (4) Acting as a liaison between religious scholars and government officials, and serving as an intermediary between the government and the Muslim community to facilitate national development (MUI-DKI, 1979). Regarding political affiliation, MUI is neutral, does not align with any political faction, and does not engage in activities beyond its primary duties and functions, or those already undertaken by other Islamic organisations.

Unlike in Indonesia, *fatwā* in the context of the Kingdom of Saudi Arabia are issued by an official *fatwā* institution known as the Council of Senior Scholars (*Hai'ah Kibār al-'Ulamā'*), whose head is referred to as the Grand Mufti (Hasbi Aswar, 2015). The CSS was established by King Faisal bin Abdul Aziz (1964-1975) in 1971 as a coordinating body between the government and religious scholars on religious and political matters. In 1992, the Council for Scientific Research and Legal Opinion (CRLO), known as *al-lajnah al-dā'imah li al-buḥūth al-ilmīyah wa al-iftā'*, was formed, operating under the authority of the CSS chairman, with some of its members drawn from the CSS itself. The CRLO is also administratively tasked with preparing and delivering *fatwā* and research for the CSS to be issued to individual inquirers and

specific parties. Thus, the Grand Mufti serves as both the chairman of the CSS and the CRLO, appointed directly by the King through a decree.

In Saudi Arabia, *fatwā* hold a highly central and dominant position culturally, politically, and structurally (Bakhtiar Ramadhan & Shofwan, 2019). Constitutionally, the *fatwā* institution is one of the two legal bodies authorised to make legal decisions alongside the Sharia courts. This rule is articulated in Article 45 of The Basic Law of Government, which states: “The source of *fatwā* in the Kingdom of Saudi Arabia is the Book of Allah and the Sunnah of His Prophet.” The role of the *fatwā* institution is to provide religious recommendations for the public good concerning citizens’ rights and domestic and foreign political issues. Furthermore, *fatwā* decisions bind all citizens (Rohim, 2013). Although *fatwā* do not directly determine policies on crucial matters, they reinforce government policies. Some crucial policies strengthened by *fatwā* include the oil embargo of 1973 and the permission for foreign (U.S.) troops to enter Saudi Arabia to attack Iraq in 1990 (Obaid, 1999). Other *fatwā* have addressed the education and judicial systems (Farsy, 2001) and issues of morality, social, and religious matters (Hassner, 2009; Khechician, 1986). This significant role is inseparable from the strong historical relationship between the founding of Saudi Arabia, which combines royal power (*umarā’*) and religious authority (*ulamā’*), and the kingdom’s constitution based on Islamic law.

COVID-19

COVID-19 has become the fifth documented pandemic since the influenza pandemic of 1918. It was first reported in Wuhan, China, and spread worldwide (Liu et al., 2020). The coronavirus responsible for COVID-19 has been officially named Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) by the International Committee on Taxonomy of Viruses (ICTV) based on phylogenetic and taxonomic analysis. SARS-CoV-2 is believed to have originated from an animal coronavirus that subsequently adapted and transitioned to human-to-human transmission (Tan et al., 2022). Due to its high transmissibility, the virus spread rapidly and multiplied within the human population.

Coronaviruses constitute a large family of diverse viruses that have long existed in human life (Zehra et al., 2020). Some viruses cause the common cold in humans, while others cause mild respiratory infections and coughs (Jain & Barhate, 2020). Coronaviruses also infect animals, including bats, camels, and cattle. Scientists have classified coronaviruses into four sub-groups: alpha, beta, gamma, and delta. SARS-CoV-2 is the seventh member of the coronavirus family known to infect humans.

