

Analysis of MUI Fatwa Number 17 of 2020 Regarding *Kaifiat* Prayer Guidelines for Health Workers Who Wear Personal Protection Equipment (PPE) When Treating and Handling Covid-19 Patients

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Abstract

This study aims to analyze the MUI fatwa no. 17 of 2020 concerning the guidelines for prayer for health workers who wear personal protective equipment (PPE) when handling and caring for COVID-19 patients. This study tries to describe the *ijtihad* method used by MUI in establishing a law. This study uses a type of library research with descriptive analysis. The results of this study state that health workers (PPE) must continue to pray even though it's not possible to purify themselves (ablution or *tayamum*). With consideration, 1) if the body (*lahiriyah*) in *hadas* condition, it is not obligate his pray (*I'adah*), 2) if the PPE is unclean then it is necessary to repeat the prayer. The fatwa cannot be separated from the *syar'i* argument which is the basis for issuing the fatwa, particularly using the *talfiq manbaji* method. The fatwa can be used as an alternative to confusion over the law, and is intended to create benefits, especially for health workers who treat and handle Covid-19 patients.

Keywords: MUI fatwa; Covid-19; prayer; health worker

Abstrak

Penelitian ini bertujuan untuk menganalisis fatwa MUI no. 17 Tahun 2020 tentang pedoman *kaifiat* shalat bagi tenaga kesehatan yang menggunakan alat pelindung diri (APD) saat merawat dan menangani pasien COVID-19. Penelitian ini mencoba mendiskripsikan metode *ijtihad* yang digunakan oleh MUI dalam menetapkan suatu hukum. Penelitian ini menggunakan jenis penelitian kepustakaan dengan analisis deskriptif. Hasil penelitian ini,

menyebutkan bahwa tenaga kesehatan (APD) harus tetap melaksanakan shalat meski tidak memungkinkan untuk menyucikan diri (wudhu atau tayamum). Dengan pertimbangan, 1) jika badan (lahiriyah) berhadas maka tidak perlu mengulangi shalat (I'adah), 2) jika APD bernajis maka perlu mengulangi shalatnya. Dalam fatwa tersebut tidak lepas dari dalil syar'i yang menjadi dasar dikeluarkannya fatwa, khususnya menggunakan metode talfiq manhaji. Fatwa tersebut dapat digunakan sebagai alternatif kebingungan hukum, dan dimaksudkan untuk menciptakan manfaat, terutama bagi tenaga kesehatan yang merawat dan menangani pasien Covid-19.

Kata kunci: Fatwa MUI, Covid-19, Shalat, Tenaga Kesehatan

Introduction

One of the most pressing problems faced by people is the Coronavirus pandemic that attacks the respiratory system. The disease caused by this viral infection is called Covid-19. Coronavirus can cause respiratory system disorders, pneumonia to ARDS (acute respiratory distress syndrome), and death. The spread of Covid-19 through small droplets that come out of the nose or mouth when those infected with the virus sneeze or cough. The droplets then land on objects or on surfaces, where when a healthy person touches them, the virus can stick to their hands. Then if these healthy people touch their own eyes, nose, or mouth, they can catch the disease. The Coronavirus can also spread when the droplets are inhaled by healthy people when close contact with those infected with Corona. In patients who are undergoing medical procedures, sometimes aerosols (fine splashes) can be generated, which can be contagious, such as in airborne transmission.¹

The outbreak of the Covid-19 pandemic is still polemic in society. One of the areas affected is religious worship, such as Friday prayers and congregational prayers. Worship activities during the Covid-19 pandemic underwent many changes, such as wearing masks and always maintaining personal hygiene as a form of protection from harm. To prevent and contain the spread of various viruses, the government and religious institutions, the MUI institution, issued a policy to limit large-scale social activities. In determining a new problem, it is necessary to have a method in determining the law, one of which is a fatwa.

Fatwa is an answer or explanation from the ulama regarding religious issues and applies to the general public regarding new problems that occur in the present. So the fatwa is an alternative that can break the ice in the development of Islamic law. The stipulation of Islamic law cannot be separated

¹Rara Julia Tinambunan Harahap, "Karakteristik Klinis Penyakit Coronavirus 2019," *Penelitian Perawat Profesional* Vol. 2, No. 2 (Agustus 2020): p. 318.

from religious arguments, facing serious problems when dealing with growing issues and in cases where there is a need for legal discovery to facilitate life, especially worship, which is none other than aimed at providing benefits for the community.²

In terms of religious worship, Islam has arranged it in a complex manner. Islam regulates not only small things but also regulates big things. Worship in Islamic teachings includes many aspects, such as prayer that every Muslim must carry out. In implementing the prayer, there are rules such as conditions that every Muslim must obey to carry out the prayer service properly. One of the conditions that must be carried out in prayer services is that a person must be pure from uncleanness and pure from large and small hadas. However, in the MUI fatwa No. 17 of 2020 regarding kaifiat prayer guidelines for health workers who use Personal Protective Equipment (PPE) when caring for and handling Covid-19 patients. In the fatwa decision, it was stated that health workers who wore PPE continued to pray according to their abilities and were given the convenience of praying even though they were in hadas conditions and it was impossible to purify themselves.

In this case, the fatwa contains problems in the social, legal, and religious fields. Some of these problems include, First, for the benefit of health workers who treat and treat Covid-19 patients, they must wear PPE that can only be used once during work, making it difficult to perform ablution and tayammum when going to pray. Second, at the same time, health workers have to treat patients for a long time, so it is very difficult to pray on time. Third, this problem is very controversial because it involves the main problem of mahdah worship, where mahdah worship is worship that has the law of *ghairuma'qulab al ma'na*.

This is the reason for the birth of the MUI fatwa No. 17 of 2020 concerning the merits of prayer for health workers who use Personal Protective Equipment (PPE) when treating and handling Covid-19 patients. Therefore, this study tries to review the extent of the suitability of the fatwa with the textual arguments as a method of determining the law in the fatwa and looking at the fatwa in terms of *maslahah* and conformity to the conditions of society, especially health workers who are tasked with handling Covid-19 patients.

This research needs to be carried out immediately, considering the aspect of community needs, especially health workers for fatwas regarding the merits of prayer during the current pandemic. Theoretically, the issue of the Covid-19 pandemic is relatively new in various literatures, there is no scientific study or discussion about the epidemic that is attacking the community at this time. In the study of Islamic law itself, specifically, there has been no discussion

²Ahmad Insyah, "Kedudukan Fatwa MUI Dan Lembaga Fatwa Di Indonesia," *Jurnal Mabkamab* Vol. 5, No. 1 (June 2020): p41.

of the Covid-19 outbreak in the aspect of worship.³ As for practically, research on the MUI fatwa Number 17 of 2020 is still very limited. Not many researchers have conducted searches or research regarding the benefits of prayer for health workers during a pandemic. The use of PPE equipment in prayer is also something new and has never existed, so the validity of prayer is still in question.⁴ Therefore, it is considered important and urgent to conduct research in order to provide legal information on the MUI fatwa for the community, especially health workers.

