

Analysis of Large-Scale Social Restrictions During the Covid-19 Pandemic on the Implementation of Worship Using the Ushul Fikih Approach

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Abstract. The corona virus is sweeping the world. Such rapid transmission from human to human causes quite a few fatalities. Generally, based on research, this virus spreads through droplets and disease transmission through direct contact with sufferers. While a vaccine and medicine have not yet been found, the concrete step taken is to break the chain of spread of the virus. Therefore, various countries have taken policies in an effort to stop the spread of the virus. Indonesia is no exception, as an affected country it has also issued a Large-Scale Social Restrictions (PSBB) policy. These rules regulate various aspects ranging from education, work to worship. In the field of worship, this regulation requires the temporary elimination of worship in places of worship and replacing it with worship at home. This rule raises pros and cons in society. Some people believe that eliminating worship in places of worship is inappropriate because other public places such as markets are still open. Using the library research method and using the approach of Islamic jurisprudence principles and ushul jurisprudence, this paper analyzes this policy. The results of this research show that the policy of eliminating worship in places of worship during the pandemic does not conflict with Islamic law. Apart from that, to issue other policies in dealing with this pandemic, based on Islamic law, protecting the soul (hifzh al-nafs) is prioritized over protecting property (hifzh al-mâl).

Keywords: Covid-19, Large-Scale Social Restrictions (PSBB), Fiqh Rules, Ushul Fiqh

BACKGROUND

Currently, the world is shocked by the disease outbreak caused by the SARS-Cov-2 virus or better known as the Corona virus. As of May 27 2020, in the world there were 5,716,621 people infected with the virus with deaths reaching 352,956 people. Likewise, in Indonesia there have been 23,851 cases recorded with 1,473 deaths.¹

The rapid transmission of the virus from human to human has caused various countries to issue policies to reduce transmission of the virus. Indonesia is no exception, as an affected country it has issued a Large-Scale Social Restrictions (PSBB) policy. This regulation includes the closure of schools and workplaces, restrictions on religious activities and restrictions on activities in public facilities. ² In its implementation, the PSBB regulations, especially regarding religious activities, require the temporary suspension of activities in places of worship and replacing them at home. This can be seen in the provisions of Article 11 of the Regulation of the Governor of the Special Capital Region of Jakarta Number 33 of 2020 concerning the Implementation of Large-Scale Social Restrictions in Handling Corona Virus Disease 2019 (Covid-19) in the Province of the Special Capital Region of Jakarta.

This policy has reaped pros and cons in society. Some people feel "disturbed" because their worship activities are also interfered with by this regulation. Apart from that, they compare it with activities in the market which are still wide open, therefore they consider that this policy cannot necessarily be justified in Islamic law. Based on the description above, it is very relevant and interesting to study the Large-Scale Social Restrictions (PSBB) policy in the Religious Sector from the perspective of fiqh rules and ushul fiqh. This is important as part of providing a comprehensive understanding to all levels of society so that they can understand and comply with the government's decisions in providing protection to its citizens.

RESEARCH METHODS

This research is normative Islamic law research whose data comes from primary and secondary legal materials such as the Health and Safety Law, Government Regulations, Governor Regulations, MUI Fatwas, books, scientific articles and research reports related to the corona virus. Using the approach to the rules of fiqh and ushul fiqh as a methodology of Islamic law, the author will analyze the laws and regulations governing Large-Scale Social Restrictions (PSBB) policies, especially in the religious sector. With this approach, it is hoped that the position of the PSBB policy in Islamic law will become clear. Apart from that, based on this approach the author will also describe which priorities must be maintained in making policies.

DISCUSSION

1. Get to know Covid-19

Covid-19 is the name of the disease given by the international organization World Health Organization (WHO). This disease was previously named "2019 novel corona virus", but on February 11 2020 WHO changed its name to "coronavirus disease (Covid-19)". The virus that causes this disease is "Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-Cov-2)". Viruses and the diseases they cause often have different names, this is because their processes and goals are different. The virus is named based on genetic structure which will later be used for the development of diagnostic tests, vaccines and drugs. Meanwhile, the name of the disease is given to make it possible to discuss prevention, transmission, severity and treatment of the disease.³

Adityo Sisilo et al stated that currently human-to-human transmission is the main source of transmission of this virus. Transmission of SARS-CoV-2 can occur through droplets (fluid splashes) that come out when coughing or sneezing. Apart from that, based on research, it is

also possible for this virus to be present in aerosol⁴ for at least 3 hours.⁵ According to this article, prevention efforts are still limited, this is because COVID-19 is a newly discovered disease. According to him, the key to prevention includes breaking the chain of transmission through isolation, early detection and carrying out basic protection. Further prevention efforts, either currently being developed or that can be implemented through this article, are vaccines, early detection and isolation, hygiene, hand washing and disinfection, personal protective equipment, use of N95 masks (for health workers), post-exposure prophylaxis, handling corpses and preparing immune system.⁶ The same thing is also stated in the Guidelines for the Prevention and Control of Coronavirus Disease (Covid-19) published by the Ministry of Health of the Republic of Indonesia. According to this book, based on available evidence, COVID-19 is transmitted through close contact and droplets, not through airborne transmission. The people most at risk of infection are those who are in close contact with COVID-19 patients or who care for COVID-19 patients.