COVID-19 and Human Rights: A Fatwa on Balancing Health with Freedom

The issuance of fatwas during the COVID-19 pandemic underscores the critical role of religious guidance in times of global health crises. These fatwas are grounded in the principles of *maṣlahah* (public interest) and *rukḥṣah* (legal concessions), with an emphasis on protecting human life (All-Mu’izz Abas et al., 2023; Kasdi et al., 2023; Sembiring et al., 2024). However, the implementation of these religious rulings has ignited debates, particularly concerning human rights issues like individual freedom and public health interests. Some perceive restrictions on worship and the imposition of mandatory vaccinations as infringements on their freedom of religion and bodily autonomy. In contrast, Yuryivna (2024) contends that international law justifies limiting religious freedom when public health is at stake.

Furthermore, the COVID-19 fatwas also emphasize the right to health, a concept upheld in various countries, including Australia, where religious guidance aligned with government policies (Black, 2022). Islam strives to balance individual freedom with social responsibility (Mughtar, 2022), recognizing that, in certain circumstances, social welfare can take precedence over personal liberties. The pandemic has

necessitated specific restrictions to maintain this balance, highlighting the tension between protecting public health and safeguarding individual rights (Mazurkiewicz, 2021).

RESEARCH METHOD

Research Approach and Design

This study employs a qualitative descriptive approach aimed at describing and analysing the methodology used by the Indonesian Ulema Council (MUI) and the Council of Senior Scholars (CSS) in issuing *fatwā* related to COVID-19. This approach was chosen to gain a deep understanding of the normative foundations, *maqāṣid sharī'ah* principles, and the implications of the *fatwā* on public health. The research is designed as a comparative case study, with MUI representing the Indonesian perspective and CSS representing the Saudi Arabian perspective. This case study enables the researcher to explore how these two institutions utilise Islamic legal sources (the *Qur'ān*, *hadith*, *ijmā'*, and *qiyas*) to establish *fatwā* policies in response to the challenges posed by the pandemic.

Data Collection

Data is collected through interviews and document analysis. The document analysis in this study involves an in-depth examination of the official *fatwā* documents issued by the Indonesian Ulema Council (MUI) and the Council of Senior Scholars (CSS) related to COVID-19. Additionally, the study also utilises secondary sources such as scholarly journal articles, official reports, and Islamic legal literature to provide additional context and enrich understanding. This study aims to explore the normative foundations, legal arguments, and *maqāṣid sharī'ah* principles that form the basis for *fatwā* issuance, offering insights into the role of Islamic law in managing public health during the pandemic. The content analysis of the study includes a review of the *fatwā* texts from MUI and CSS to identify the use of Qur'anic verses, *hadith*, *ijmā'*, and *qiyās*, as well as the application of *maqāṣid sharī'ah principles*. The focus is on understanding how both institutions integrate Islamic legal sources with the context of the COVID-19 pandemic. Furthermore, expert interviews are conducted optionally to complement the document data with direct perspectives from Islamic law experts, MUI members, or CSS clerics. These interviews aim to provide deeper insights into the dynamics, considerations, and processes behind the formulation of *fatwā* related to COVID-19. The results are expected to offer additional context that enriches the analysis and enhances the validity of the research.

Data Analysis

Data analysis is conducted thematically through three main steps. First, themes are categorised to identify the application of *maqāṣid sharī'ah* in public health issues. Second, a comparative analysis of *fatwā* methodologies between MUI and CSS is conducted to reveal their similarities and differences. Third, the social, cultural, and political contexts influencing *fatwā* formulation in both countries are interpreted.

Validity and Reliability

The validity of the research is ensured through data triangulation, integrating interview and document analysis to obtain a comprehensive picture. Reliability is strengthened by using authoritative sources such as official *fatwā* documents and relevant scholarly literature, as well as maintaining

consistency throughout the data analysis process. This approach ensures the accuracy of the findings and the credibility of the research results.

RESULTS AND DISCUSSION

Methodological Formulation of MUI and CSS Fatwā

The methodologies employed by the Indonesian Council of Ulama (MUI) and the Council of Sharia Scholars (CSS) highlight a distinctive approach to Islamic legal decision-making, demonstrating responsiveness to contemporary challenges. This approach not only relies on sharia-based evidences but also integrates the principles of *uṣūl al-fiqh* (the foundations of Islamic jurisprudence), *maqāṣid al-sharīʿah* (the objectives of Islamic law), and interdisciplinary collaboration to ensure the relevance and sustainability of the fatwas issued.