The formulation of the problem from this paper is, First, how is the analysis of the MUI fatwa no. 17 of 2020 in enacting a new law. Second, Maslahah's review in the MUI Fatwa No. 17 of 2020 regarding kaifiat prayer guidelines for health workers who wear personal protective equipment (PPE) when treating and handling COVID-19 patients.

This research uses the type of library research⁵, namely, research conducted using literature (library), either in the form of books, notes, or reports on research results from previous studies, which is the primary data source in this study is the MUI fatwa itself. While the secondary data sources in this study are books, journals that discuss the MUI fatwa to examine and explore the values of the existence of the MUI fatwa during the Covid-19 outbreak.⁶ Then this study uses a content analysis approach (content analysis). Then in analyzing the data, the writer uses descriptive analysis as an analytical tool⁷. As for drawing conclusions, it is done by applying the deductive method (drawing conclusions from general things to be specific).⁸ In this study, the researcher tries to describe the literature review as a comparison and distinguish this research from other research to see the advantages and disadvantages of this research.

³Ririn Novianti Putri, "Indonesia Dalam Menghadapi Pandemi Covid 19," *Journal Ilmiah Universitas Batang Hari Jambi (JIUBJ)* Vol. 20, No. 2 (2020): p 705-709.

⁴Farid F Saenong, *Fiqhi Pandemi : Beribadah Di Masa Wabah* (Jakarta: Nuo Pablising, 2020), p 19.

⁵Abdurrahman Fathoni, *Metode Penelitian Dan Teknik Penulisan Skripsi* (Jakarta: Rineka Cipta, 2006), p 95-96.

⁶Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi* (Jakarta: Kencana Prenadamedia Group, 2005), p 181.

⁷This study method uses the most widely used technique to take advantage of densely packed documents. This means that content study is used as a research technique for the purpose of describing objectively, systematically, and quantitatively about the manifestation of communication that utilizes a set of procedures to draw valid conclusions from books, journals, research, or documents related to the research focus. Hendriyani, "Analisis Isi: Sebuah Pengantar Metodologi Yang Mendalan Dan Kaya Dengan Contoh," *Jurnal Komunikasi Indonesia* Vol. 2, No. 2 (2017): p. 63-65.

⁸Beni Ahmad Saebani, *Metode Penelitian Hukum* (Bandung: Pustaka Setia, 2008), p 111.

The researchers have read and searched articles related to the discussion of the MUI fatwa regarding the implementation of worship during this pandemic, there is one study conducted by Achmad Saeful,⁹ titled "Reviewing the MUI fatwa on the Organization of Worship in Situations of the Covid-19 Outbreak". The results of this study explain that the fatwa is fatwa no. 14 of 2020 is a recommendation to Muslims who carry out worship during the Covid-19 outbreak, wherein conditions of an uncontrolled outbreak there is no need to worship in the congregation, but replace it with prayer at home. However, in areas where the epidemic is under control, you can still worship in a congregation at the mosque with a note of maintaining health aspects. Then Ahmad Mukri and Diana Mutia Habibaty¹⁰ in their writings explained about the public response to the MUI Fatwa No. 14 of 2020 concerning the implementation of worship in the Covid-19 outbreak situation. This fatwa explains that the public's response to the fatwa is considered a solutive fatwa during the pandemic. This fatwa was issued to protect the main purpose of religion (al-Dharurat al-Khams). In addition, Bakhtiar¹¹ in his writing explained that the method used by MUI in enforcing the law related to the implementation of worship in the Covid-19 situation was more comprehensive than the method of law enforcement that MUI had previously used. In this study, the MUI fatwa no. 17 of 2020 regarding the benefits of prayer for health workers who wear PPE when treating and handling Covid-19 patients.

Discussion

Definition and Terms of Fatwa

Etymologically the word fatwa comes from the Arabic al-Fatwa; according to Ibn Mansur, the word fatwa is a mashdar form of the words fata, yaftu, and fatwan, which means young, new, explanation, enlightenment, this opinion is almost the same as the opinion of al-Fayumi which interpreted as a strong young man. So that the person who issues the fatwa is said to be a mufti because that person is believed to have the power to provide explanations and answers to the problems he faces and the strength possessed by a young man. This is following the Word of Allah SWT in QS. An-Nisa: 127 as follows:

وَيَسْتَفْتُونَكَ فِي النِّسَاءِ قُلِ اللَّهُ يُفْتِيكُمْ فِيهِنَّ

⁹Achmad Saeful, "Menelaah Kembali Fatwa MUI Tentang Penyelenggaraan Ibadah Dalam Situasi Terjadi Wabah Covid-19," *Jurnal Syar'ie* Vol. 3, No. 2 (2020), p 158.

¹⁰Ahmad Mukri Aji and Diana Mutia Habibaty, "Fatwa Majelis Ulama Indonesia Tentang Penyelenggaraan Ibadah Dalam Situasi Terjadi Wabah Covid-19 Sebagai Langkah Antisipasi Dan Proaktif Persebaran Virus Corona Di Indonesia," *Jurnal Salam: Jurnal Sosial Dan Budaya Syar'i* Vol. 7, No. 8 (2020).

¹¹Bakhtiar, "Metode Ijtihad MUI Dalam Penyelenggaraan Ibadah Pada Situasi Pandemi Covid-19," *Jurnal Al-Abkam* Vol .12, No.1 (June 2021).

And they ask you concerning women, Say : Allah answers about them...

Then according to Yusuf Qardawi fatwa literally means an answer about an event or event (giving a firm answer to all events that occur in society).¹²

In the science of Usul Fiqh, fatwa means an opinion put forward by a mujtahid or faqih in response to a request for a fatwa in a non-binding case.¹³ According to the Big Indonesian Dictionary, fatwa can also be translated as advice, advice, answers to questions related to law.