Furthermore, according to this guidebook, the most effective preventive measures in society include: carrying out hand hygiene using hand sanitizer if hands are not visibly dirty or washing hands with soap if hands are visibly dirty, avoiding touching eyes, nose and mouth, applying cough etiquette or sneeze by covering your nose and mouth with your inner upper arm or a tissue, then throw the tissue into the trash, wear a medical mask if you have respiratory symptoms and perform hand hygiene after throwing away the mask and keep a distance (at least 1 meter) from people who experience symptoms of the disorder breathing.⁷

From the description above, it can be concluded that Covid-19 is a disease caused by the Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-Cov-2) virus. Currently, the prevention process through vaccines and others is still in the development process. Therefore, the most effective form of prevention is prevention through individuals or society itself. To support this, the government issued a Large-Scale Social Restrictions (PSBB) policy which will be the object of the author's analysis in the next discussion.

2. Large-Scale Social Restrictions (PSBB) Policy

In an effort to prevent the spread of the corona outbreak, the government implemented a Large-Scale Social Restrictions (PSBB) policy which is based on Law of the Republic of Indonesia Number 6 of 2018 concerning Health Quarantine. Further regulations were issued by the government through Government Regulation (PP) of the Republic of Indonesia Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19). This PP generally limits certain activities of residents in an area that has the potential to become a place for the virus to spread. These restrictions

include school and workplace closures, restrictions on religious activities and restrictions on activities in public places or facilities.⁸

A more detailed explanation regarding the PSBB regulations was issued by the regional government in the form of a Governor's Regulation (Pergub). DKI Jakarta, for example, the capital city of the Republic of Indonesia, which is also the epicenter of the spread of the corona virus, has issued Regulation of the Governor of the Special Capital Region of Jakarta Number 33 of 2020 concerning the Implementation of Large-Scale Social Restrictions in Handling Corona Virus Disease 2019 (Covid-19) in the Special Capital Region Province Jakarta. Regarding restrictions on religious activities, this governor's regulation limits congregational religious activities in places of worship or certain other places. In more detail, this rule is explained in Article 11 which reads;

- 1) During the implementation of the PSBB, religious activities in places of worship and/or certain places will be temporarily suspended.
- 2) During the temporary suspension of religious activities in places of worship and/or in certain places as intended in paragraph (1), religious activities are carried out in their respective homes.
- 3) During the temporary suspension of religious activities in places of worship and/or in certain places as intended in paragraph (1), activities to mark the time of worship such as the call to prayer, bells, and/or other time markers are carried out as usual.

Apart from the rules for carrying out worship, this Gubernatorial Regulation also provides regulations for those in charge of places of worship, this is stated in Article 12 which reads;

- 1) During the implementation of the PSBB, the person in charge of the place of worship is obliged to:
 - a. Providing education or understanding to their respective congregations to continue carrying out religious activities at home;
 - b. Prevent the spread of Corona Virus Disease (COVID-19) in their respective houses of worship; And
 - c. Maintain the security of each house of worship.
- 2) Efforts to prevent the spread of Corona Virus Disease (COVID19) in places of worship as intended in paragraph (1) letter b are carried out periodically by:
 - a. Cleaning houses of worship and the surrounding environment;
 - b. Disinfecting floors, walls and building equipment in places of worship; And
 - c. Close access to unauthorized parties.

From the description above, the Large-Scale Social Restrictions (PSBB) regulations require the elimination of congregational worship either in places of worship or in certain places. In the Islamic religion, congregational worship generally includes the midday prayers (five times a day), Friday prayers, Sunnah 'id prayers and so on. Therefore, the author will analyze the PSBB regulations, especially those relating to religion, using the approach to Islamic jurisprudence and ushul jurisprudence in the next discussion.