Sharia Evidences

The fatwas issued by the Indonesian Council of Ulama (MUI) and the Council of Sharia Scholars (CSS) consistently employ sharia evidences as the foundation for Islamic legal decision-making, drawing on the Qur'an, Hadith, *ijmāʿ* (scholarly consensus), and *qiyās* (analogical reasoning). For instance, Surah Al-Nisā [4:29] ("Do not kill yourselves...") has been cited to support the principle of *ḥifẓ al-naḥs* (the preservation of life) during the Covid-19 pandemic, serving as a basis for encouraging compliance with health protocols (MUI, 2015). *Ijtihād* functions as the primary mechanism for formulating fatwas, whereby scholars examine authentic Islamic legal sources to deliver rulings aligned with social contexts. As articulated by Uthman Abu Zaid (Interview, 8 February 2023), these textual evidences provide normative legitimacy, while *ijtihād* extends beyond the texts by incorporating contextual applications, such as regulating worship practices during the pandemic (Nurhayati & Nasution, 2020).

Fatwas grounded in sharia evidences illustrate how Islam prioritises the protection of human life under all circumstances, including global health crises like the Covid-19 pandemic. The principle of *ḥifẓ al-naḥs*, serving as a primary reference, underscores the importance of safeguarding life as both an individual and collective responsibility of the Muslim community. By integrating textual evidences with contextual applications, the *ijtihād* process produces fatwas that are not only normatively sound but also socially relevant, thereby demonstrating the flexibility of Islamic law in addressing contemporary challenges.

Principles of Uṣūl al-Fiqh

The principles of *uṣūl al-fiqh* in fatwas provide flexibility in adapting Islamic law to contemporary issues, such as the principle of *lā ḍarara wa lā ḍirār* (no harm and no reciprocation of harm), which is employed to weigh benefits (*maṣlaḥah*) and harms (*mafsadah*). For instance, this principle has been applied to limit the performance of Hajj in order to mitigate the risk of spreading infectious diseases (Ali Ma'youf al-Ma'youf, Riyadh, 17 February 2023). The methodology of *uṣūl al-fiqh*, including *bayānī* (textual analysis), *ta'līlī* (reason-based approaches such as *qiyās*, *istiḥsānī*, *ilhāqī*, and *sad al-dharā'ī'*), and *tarjīḥ* (weighing evidence), allows for the resolution of differences of opinion through *al-jam' wa al-tawfiq* (harmonisation) or by selecting the stronger argument via *tarjīḥ*. Fatwas addressing well-established legal rulings adhere to conventional provisions, while novel issues are approached using innovative methods to ensure that Islamic law remains pertinent to modern circumstances (Sholeh, 2020b).

The *uṣūl al-fiqh* approach underscores the significance of methodology in legal decision-making. Principles such as *lā ḍarara wa lā ḍirār* provide a logical and moral framework that compels scholars to prioritise *maṣlaḥah* (public interest) while avoiding *mafsadah* (harm). In cases such as restricting Hajj rituals or implementing health protocols, methods like *tarjih* and *al-jam' wa al-tawfiq* enable scholars to reconcile differing viewpoints. This approach highlights that *uṣūl al-fiqh* is not merely a technical tool but also a mechanism for addressing complex legal conflicts. Accordingly, the application of *uṣūl al-fiqh* in fatwas reflects the capacity of Islamic law to integrate justice, public welfare, and adaptability, ensuring its relevance amidst ever-changing social dynamics.