Meanwhile, in terms of terminology, as stated by Zamakhsyari (w.538 H), a fatwa is an explanation of syara's law regarding a problem based on the statement of a person or group. According to as-Syatibi, a fatwa in the sense of al-Ifta means information about sharia law that is not binding to be followed.¹⁴ According to Yusuf Qardawi, a fatwa is explaining the syara' law in a matter in response to a statement submitted by the requester for the fatwa (*mustafti*) either individually or collectively.¹⁵ According to al-Shatibi, fatwas are information about sharia law that is not binding to be followed. Judging from the word ifta', it has a synonym for ijihad. However, according to Wahbah Zuhailiifta, it is more specific than ijihad. Ijtihad is istibath about legal provisions in general, whether the case already exists or not. Whereas *ifta'* (fatwa) deals with existing cases, where the *mufti* (the fatwa giver) answers the request for a fatwa based on his knowledge.¹⁶

Then the definition of a fatwa in the MUI fatwa collection book explains that a fatwa is an answer or explanation from scholars regarding religious issues and applies to the public. Whereas in this discussion, it is raised about the MUI fatwa, then the understanding of the MUI fatwa is the MUI fatwa on a religious issue that the commission members have approved in the commission meeting.¹⁷

It can be concluded that fatwas are opinions or answers given by the mufti regarding various problems that occur in society. The word fatwa can be found in several verses of the Qur'an related to the explanation of the Prophet. Regarding various questions that were asked of the Prophet, the purpose of

¹²Ahmad Mukhlisin, "Metode Penetapan Hukum Dalam Berfatwa," *Jurnal Istinbath: Jurnal Hukum Islam* Vol. 3, No. 2 (2018): p 170.

¹³Amir Syarifuddin, *Ushul Fiqh* (Jakarta: Kencana, 2008), Jilid II, p 484.

¹⁴Wahbah Zuhaili, *Ushul Fiqh* (Mansyurat Kuliah Dakwah Islamiyah, 1990), p. 98.

¹⁵Yusuf Qardawi, *Fatwa Antara Ketelitian Dan Kecerobohan* (Jakarta: Gema Insani Pers, 1997), p. 5.

¹⁶Bustanul Arifin, "Fatwa Dan Demokrasi (Studi Terhadap Fatwa MUI)," *Jurnal Jurnal At-Tabdyib*, 2014, p 14-15.

¹⁷Muhammad Atho Mudzhar, *Fatwas of The Council of Indonesian Ulama: A Study of Islamic Legal Thought in Indonesia* (Jakarta: INIS, 1993).

these questions was for the Prophet to give answers regarding the things that were asked of him; with the permission and guidance of Allah, he also gave answers to the things that were asked. But because the answer was given directly by the Prophet, its status is higher than a fatwa because it is a word. And every word that comes from the Prophet (Hadith), which has binding legal force, is different from a fatwa which is not binding.

Every fatwa issued by the ulama is dynamic in its existence; it may or may not be followed. But as long as the fatwa issued by the ulama contains benefits, it is not wrong for Muslims to follow it. Muslims should always consider aspects of benefit in assessing every fatwa issued or delivered by scholars. So, Muslims can consider following the fatwa or not following it.¹⁸ The legal basis for the fatwa contained in the Qur'an and hadith is as follows:¹⁹

وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ إِلَّا رِجَالًا نُوحِي إِلَيْهِمْ فَسَأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

And we did not send "messenger" before you, except men whom we revealed to them; then ask people who have knowledge, namely (people who have knowledge of the Prophet and the books) if you do not know". (an-Nahl: 43).

From Ibn Abbas r. that Sa'ad bin 'Ubadah r. asked for a fatwa to the Prophet, namely he said; Actually my mother died even though she had a vow that had not been fulfilled? Then the Messenger of Allah (SAW) replied, "Finish the vows in the name of your mother" (Narrated by Abu Daud and Nasai).

In connection with the term fatwa above, in relation to the format, the fatwa consists of three elements of questions (*su'al, istifta*), the giver of the fatwa (*mufti*), and the answer (answer). A person (*mustafti*) poses a question to a mufti, who then provides the answer. When the question is compiled or written on a piece of paper, then the paper is then referred to as *ruq'ah al-istifta'* and *Kitab al-istifta'*.²⁰

Methods of Fatwa Used in the MUI Environment

Fatwas have a high position in Islam. Fatwas are seen as an alternative that can break the ice in the development of Islamic law. Islamic law in its stipulation cannot be separated from religious arguments (*an-nushush as-syari'iyah*) facing serious problems when dealing with growing problems that are not covered in religious texts. Religious texts have stopped quantitatively, but diametrically, problems and cases are growing rapidly along with the times.

¹⁸Achmad Saeful, "Menelaah Kembali Fatwa MUI...p 158-159

¹⁹Abdurrahman Adi Sahputra, "Menelisis Dinamika Dan Eksistensi Fatwa MUI Sebagai Upaya Mitigasi Pandemi Covid-19," *Tabkim: Jurnal Peradaban Dan Hukum Islam* Vol. 3, No. 2 (2020): p 67.

²⁰Ahmad Mukhlisin, "Metode Penetapan, p 171. Lihat juga Nasroen Haroen, *Ushul Fiqh 1* (Jakarta: Logos WacanaIlmu, 2001), cet 3, p 203.

In conditions like this, the fatwa is an alternative way out to parse the problems and events that arise. One of the ways to determine the fatwa is to comply with the methodology (*manhaj*) in giving a fatwa, because setting a fatwa without heeding the *manhaj* is one that is prohibited by religion. Establish a fatwa based solely on necessity (*li al-hajab*), or because of the benefit (*li al-maslahah*), or because of the essence of religious teachings (*li maqashid as-syar'iah*), without adhering to the *syar'iah* *mushus*, including the excessive group (*ijfathi*).

On the other hand, a group that firmly holds religious texts (*an-nushus as-syar'iyah*) without paying attention to the benefit (*al-maslahah*) and the essence of religious teachings (*maqashid as-syar'iyah*), so that many problems cannot be answered, then groups such as including the category of rash (*tafrihi*).

Therefore, in giving a fatwa, one must maintain a balance, between having to continue to use the *manhaj* that has been agreed upon by the *ulama*, as an effort to fall into the category of giving a fatwa without considering clear legal arguments. But on the other hand, it must also pay attention to the harmful elements of the fatwa, as an effort to maintain the position of the fatwa as an alternative to breaking the ice in the development of Islamic law, while the *istinbat* rules are used as guidelines in determining the fatwa as follows:

1. *Bayani* Method

This method is used to explain the text of the Qur'an and as-Sunnah in determining the law by using linguistic analysis. The discussion of this *bayani* method in the study of *ushul fiqh* includes:

- a. Analysis based on the meaning of lafaz
- b. Analysis based on the use of meaning
- c. Analysis based on the light and vague terms of meaning
- d. Analysis based on the point of view of the wording of the meaning according to the intention of the creator of the texts.

2. *Ta'lili* Method

This method is used to explore and determine the law against an event for which no explicit evidence is found. *Istinbatini* is intended to determine the law of an event by referring to an event that already has a law because there are similarities in *illat*.

3. *Istislahi* Method

This method is used to explore, find, and formulate *syara'* law by applying the *kulli* law to events whose legal provisions do not contain texts, have not been decided by *ijma'* and are not possible with *qiyas* or *istihsan*.²¹

²¹Jamal Ma'mur, "Peran Fatwa MUI Dalam Berbangsa Dan Bernegara (Talfiq Manhaji Sebagai Metodologi Penetapan Fatwa MUI," *Jurnal Wabana Akademika* Vol. 5. No. 2 (2018): p 48-49.

The existence of a method in determining a fatwa is very important, so that in every process of determining a fatwa one must follow that method. A fatwa that is stipulated without using a methodology, the resulting legal decision lacks a solid argument. Therefore, the implementation of the method (*manhaj*) in every process of determining the fatwa is a necessity.

In particular, the method used by the MUI Fatwa Commission in the process of determining the fatwa was conducted through three approaches, namely the *nash Qath'i* approach, the *Qauli* approach, and the *Manhaj* approach.²²

First, the *Nash Qath'i* approach was conducted by adhering to the texts of the Qur'an or Hadith for a problem if the problem specified is contained in the texts of the Qur'an or Hadith clearly. Meanwhile, if it is not contained in the texts of the Qur'an or Hadith, the answer technique is carried out using the *Qauli* and *Manhaj* approach.

Second, the *Qauli* approach is an approach in the process of determining the fatwa by basing it on the opinions of the imams of the schools of thought in the leading fiqh books (*al-kutub al-mu'tabarab*). The *Qauli* approach was conducted if the answer can be satisfied by the opinion in the leading fiqh books (*al-kutub al-mu'tabarab*) and there is only one opinion (*qaul*), unless the existing opinion (*qaul*) is considered no longer suitable to be held because it is very difficult to implement (*ta'assur* or *ta'adzdzur al-'amal* or *shu'ubah al-'amal*), or because the legal reason (*Illab*) has changed. In this condition, it is necessary to conduct a re-examination (*i'adatun naz'har*), as conducted by previous scholars who have existed if the opinion is no longer sufficient to be used as a guide. Based on the opinions contained in the leading fiqh books (*al-kutub al-mu'tabarab*), the process of determining the fatwa is carried out through a *manhaj* approach.

Third, the *manhaj* approach is an approach in the process of determining the fatwa by using the basic principles (*al-qawaid al-ushuliyab*) and the methodology developed by the madhhab imam in formulating the law of a problem. The *manhaji* approach is carried out through collective *ijtihad (ijtihad jama'i)*, using the methods: bringing together different opinions (*al-jam'u qal taufiq*), choosing opinions that have more accurate arguments (*tarjih*), analogizing problems that arise with problems that have been determined by law. in the books of fiqh (*ilbaqi*) and *istinbath*.

The methodology of *talfiq fil Manhaji* is not contained in the formulation of the four priests of the school of thought. Imam Maliki, using the *al-jama'u wa attaufiq* methodology, the *tarjih* method, the *Nasakh* method and the *Tasaqut dalilain* method. Likewise, Imam Shafi'i, Imam Hambali, and Imam

²²Abdurrahman Adi Sahputra, "Menelisk Dinamika...p 68-70.

Hanafi are the same as Imam Maliki's opinion in the aspect of methodology, only the four Imams differ in their opinion on the basis for determining the law.²³ Meanwhile, the MUI methodology uses four methods. First, reviewing the opinions of the Imams of the sects on issues that are being studied seriously along with their arguments. Second, the legal issues are clearly defined as they are. Third, in the problem disputed by the priests scholars, it is solved in two ways, namely finding common ground with the *al-jam'u wa attaufiq* method and using *tarjih* (choosing the opinion with the strongest argument) through the comparative method of schools by using the rules of comparative fiqh proposals. Fourth, problems for which the law is not found in the schools are determined by *ijtihad jama'i* (collectively) using the *bayani*, *ta'lili* (*qiyasi*, *isihsani*, *ilhaqi*) methods, *istislahi* and *sad adz-dzariah*. Fifth, fatwas must pay attention to the general benefit and objectives of Islamic law (*al-Maqasid al-Syariah*).²⁴

In the case of *khilafiyah* among the priests of the school, the determination of the fatwa is based on the results of efforts to find common ground between the opinions of the schools through the *al-jam'u wa al-taufiq* method. The fatwa is carried out through the *tarjahi* method (choosing the opinion of the ulama who are considered the most powerful in their arguments and arguments), namely by using the comparative *madhhab* method (*muqaran al-madzahib*) and by using comparative *ushul fiqh* rules.

Allowing the public to choose their own opinion of the existing ulama is very dangerous because it allows the community to choose one opinion (*qaul*) of the ulama without using procedures, limitations, and patience. Therefore, it is the obligation of a fatwa institution that has the competence to choose opinions (*qaul*) that are *rajih* (stronger arguments and arguments) to be used as guidelines for the community.

A problem or case does not have an opinion (*qaul*) that explains exactly in the previous fiqh book (*al-kutub mu'tabarab*). Still, there is an equivalent of the problem, the answer is done through the *ilhaqi* method, equating a problem that occurs with the case. its equivalent in *al-kutub mu'tabarab*.

While the *istinbathi* method is carried out when it cannot be done with the *ilhaqi* method because there is no equivalent opinion (*mulhaq bib*) in *al-kutub al-mu'tabarab*, the *istinbathi* method is carried out using the *qiyasi*, *istislahi*, *istihsani*, and *sadd al-dzari'ah* methods.

In general, the determination of the fatwa at the MUI always pays attention to the general benefit (*masalih 'ammah*) and the essence of religious

²³Muhammad Iqbal, "Metode Talfiq Manhaji MUI Dalam Fatwa," *Al-'Adl* Vol. 13 No. 2 (July 2020): p 149-164.

²⁴Ma'mur, "Peran Fatwa MUI Dalam Berbangsa Dan Bernegara (Talfiq Manhaji Sebagai Metodologi Penetapan Fatwa MUI),"...p 41-52.

teachings (*maqashid al-syari'ah*), so that the fatwa issued by the MUI can answer the problems faced by the people and can actually become a choices of the people to be used as guidelines in carrying out their lives.