The Maqāṣid al-Sharī'ah Approach

The *maqāṣid al-sharī'ah* approach serves as a critical foundation for ensuring that fatwas not only adhere to Islamic legal texts but also align with their philosophical objectives, namely the protection of five fundamental principles: religion, life, intellect, wealth, and lineage. Omar (Interview, 15 February 2023) highlighted that during the pandemic, CSS fatwas prioritised *ḥifz al-nafs*—the preservation of life. The issued fatwas reflected a commitment to achieving *maṣlaḥah* (public welfare) and preventing *mafsadah* (harm), as evidenced by support for vaccination campaigns and health protocols aimed at protecting lives. In this way, the fatwas addressed the normative demands of Islamic law while also responding to the needs of modern society (Nurhayati & Nasution, 2020).

The *maqāṣid al-sharī'ah* approach introduces a paradigm of Islamic law that focuses on achieving the universal objectives of the *sharī'ah*. By placing *ḥifz al-nafs* as the top priority, fatwas issued during the pandemic demonstrate how human values are upheld within Islamic law. The five principles of *maqāṣid* (*al-ḍarūriyyāt al-khamsah*) ensure that fatwas are not solely concerned with legal compliance but also with safeguarding the fundamental rights of the Muslim community. This approach underscores the capacity of Islamic law to serve as a strategic mechanism that promotes social stability, even in times of crisis. As such, the *maqāṣid al-sharī'ah* framework provides a progressive normative structure that enables Islamic law to remain relevant and responsive to the evolving needs of contemporary society.

Multidisciplinary Collaboration

A distinctive feature of the fatwa methodology employed by the Indonesian Council of Ulama (MUI) and the Council of Sharia Scholars (CSS) lies in the application of *ijtihād jamā'ī* (collective reasoning), which involves experts from various disciplines, such as medical professionals, epidemiologists, and public health specialists, particularly in responding to the pandemic. This collaboration ensures that the fatwas issued are grounded not only in Islamic law but also in modern scientific knowledge, thereby guaranteeing their accuracy and practical relevance, as explained by Pak Budi (14 February 2023). The fatwa formulation process entails comprehensive studies by experts accompanied by case analyses, reflecting a systematic approach that integrates both normative and contextual dimensions. In instances of differing opinions (*khilāfiyyah*), this approach facilitates consensus by prioritising public welfare (*maṣlaḥah*) and preserving the unity of the Muslim community (MUI, 2015).

The multidisciplinary collaboration in fatwa issuance highlights a significant shift in the approach to Islamic law. By engaging medical experts, epidemiologists, and other interdisciplinary professionals, the fatwas issued during the pandemic underscore the importance of integrating religious values with scientific knowledge. The process of *ijtihād jamā'ī* enhances the legitimacy of fatwas, rendering them not only valid according to *sharia* but also supported by credible scientific evidence. Furthermore, this approach demonstrates how Islamic law can synergise with modern science to produce comprehensive

solutions that prioritise the welfare of the community. Consequently, multidisciplinary collaboration solidifies fatwas as legal products that are deeply rooted in tradition while remaining contextually relevant, bridging the needs of religion with the demands of the times.

Factors Underpinning the Fatwas of MUI and CSS

Several factors underlie the issuance of fatwas by the Indonesian Council of Ulama (MUI) and the Council of Sharia Scholars (CSS) regarding COVID-19, including:

Preservation of Life (Hifz al-Nafs)

The fatwas emphasise the protection of human life, aligning with the teachings of the Qur'an (Surah Al-Nisā, verse 19) and the principle of *lā ḍarara wa lā ḍirār* (no harm and no reciprocation of harm), which prohibits causing harm to oneself or others. In the context of the pandemic, this principle underpinned decisions to restrict public gatherings to mitigate the spread of the virus. Badrussholeh (Interview, 25 February 2023) highlighted that the preservation of life is the foremost priority, as evident in measures such as limiting the number of Hajj pilgrims during the pandemic to protect the community from the dangers of COVID-19 (Sholeh, 2020b)

Medical Considerations

These fatwas also reflect the application of medical knowledge in the decision-making process. Budi (Interview, 14 February 2023), stated that the high mortality rate caused by COVID-19 was a primary reason for the government's request for fatwas supporting preventive measures. Medical and epidemiological experts provided recommendations that informed the fatwas, such as the restriction of Hajj pilgrimages, consistent with the principles of Islamic jurisprudence (*fiqh*) aimed at preventing harm and safeguarding human life (Ali Ma'youf, Interview, 17 February 2023).

The MUI and CSS fatwas integrated medical recommendations into their religious decisions related to the pandemic. Collaboration with medical experts ensured that the fatwas were not solely based on religious texts but also grounded in science and health evidence. Measures such as limiting Hajj participation and implementing health protocols demonstrated a balance between religious teachings and preventive necessities. This underscores the dynamic nature of fatwas, highlighting their capacity to respond effectively to global health challenges.

Issues of Problem Complexity

The COVID-19 pandemic presented multidimensional issues that required a collective approach in issuing fatwas. Budi (Interview, 14 February 2023) emphasised the importance of involving diverse expertise to produce comprehensive fatwas. These complex issues included the closure of mosques, the suspension of congregational prayers, and the use of technology for remote congregational prayers. Other issues also arose concerning the payment of zakat and its implementation amid the economic crisis caused by the pandemic. These fatwas integrated religious, health, and economic considerations to provide solutions to these problems (Sholeh, 2020b; Nurhayati & Nasution, 2020).

The COVID-19 pandemic necessitated a multidisciplinary approach in fatwa issuance to address disrupted religious practices. The fatwas issued by MUI and CSS combined various aspects of law, society, and health to tackle these challenges. This approach underscores the importance of fatwas that are flexible

and responsive to complex issues. The fatwas thus became solutions that accommodated the practical needs of the community in an emergency context.

Relationship with Government Policy

The fatwas issued by MUI and CSS are closely linked to government policies that support efforts to control the pandemic. Omar (Interview, 15 February 2023) explained that the fatwas provide legitimacy to government policies, even though they are sometimes seen as subordinate to the authorities. These fatwas support policies restricting religious activities, the implementation of health protocols, and the use of technology in congregational worship. The principle of “*taṣarruf al-imām ‘alā al-ra’iyyah manūṭ bi al-maṣlaḥah*” reinforces the idea that government policies should be based on the welfare of the people, as seen in the adjustments to worship practices and the organisation of Hajj during the pandemic (International Islamic Fiqh Academy-Organization of Islamic Cooperation, n.d.).

The fatwas of MUI and CSS support government policies by emphasising the welfare of the people, such as the restriction of worship activities and the use of technology in congregational prayers. With the principle of “*taṣarruf al-imām ‘alā al-ra’iyyah manūṭ bi al-maṣlaḥah*,” the fatwas legitimise policies aimed at protecting public health. This relationship demonstrates that fatwas play an important role in aligning religious law with public policy. Additionally, fatwas help maintain harmony between Islamic law and national policies for the welfare of the community.

The Impact of Fatwā on COVID-19 Management

The impact of the fatwas issued by MUI and CSS on the management of COVID-19 encompasses three main aspects:

Effectiveness of Government Policies

The fatwas issued by MUI and CSS directly support government policies in tackling the COVID-19 pandemic. Mustajib (Interview, 23 February 2023) explained that the CSS fatwa regarding the limitation of Hajj participants played a significant role in the risk mitigation strategy supporting government policies. Additionally, the MUI fatwa, such as Fatwa No. 14 of 2020, provided clear guidelines on religious practices during the pandemic, including replacing Friday prayers with Zuhr prayers for those exposed to COVID-19 or residing in high-risk areas. These fatwas facilitated the public’s acceptance of government policies by providing legitimacy from religious authorities, thereby easing the implementation of crowd restrictions and health protocols in mosques (Sholeh, 2020b).