Personal Protective Equipment (PPE)

Personal Protective Equipment (PPE) is a tool that has the ability to protect a person whose function is to isolate part or all of the body from potential hazards in the workplace. Personal protective equipment is one of the equipment used by health workers to prevent infection starting from the patient entering, getting nursing care and medical action until the patient returns from the hospital. When viewed from today, personal protective equipment in daily activities functions more to protect patients than to protect nurses.

The purpose of PPE is to protect the skin and mucous membranes of nurses directly with patients, personal protective equipment includes gloves, masks and eye protection, hats, gowns, and aprons. One of the personal protective equipment used to prevent contamination between nurses and patients when performing the procedure is the use of gloves and masks.

According to prof. Dr. Budi Sampurno (Professor of the Faculty of Medicine, University of Indonesia and Prof. drh. Wiku Adisasmito (Head of the Covid-19 Task Force Expert Team) on March 24, 2020, stated, "PPE is a type of protective equipment consisting of several types of "clothing," namely hats, goggles (Google), masks, coveralls, shoe covers, and gloves, these clothes are disposable so if they are removed they cannot be reused. Health workers can use them as long as they are on duty according to the specified work shift hours, and there are also 4 to 6 hours. However, the price is quite high, and the stock is limited.

If a health worker on duty wants to go to the toilet, for example, then after defecating, the PPE must be removed and replaced with a new one. In general, officers are expected to only wear one set of PPE during a shift, except for gloves which can be changed where necessary. In this case, it is known that the Coronavirus can survive on inanimate objects for approximately 14 hours (varies depending on the type of object). Therefore, when handling patients exposed to Covid-19, health workers must wear Personal Protective Equipment (PPE). Prayers are performed when changing shifts or PPE for some reason, including going to the toilet. Sometimes, when work cannot be stopped, the officer must pray whenever he is free and without taking off his PPE. In this situation, it is not possible to perform ablution.²⁵

²⁵Fatwa MUI No. 17 Tahun 2020 Tentang Kaifiat Shalat Bagi Tenaga Kesehatan Yang Memakai Alat Pelindung Diri (APD) Saat Merawat Dan Menangani Pasien Covid-19, n.d.

The types of PPE used by nurses are:

1. Hat
2. Glasses (google)
3. The mask must be large enough to cover the nose, mouth, under the chin and facial hair (beard). The use of masks is intended to avoid splashes when officers speak or sneeze and prevent liquids or blood splashes and microorganisms from entering the nose or mouth.
4. Complete cover clothing (Coverall)
5. Close the shoes
6. Gloves. Gloves protect hands from materials that can transmit disease and protect patients from microorganisms that are on the hands of health workers. MUI fatwa study No. 17 of 2020 regarding kaifiat prayer guidelines for health workers who wear Personal Protective Equipment (PPE) when treating and handling COVID-19 patients.

Fatwa Considerations

As mentioned above, fatwas are an alternative that can be taken in finding laws that have not been found in texts that can be used by the community to help in carrying out their lives. In making a fatwa, consideration must be given to first as a step for a mufti in deciding the law. In the case above, there are several considerations of scholars in the fatwa above, including:

1. The questions arise in the community regarding the implementation of prayers for health workers on duty as in the conditions as above;
2. It is deemed necessary to stipulate a fatwa regarding the guidelines for prayer for health workers who wear PPE when treating and handling COVID-19 patients.

Proposition and Rules in the Fatwa

In determining a fatwa, a source that must always be seen by scholars in deciding a fatwa is the textual evidence in the form of the Qur'an and hadith which are the main sources of law in Islamic teachings. In deciding a law, the scholars must refer to the texts above. If in the excavation of a law it is not found, the scholars can take the path of *ijtihad*, then they can use the rules that might help the scholars in exploring the law so that the fatwa that is decided does not run away from the reference proposition above. Thus, related to the title of the fatwa above, the reference proposition used is as follows:

1. Proposition of Al-Qur'an
 - a. Q.S. An-Nisa' 4:103
 - b. Q.S al-isra' 17:78
 - c. Q.S Hud 11:114
 - d. Q.S Al-Maidah 5:6
 - e. Q.S Thaha 20:14
 - f. Q.S Al-Baqarah 2:185

- g. Q.S Al-Hajj 22:78
- h. Q.S Al-Taghabun 64:16
- 2. Hadist of the Prophet Muhammad
 - a. Imam Al-Nasa'i (523)
 - b. Imam Al-Tirmidzi
 - c. Imam Ahmad (6968)
 - d. Imam Muslim (1337)
 - e. Imam Al-Baihaqi
 - f. Imam Al-Bukhari (510)
 - g. Imam Al-Daraquthni, Al-Baihaqi, Al-Hakim (4461)

3. Rule

الضرر يزال

"Harassment must be eliminated"

دَرْءُ الْمَقْصِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

"Refusing mafsadah takes precedence over seeking benefit"

الْمَشَقَّةُ تَجْلِبُ التَّيْسِيرَ

"Difficulty brings ease"

الضَّرُّ يُدْفَعُ بِقَدْرِ الْإِمْكَانِ

"Harassment should be avoided as much as possible"

الضَّرُورَةُ تُقَدَّرُ بِقَدْرِهَا

"Haassment is limited according to the qadar"

الْأَمْرُ إِذَا ضَاقَ اتَّسَعَ وَإِذَا اتَّسَعَ ضَاقَ

"Something when it's hard it's loose, and when it's loose, it's hard"

Legal Decisions in Fatwa

In deciding a fatwa, scholars first review the methods used in finding a legal product. The scholars gave several decisions, including::

1. Muslim health workers who are tasked with treating Covid-19 patients by wearing PPE are still required to carry out fardhu prayers with various conditions according to their abilities.
2. In a condition when his working hours are over or before starting work he still has prayer time, it is obligatory to perform the fard prayers properly.

3. In the condition that he is on duty starting before the time of noon or maghrib and ends still at the time of the Asr or Isha prayers, then he may pray with the congregational ta'khir.
4. In the condition that he is on duty starting at the time of dzuhur or Maghrib and is not expected to be able to perform the Asr or Isha prayers, then he may perform the prayers with jama' taqdim.
5. In a condition when his working hours are within the time span of two prayers that can be pluralized (dzuhur and Asr as well as Maghrib and Isha), then he may pray in congregation.
6. In a condition when his working hours are within the prayer time range and he has ablution, he may perform the prayer with in the specified time even though he still wears the existing PPE.
7. In difficult conditions to perform ablution then perform yammum then perform the prayer.
8. In hadats conditions and it is not possible to purify (ablution or tayamum), then he continues to pray with the existing conditions (*faqif al-thahurain*) and is not obliged to repeat his prayer (*i'adatu al-shalah*).
9. In the condition that the PPE used is unclean, and it is not possible to remove or purify it, then he may pray in an impure condition and must repeat the prayer (*i'adatu al-shalah*) after serving.
10. The person in charge of the health sector is obliged to arrange shifts for Muslim health workers on duty by considering prayer times so that they can carry out their worship obligations and maintain personal safety.
11. Health workers use this fatwa as a guide for performing prayers while still paying attention to aspects of personal safety.

Analysis of Fatwa

From the eleven legal provisions above, it can be seen that the permissibility of nurses who wear PPE to perform prayers does not have to be purified in points 8 and 9. Point 8 states that prayers are still performed even though they are in a state of hadas and are not obliged to repeat prayers. Whereas in point 9 states praying in an unclean state (PPE) can still perform prayers and must repeat the prayer. In addition to the two points above, the fatwa decision also states about the permissibility of performing plural prayers and performing tayammum for nurses who handle and treat Covid-19 patients.

In the case of prayers that are carried out in a state of ablution and are not obliged to pray, it is necessary to look at the book of fiqh explaining that hadas is a *syara'* characteristic that is attached to members of the body (ablution members) and can eliminate thaharah (chastity) such as farting, bleeding, etc. But in particular the hadas here are only devoted to the body and the way to

purify it can be done by bathing, ablution and tayammum.²⁶ In a state of being unable to perform ablution or tayammum in the opinion of al-Nawawi in the syarah al-Nawawi 'ala Muslim "if there is no water or dust, then pray with the existing conditions. In this matter there are four opinions, the strongest according to the Shafii is that it is obligatory for him to pray and repeat it (*i'adah*). The obligation to pray on it is based on the hadith "do your duty as much as you can". As for the obligation of *i'adah*, because it is a rare excuse, the law is like a person who forgets to leave one of the pillars of ablution, then he prays. The second opinion is that it is not obligatory to pray, but it is sunnah and it is obligatory to make up, whether you have prayed or not. The third opinion is that it is forbidden to pray because of hadas and it is obligatory for him to perform *i'adah*. The fourth opinion, obligatory prayer and not obligatory *i'adah*". Of the four opinions above, the one that becomes the benchmark in the fatwa is the fourth opinion as stated in the al-Muzani as the strongest opinion.²⁷

In contrast to the problem of PPE being unclean, here nurses are allowed to pray but are obliged to repeat the prayer. In the discussion of the Islamic fiqh book waadilatuhu by Wahbah Zuhaili, he explained that wanajis is khabats (impurities) and also hadas (Islamic hygienical jurisprudence). Najis here is broad in nature not only interpreted as dirt (*baqiqi*) but also includes hadas (Islamic hygienical jurisprudence), so that someone who is unclean by means of purifying it not only covers clothes and places, but also covers the body by bathing, sprinkling water on unclean objects. If you pray in an unclean state, you must repeat the prayer, because the part that is unclean is not only the outer but also the spiritual, so that if the *aji* is present it will cause it to be contrary to the principle of cleanliness which is basically pure, which is a legal requirement to perform the prayer.²⁸ The opinion of Imam Shafi'i in the book al-Umm "A person who prays with unclean clothes or by carrying something unclean, then he must repeat his prayer. If a person prays with a dog, pork, khamr, blood, part of a carcass or skin of a carcass that has not been tanned, then he must repeat the prayer."

Then in terms of medical personnel who wear PPE when treating and treating Covid-19 patients, they can also perform multiple prayers while on duty. Plural prayers are rukhsah (lightening) that are allowed, even the jamakantara dzuhura and asr prayers on the day of Arafah in Padang Arafah and Maghrib and Isha prayers in Muzdalifah. Procedures in plural prayers can be done if someone has traveled (traveler) by doing the zhuhur and asr prayers (plural

²⁶Wahbah Zuhaili and Penerjemah, Abdul Hayyie al-Kattani, *Fiqh Islam Wa Adilatuhu*, Cet. 1 (Jakarta: Gema Insani, 2010), p. 202-203.

²⁷Imam Nawawi and Terjemahan, Wawan Djunaedi Soffandi "Syarah Shahih Muslim, *Shahih Muslim Bi Syarh An-Nawawi*, Jilid 4 (Jakarta: Pustaka Azzam, 2020), p 59.

²⁸Wahbah Zuhaili, *Fiqh Islam Wa Adilatuhu*, p 250.

taqdim) or by doing both prayers at the beginning of the midday time. Then the plural takhir, which is doing the two prayers at the beginning of the Asr time, or combining the Maghrib and Isha prayers with the plural taqdim or the plural takhir and then doing the two prayers at one time.²⁹

From the explanation above, although the condition for allowing plural prayers, in general, is when a person travels, the opinion of Ibn Hajar al-Asqalani "several great scholars (*a'imma*) allow plural prayers when staying at home (not traveling) because of an absolute necessity. However, these conditions are not made a habit." From this opinion, it can be related that if a health worker who wears PPE while working and has entered the time to pray but is still bound by his work shift, then he can perform multiple prayers.³⁰

In addition, people who are sick can also pluralize between the Zuhur and Asr prayers, and the Maghrib and Isha prayers if it is difficult for him to do each prayer on time. Because the illat (cause) of the plural prayer is a difficulty. Whenever someone is in trouble, he can pray together. In fact, when a Muslim gets worried, such as worrying about his life, honor or property, then it is permissible for him to make multiple prayers.

Then the last is the discussion about tayammum; in this fatwa decision, medical personnel who wear PPE can do tayammum. Tayammum is prescribed for a person who does not find water after searching for it with difficulty or finds it but cannot use it because he is sick or is worried that he will get sick by using it. Or make his recovery slow, or he can't move, and there's no one to help him pick it up.³¹ Although, in general, the conditions required for the public because they cannot find water, in the case of medical personnel who wear PPE when working, they are given rukhsah to do public tayammum even though there is water in the workplace. Because the object of this study is PPE that is used when working for a very long time and even requires one-time use, thus rukhsah is given to perform tayammum.

From the four explanations above, it can be explained that the fatwa analysis method used is with talfiq manhaji. Talfiq manhaji is looking at the opinion of the Imam of the Mazhab. Where talfiq is closely related to taklid "accepting the opinions of people (ulama) without knowing the reasons (the arguments)." More broadly, talfiq is taking and practicing various mazhab of thought opinions in multiple issues, even though they have their provisions in these problems. So when viewed from several law enforcement methods among the MUI, talfiq manhaji is the method used as a variation of the existing

²⁹Abu Bakar Jabir and Penerjemah; Andi Subarkah, *Minbajul Muslim: Pedoman Hidup Ideal Seorang Muslim* (Solo: Insan Kamil, 2008), p 416-417.