The MUI and CSS fatwas in managing COVID-19 are based on key factors such as the protection of human life, medical considerations, the complexity of the issues, and their relationship with government policies. These fatwas prioritise the protection of the community’s health, take into account medical aspects, and address complex issues related to religious practices during the pandemic. Furthermore, the fatwas also support government policies in addressing the outbreak. Thus, fatwas serve as an effective tool for providing religious and social guidance in emergency situations.

Public Compliance

The fatwas issued by MUI and CSS also played a significant role in increasing public compliance with government policies. Utsman Abu Zaid Utsman (Interview, 8 February 2023) emphasised that fatwas have a stronger theological influence compared to appeals from other institutions, making them more effective

in encouraging the public to adhere to health regulations. For example, the MUI fatwa on vaccination confirmed the permissibility of the vaccine, which led to greater public trust and participation in the government's vaccination programme. This fatwa helped reduce public doubts, enhance confidence, and accelerated the implementation of vaccination, which was crucial in addressing the pandemic (Sholeh, 2020b).

The fatwas issued by MUI and CSS played a key role in supporting government policies, increasing public compliance, and providing practical solutions during the pandemic. The fatwas supported the policies on limiting religious gatherings and implementing health protocols by offering religious legitimacy. Additionally, they addressed public concerns about vaccination by ensuring its permissibility and safety. Overall, the fatwas contributed to the success of COVID-19 management and the recovery of public health.

Contribution to Pandemic Solutions

The fatwas from MUI and CSS actively contributed to providing solutions to various issues arising during the COVID-19 pandemic. Omar (Interview, 15 February 2023) and Badrussholeh (Interview, 25 February 2023) highlighted that the fatwa regarding the limitation of Hajj participants and the closure of mosques significantly helped prevent the spread of COVID-19 while ensuring that religious practices could still be performed safely. Furthermore, the fatwas issued also provided guidance to medical personnel using personal protective equipment (PPE) while performing religious duties, even in challenging circumstances. MUI was also actively involved in addressing social and theological issues related to vaccination, ensuring that the vaccination process proceeded smoothly, which ultimately contributed to reducing the spread of the virus and accelerating the recovery of public health (Sholeh, 2020b).

The MUI fatwas during the pandemic were successful in increasing public compliance with government health policies, particularly concerning religious practices and vaccination. By providing clear religious legal foundations, the fatwas gave the community confidence in following health protocols and vaccination. The theological strength of the fatwas proved more effective than other appeals in ensuring public compliance. As a result, the fatwas contributed to reducing the spread of the virus and accelerating the recovery of public health.

Discussion

This study's results indicate that the issuance of fatwā by the MUI and CSS plays a significant role in handling COVID-19. The concept of fatwā not only stems from a religious perspective but also possesses the factual ability to shape government policy decisions; if examined more deeply, the fatwā issued by the MUI and CSS regarding COVID-19 are methodologically based on arguments sourced from the Qur'an, hadith, *ijmā'* (consensus), *qiyās* (analogy), and *maqāṣīd sharī'ah*. However, in responding to COVID-19, the two institutions base their fatwā on public interest considerations, known as *maqāṣīd sharī'ah*. Based on these considerations, at least two priority dimensions are the main reasons behind the issuance of fatwā by the MUI and CSS, namely *ḥifẓ al-dīn* (protecting religion) and *ḥifẓ al-nafs* (protecting the soul).

Furthermore, the research findings demonstrate that the MUI and CSS fatwā have a significant impact on COVID-19 management. In this context, Fatwā play a role in the prevention strategy due to their solid theological influence and effective coercive power regarding policy implementation. That argument is particularly relevant when considering the roles of MUI and CSS, which have contributed to supporting government policies from the early stages of the COVID-19 pandemic through the fatwā they have issued. However, some segments of Indonesian society frequently oppose MUI fatwā, citing their general advisory

nature and tendency to ignore them due to the lack of legal sanctions for violators. In contrast, the fatwā issued by CSS hold absolute authority over the people of Saudi Arabia. They have to comply with these fatwā and face sanctions if they fail.