³⁰Ibnu Hajar, *Fath Al-Bari Bi Syarbi Shahih Al-Bukhari*, Juz II (Beirut: Dar al-Ma'rifah, 1979), p 24.

³¹Abu Bakar Jabir, *Minbajul Muslim*,... p 348.

method. This tafiq manhaji is used to develop Islamic law with the times, especially related to contemporary problems such as Covid-19. Tafiq manhaji does not focus on one school only, but by accommodating the opinions of four mazhab of thought.

In addition, the fatwa issued by the MUI regarding the provisions contained in the points above, of course, is not an original fatwa, but is based on arguments based on arguments, such as in Surah An-Nisa: 103.

فَإِذَا أَطْمَأْنَنْتُمْ فَأَقِيمُوا الصَّلَاةَ إِنَّ الصَّلَاةَ كَانَتْ عَلَى الْمُؤْمِنِينَ كِتَابًا مَوْقُوتًا

.....then when you feel safe, then establish the prayer (as you can). Verily, prayer is a fardhu / obligatory time determined for those who believe”.

In addition to referring to the arguments of the Qur'an, the fatwa issued by the MUI related to this issue is also based on the hadith of the Prophet and among them narrated by HR. Muslim: Abu Huraira ra heard the Messenger of Allah. He said: "Whatever I forbid you to do, stay away from it, and whatever I command you, do it according to your ability. Verily, the destruction of the people before you was because they asked a lot of questions and disobeyed their Prophets. (Narrated by Imam Muslim).

Then Imam al-Baihaqi: From Umar ra, the Messenger of Allah (saw) said: "Indeed, Allah loves to do His *Rukhsah*, then Allah loves to do His commandments (*Azimah*)." (HR. Al-Baihaqi). And the hadith of al-Daraquthni, al-Baihaqi, al-Hakim. From Abu Sa'id Sa'd bin Malik bin Sinan al-Khudri Radhyallahu anhu, the Messenger of Allah said: "There should be no danger and harm to others." (Narrated by al-Daraquthni, al-Baihaqi, al-Hakim).

If you look at the propositions referred to by MUI in issuing a fatwa on the merits of prayer for health workers who use PPE for prayer, they do not have to purify themselves. The points above show MUI's caution in issuing, not arbitrary, but based on an in-depth study, even The propositions used are closely correlated with the current state of the epidemic. So, it is not wrong if the fatwa issued by the MUI can be considered for every Muslim who wants to carry out worship in conditions of the Covid-19 outbreak, especially for medical personnel who treat and treat Covid-19 patients.

In strengthening the argument related to the fatwa regarding the permissibility of praying using PPE for health workers who do not have to perform purification (ablution or tayammum), pray in plural, some fiqhiyah rules are also used, such as: (i) “*ad-dararu yuzal*, harm must be eliminated, (ii) “*dar-u al-mafasid muqaddamun 'ala jalbi al-masalib*, rejecting mafsadah takes precedence over seeking benefit, (iii) *al-Masyaqqah tajlibut taisir*, difficulties bring to ease, (iv) *al-dhiraru yadfa'u biqadri al-imkani*, harm should be avoided as much as possible, (v) *ad-dharurat tuqaddaru*

biqadriha, harm is limited according to its level, (vi) al-amru idza dhaqat tasa'a wa idza tasa'a dhaqa, something type is hard to be loose, and when it is hard to be loose.

The rules used above are very much in line with the arguments that come from the Qur'an and hadith. This means that broadly speaking, based on the arguments and fiqhiyah rules used, the emergency criteria meet to allow relief (*Rukhsah*) for health workers who use PPE in treating Covid-19 patients. If the fatwa is not issued, then confusion arises for health workers regarding how to carry out prayers which are obligations that must be carried out. So that the fatwa can help health workers to worship.³² The existence of fiqh rules is very important in developing Islamic law; even the purpose of fiqh is to attract benefits and reject mafsadah. Then the fiqh rules raise the assumption that there is a danger posed if health workers do not use PPE when caring for and handling Covid-19 patients.³³ If health workers do not use PPE, the potential for virus transmission is very vulnerable. So that in the implementation of prayer, health workers must wear PPE even though it is not possible to purify themselves during prayer time. So that what becomes Mafsadah is not purification (ablution or tayammum), but the necessity of health workers who wear PPE when caring for and handling Covid-19 patients.

The MUI fatwa relating to the ability to pray using PPE for health workers who are not likely to purify themselves is intended to create benefit and convenience for health workers to perform prayers, which is an obligation that must be done carried out. In determining the law, the benefit must be prioritized, which is the main thing that all Muslims should pay attention to. On the other hand, the above fatwa is temporary, not continuous. Suppose the epidemic conditions have disappeared and normal conditions have returned, and health workers are no longer using PPE, than in carrying out prayers. In that case, health workers must perform prayers in a state of purification, both clothes and are also required to perform prayers and ablution.

Thus, in several ways, Islamic law, more specifically fatwas, can changes for the benefit of humans at a certain time. However, this law cannot be changed. According to Syamsul, four conditions must be met for a law to change. First, there is a demand for a benefit to change, which means that the law cannot change if there is no demand and need to change. Second, the law is not about the subject of mahdah worship, but outside the mahdah, which means that the provisions of mahdah worship cannot be changed because, basically, the law of worship is irrational (*ghayr ma'qulah al-ma'na*). Third, the law is not qath'i; if the law is qhat'i then the law cannot be changed. Fourth, the new

³²Abu Bakar Jabir, *Minhajul Muslim...*, p 416-417.

³³Alif Jumai Rajab, "Tinjauan Hukum Islam Pada Edaran Pemerintah Dan MUI Dalam Menyikapi Wabah Covid-19," *Bustanul Fuqaha: Jurnal Bidang Hukum Islam* Vo. 1, No. 2, (2020), p 170.

amendment of the law must be based on a *syar'i* proposition as well, so that the change in the law is actually nothing but a transfer from one proposition to another.³⁴

Although the fatwa conveyed by the MUI is not binding, there is a benefit side that should be considered, because the implementation of prayer is an obligatory thing for Muslims and is the main worship. So it is necessary to issue a fatwa so that health workers get a legal umbrella and the opportunity to worship amidst the busyness of caring for COVID-19 patients. Medical personnel who treat patients must wear PPE that is worn for 4 hours a day, some even up to 6-8 hours a day. So that all activities are very limited to be carried out, considering that the PPE can only be used once, if it has been removed it cannot be reused. So with the fatwa No. 17 of 2020 is very appropriate to be determined during this covid-19 outbreak.

Even though the MUI fatwa is non-binding, during the COVID-19 outbreak, health workers are guided by the fatwa to pray while still paying attention to aspects of personal safety. Then the fatwa was also addressed to the government to make it easier for health workers at work to worship according to their beliefs. The existence of this fatwa is very helpful for Muslims, especially health workers who are charged with work up to 6-8 hours per day according to work shifts. The existence of the fatwa can help to overcome confusion over a new problem with the birth of a new law that does not yet have a law. The fatwa should be carried out because it contains benefits.

The issuance of fatwa Number 17 of 2020 concerning the nature of prayer provides legal certainty for health workers in carrying out prayer services. Although the legal approach using the *taulfiq manhaji* argument is seen as weak from the point of view of the arguments, even *mazhab* scholars do not include it in the *ijtihad* method, but the existence of this fatwa is very much needed even *dharriyah* (important and urgent) considering that many health workers are exposed to the Covid-19 outbreak. For the general public, the existence of this fatwa can increase public optimism towards the government in dealing with the pandemic situation. On the other hand, the existence of this fatwa creates differences in several community groups. There are groups who refuse on the grounds that the matter of human life and death is the business and destiny of Allah SWT. in the sense that this group does not justify a person praying in a state of ablution or uncleanness. There are also those who accept the presence of this fatwa with the assumption that maintaining the soul (*an-nafsh*) is the main obligation of a human being and is part of the goals of shari'a (*al-Maqasid al-Shari'ah*).

³⁴Febriana Fauzi Niki Alma, "Fatwa Di Indonesia: Perubahan Sosial, Perkembangan, Dan Keberagaman," *Jurnal Hukum: Novelty* Vol. 8, no. 1 (February 2017): p 111-112. Lihat juga Syamsul Anwar, *Studi Hukum Islam Kontemporer* (Jakarta: RM Books, 2007), p.39.

Fatwas occupy an important position in Islamic law. Because the fatwa is an opinion expressed by Islamic jurists (Fuqaha) about the legal position of a new problem that arises in the community. When a new problem arises for which there are no explicit (firm) legal provisions, both in the Qur'an, as-Sunnah and ijma' as well as the opinions of previous fuqaha, the fatwa is one of the normative institutions that is competent to answer or determine the legal position of the problem.³⁵ Although the MUI fatwa is said to be a source that has not received formal recognition, meaning that it cannot be accepted as law, it is used as a source of community welfare.³⁶ So his position is considered to be able to determine the law on a particular case or problem, so it can be said that fatwas can be categorized as Islamic jurisprudence. As contained in the hadith of Muadz bin Jabal when the Prophet was sent to be a qadhi in Yemen who used the use of ijthihad when no naqli arguments were found, both from the verses of the Qur'an and al-Sunnah which means "The Messenger of Allah asked Muadz bin Jabal: How do you punish something if it is faced with a legal problem, O Muadh? Muadz replied: I punish him according to the book of Allah. What if you do not find (the law) in the book of Allah? asked the Messenger of Allah. Muadz replied: Based on the sunnah of Rasulullah, "if you do not get it? The Messenger of Allah continued, I did my ijthihadaqal. Then the Messenger of Allah hit Muadz on the shoulder saying: Praise be to Allah who has given taufik to the delegation of the Messenger of Allah for the pleasure of Allah and His Messenger. (HR. Ahmad).

In connection with the above, the fatwa can be interpreted as an explanation of sharia law on certain issues, so that the method of taking a fatwa is no different from the method of exploring sharia laws from sharia arguments (ijthihad). The reason is, the only way to know the Shari'a law from the Shari'a arguments is by ijthihad, and there is no other way. Therefore, a mufti (giving fatwa) is like a mujtahid who devotes all his abilities to finding law from Islamic legal sources, namely the Qur'an and hadith.

Functionally fatwa functions as tabyin and tawjih. Tabyin means explaining the law, which is a practical regulation for the community, especially the people who expect its existence. Tawjih aims to provide guidance and enlightenment to the wider community regarding contemporary religious issues. The functions of tabyiin and tawjih are tied to the function of scholars, so the syar'iyah fatwa that have been issued since the next generation to the current

³⁵M. Erfan Riadi, "Kedudukan Fatwa Ditinjau Dari Hukum Islam Dan Hukum Posistif (Analisis Yuridis Normatif)," *Jurnal Ulumuddin* Vol. 6, No. 4 (June 2010): p.469-470.

³⁶Zakaria Safei, "Tracing Maqid al Syari'ah in The Fatwas of Indonesia Concil of Ulama (MUI)," *Journal of Indonesia Islam* Vol. 11, No. 1 (2017): p.293.

generation of scholars. The current fatwa is a fardiah (individual) fatwa, but it is more consultative, connected, or some are collective and institutional.³⁷

Conclusion

Fatwa is one part of Islamic law issued or waived by scholars related to problems in society, both related to worship and social problems. The fatwa submitted to the public is a fatwa that goes through a process of consideration whose arguments are clearly based on the statements contained in the Al-Quran and Hadith. The fatwa delivered by the ulema is related to a new issue for which there is no law so that the existence of a fatwa can make it easier for people to live life. It can be said that the fatwa is part of the ulama's *ijtihad*. Fatwas have a fairly important position as Islamic law related to issues that develop in society, especially during the Covid-19 outbreak. In this context, one of the fatwa issued by the MUI fatwa commission is Fatwa No. 17 of 2020 concerning *kaifiat* prayer for health workers who wear Personal Protective Equipment (PPE) when caring for and handling Covid-19 patients. The fatwa states that it is permissible for health workers who wear PPE to perform prayers that do not allow for purification (ablution and *tayammum*). The existence of the fatwa provisions can relieve health workers who are charged with the obligation to perform prayers without any confusion, given that these conditions are still in the period of the Covid-19 outbreak. These considerations are inseparable from the arguments of the Qur'an and Hadith as well as the *Fiqhiyah* Rules, which are the source for determining a fatwa to be based on the above arguments. Then specifically, the method used by MUI related to the fatwa above uses *talfiq manhaji*, which is a variety of existing methods, where the method is considered a method so that Islamic law develops with the times. Regarding the fatwa, the arguments used are in line with current conditions and conditions, namely the Covid-19 outbreak. It cannot be separated from that, that the determination of the fatwa must look at the value of the benefit and the essence of Islamic teachings (*Maqashid shari'ah*). So that according to Islamic law, Fatwas can be used as Islamic jurisprudence for new issues for which there is no law, even though they are not binding because the benefit will lead to goodness, let alone discussing worship.

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