The research also indicates a shift in the position and role of scholars, muftis, and fatwa institutions. During the Ottoman Empire, muftis held an independent position and acted as a balance of power against the decisions of rulers or kings (Moten, 2009). In the contemporary period, however, the position of scholars and muftis has changed to subordinate to the rulers, even becoming tools for legitimising the rulers' policies. This fact has also emerged in debates concerning the position of scholars and muftis within the governmental structure of the Kingdom of Saudi Arabia. Nonetheless, in some instances, the authority of fatwa institutions has been strengthening in providing recommendations to the kingdom as considerations for policy decisions (Irawan et al., 2019).

In the constitution of Saudi Arabia, which is based on Islamic law, the fatwa institution theoretically and conceptually serves as the highest religious authority, issuing fatwā on all aspects of life. Meanwhile, royal decrees act as a complement due to their subordinate position under the national constitution. However, in practice, the king's absolute power often results in the fatwa institution issuing fatwā only on social, moral, and religious matters. At the same time, the king primarily determines political decisions without the fatwa institution's knowledge. This reality not only creates the impression that the fatwa institution merely legitimizes the monarchy but also complicates the delineation of the areas, forms, and authorities entrusted to the fatwa institution (Nugroho, 2018).

The inconsistent relationship between the fatwa institution and government policies in Saudi Arabia creates the perception that the fatwa institution functions merely as a legitimizing tool for the monarchy, which complicates the precise definition of its areas, forms, and authorities (Nugroho, 2018). The fatwa institution and the muftis can resolve this inconsistency in relational mechanisms by adhering to the methodological principles of Islamic jurisprudence, specifically by applying the rule "taṣarruf al-imām 'alā al-ra'iyah manūṭ bi al-maṣlaḥah" (any ruler's policy towards his subjects should be based on the values of public interest).

This debate identifies three primary forms of the relationship between the fatwa institution and the king. First, the fatwa institution can act as an independent counterbalance to the ruler's policies; second, it can be a subordinate entity legitimising the ruler's actions; third, there can be a mutually dependent, interdependent relationship between the fatwa institution and the king. In Saudi Arabia's contemporary governance system, interdependence best characterises the current relationship between the fatwa institution and the monarchy.

The research findings indicate that the constitutionally assigned duties and powers should fully empower the fatwa institution to offer religious guidance on several important policies. Therefore, the fatwa institution must be capable of integrating scientific and religious approaches by involving scholars and experts in their respective fields. Upon achieving this, the issued fatwā will adapt to the changing situations and conditions. In this manner, the fatwa will remain relevant and responsive at any time and place, addressing the various problems and challenges humanity faces.

This study's results indicate that the issuance of fatwā by the MUI (Indonesian Ulema Council) and CSS (Council of Senior Scholars) plays a crucial role in managing COVID-19, not only from a religious perspective but also as a means of shaping governmental policies. Fatwā issued by these two institutions are methodologically grounded in Islamic sources, such as the Qur'ān, hadith, *ijmā'* (consensus), *qiyās* (analogy), and *maqāṣid sharī'ah*. These fatwā are formulated based on considerations of public interest

(maqāṣīd sharī'ah), with the primary priorities being ḥifẓ al-dīn (protecting religion) and ḥifẓ al-naḥs (protecting the soul).

For instance, MUI's fatwā on COVID-19 outlined detailed protocols for social distancing, prayer adjustments, and the temporary suspension of religious activities, aiming to safeguard public health while ensuring the continuity of religious practices. In Saudi Arabia, the fatwā issued by the CSS similarly provided guidance on public health measures, reinforcing government actions with religious legitimacy. These fatwā directly influenced social behavior, encouraging adherence to preventive measures and health guidelines.

However, there is significant resistance to MUI's fatwā in certain segments of Indonesian society, often attributed to the perceived advisory nature of these fatwā and the lack of legal sanctions for non-compliance. This resistance can be mitigated by enhancing public communication strategies, addressing misconceptions, and providing clearer explanations of the fatwā's benefits to public health. Case studies of successful communication campaigns, such as MUI's fatwā on the use of vaccines, show that when the fatwā is paired with evidence-based public health messaging, public acceptance tends to increase.

Furthermore, the research findings highlight a shift in the role of scholars, muftis, and fatwā institutions. During the Ottoman Empire, muftis held an independent position, often acting as a counterbalance to the political authorities (Moten, 2009). In contrast, contemporary scholars and muftis have become more integrated into governmental structures, with their roles often seen as legitimizing government policies. This shift has led to a decrease in public trust in the neutrality of fatwā institutions, especially when these institutions appear to be aligned with political powers. This situation is particularly evident in Saudi Arabia, where the fatwā institution, while theoretically the highest religious authority, often plays a secondary role in political decision-making (Nugroho, 2018). This shift in authority raises questions about the autonomy of fatwā institutions and their ability to maintain public trust.

In Saudi Arabia's case, the fatwā institution's role has been largely confined to moral and religious issues, while political decisions are made by the king. This division between religious guidance and political authority has created a perception that the fatwā institution functions primarily as a tool for legitimizing the monarchy. The relationship between the fatwā institution and the king can be understood through three possible models: (1) as an independent counterbalance to government policies, (2) as a subordinate entity legitimizing the ruler's decisions, or (3) as a mutually dependent relationship. Currently, the third model best characterizes the interdependent relationship between the fatwā institution and the monarchy in Saudi Arabia.

To address this imbalance and strengthen the authority of fatwā institutions, it is crucial to enhance their ability to integrate scientific expertise into their fatwā. By incorporating scholars from various fields such as epidemiology, public health, and economics, fatwā institutions can issue more informed and contextually relevant religious guidance. For example, fatwā institutions could collaborate with public health experts to develop protocols that reflect both religious principles and contemporary scientific knowledge. Such collaboration would enhance the credibility of fatwā and improve their acceptance within the broader society.

Looking ahead, the COVID-19 pandemic may have long-term implications for the role of fatwā institutions in public policy. As the pandemic has demonstrated, fatwā institutions can play an essential role in guiding public behaviour during a health crisis. Their ability to issue timely, evidence-based, and contextually relevant fatwā can help maintain social order and public health. Moving forward, it is essential for fatwā institutions to continue evolving in response to global challenges, ensuring that their guidance remains relevant and responsive to societal needs.

By adopting a more inclusive approach that integrates both religious and scientific perspectives, fatwā institutions can better address the complexities of modern governance and societal governance, ensuring their role as credible, trusted sources of guidance in both religious and public life.

CONCLUSION

This study highlights the crucial role of *fatwā* issued by the Indonesian Ulema Council (MUI) and the Council of Senior Scholars (CSS) in managing the COVID-19 pandemic. Grounded in Islamic principles, including the Qur'ān, *hadith*, *ijmā'* (consensus), *qiyās* (analogy), and *maqāṣid sharī'ah*, these fatwā prioritize the protection of religion (*hifẓ al-dīn*) and life (*hifẓ al-nafs*). The fatwā effectively influenced public health policies and societal behavior, particularly in Indonesia and Saudi Arabia, although with varying levels of compliance. MUI's *fatwā* encountered resistance due to their advisory nature and lack of enforceable sanctions, while CSS *fatwā* in Saudi Arabia commanded mandatory adherence supported by legal mechanisms.

The research further identifies a shift in the role of *fatwā* institutions, from being independent religious authorities during the Ottoman period to serving as legitimizing tools for political powers in contemporary contexts. To remain relevant and impactful, *fatwā* institutions must adopt interdisciplinary approaches by incorporating scientific expertise into their rulings. This integration is critical for addressing modern societal challenges and maintaining public trust. As the pandemic has shown, *fatwā* institutions hold the potential to bridge religious principles and public health priorities, establishing themselves as essential actors in navigating global crises and guiding societal development.

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