3. A Glance at the Rules of Fiqh and Ushul Fiqh

3.1. Fiqh Principles

Etymologically, a rule means a rule for formulating principles that become law. 9 In Arabic, a rule is called qâ'idah, which can mean aslu-al-ussi (foundation basis) as the word qawa'id al-bait means asâsuhu (the basis/foundation of the house). Qâ'idah can also mean asâtin (pole/pillar), as in the words of al-Zajjad al-qawa'id asâtin al-binâ allatî ta'miduhu (qawaid is a pillar on which a building rests).10

In terms of terminology, qawaid fihiyyah is "general provisions that can be used to find out the partial laws below, and can be applied to the majority (aglabiyyah) of the partial parts"

Fiqh rules play an important role in the development of Islamic law. Duski Ibrahim in his book *Al-Qawa'id Al-Fiqhiyyah* at least gives three urgency rules of fiqh. First, the rules of jurisprudence can be used as a reference for experts or legal enthusiasts in order to make it easier to resolve the jurisprudential problems faced by categorizing similar problems within the scope of one rule. Second, the rules of fiqh can be used as a medium or tool for interpreting texts in the context of establishing laws, especially laws that are not explicitly explained in the Qur'an and Sunnah because their arguments are still of a zanni nature. Third, the rules of jurisprudence are knowledge or competence to be able to equate a problem with similar problems. 12

3.2. Ushul Fiqh

Ushul fiqh consists of two words "ushul" and "fiqh". Ushul is the plural form of ashli which etymologically means asfal kull syai (the basis of everything). 13 Meanwhile, fiqh or in Arabic writing fiqh etymologically means al-'ilm bi al-syai wa al-fahm lahu (knowledge of something and understanding it).14

In terms of terminology, ushul fiqh according to scholars includes the following: According to Imam al-Ghazali in his book *al-Mustashfa Min 'Ilm Ushûl* is "Ushul Fiqh is an expression of legal postulates and how to determine the law globally, not in detail"

According to Muhammad Khudari Ushul Fiqh are the rules that can be used to determine sharia law from the propositions"

From the two definitions above, in simple terms ushul fiqh can be concluded as a set of rules that can be used to explore sharia law from its postulates. From this definition it can be understood that by using the ushul fiqh approach, a mujtahid can apply the rules to the Sharia postulates in order to establish Sharia laws.

Amir Syarifuddin in his book Ushul Fiqh 1 explains at least two benefits of knowing Ushul Fiqh. Firstly, by knowing the ushul fiqh method formulated by previous scholars, then if one day you face a new problem for which it is impossible to find the law in previous fiqh books, then the search for legal answers to the problem can be applied using the rules that have been formulated. Second, if you face a problem of jurisprudence law which is outlined in the jurisprudence books, but experience difficulties in implementing it because there have been so many changes that have occurred, and you want to review the old jurisprudence formulation or want to formulate a law that is in accordance with the benefits and demands of the conditions, then the effort is to This can be done by formulating new rules that allow new formulations to emerge in jurisprudence. According to him, this can be known well in the science of ushul fiqh.¹⁷

3.3. Differences between Fiqh and Ushul Fiqh Principles

The difference between fiqh rules and ushul fiqh lies in the scope of discussion. Fiqh rules are within the scope of fiqh discussion, not within the scope of ushul fiqh discussion. Ushul fiqh explains the provisions or rules that a mujtahid must follow to avoid evil and himself from mistakes in his efforts to formulate Sharia law from his arguments. The rules of jurisprudence are a collection of laws of similarity where every thing is referred to the same pattern; such as khiyar rules, or fasakh rules in general.¹⁸

4. Analysis of PSBB in the Religious Sector Using a Fiqh Principle Approach

In responding to this rule, the author found several related rules of jurisprudence, including "Difficulty Can Attract Ease"

Imam as-Suyuthi stated that according to the ulama, all rukhshah (relief) of Sharia' can be excluded from this rule. According to him, there are seven things that can bring relief, namely traveling (safar), illness (al-maradh), compulsion (al-ikrâh), forgetting (al-nisyân), ignorance (al-jahl), difficulties (al-,usr) and general al-balwa.¹⁹ In terms of exemplifying the relief that can be obtained when sick, Imam Suyuthi gives examples of the ability to perform tayammum when it is difficult to use water, purifying with the help of another person, sitting during fardhu prayers or Friday sermons, plural between two prayers and the ability to leave congregational

and Friday prayers.

In terms of exemplifying relief that can be obtained in situations of difficulty (al-,usr) and general al-balwa, Imam Suyuthi exemplifies the ability to perform prayers with forgivable impurities such as blood, boils, lice, pus, a little blood that comes from other people or the ground roads, unclean marks that are difficult to remove, bird droppings that have been evenly distributed in mosques or on walking areas. Apart from that, he also exemplified the ability to socialize during heavy rain and leave congregational and Friday prayers with a known age (ma'ruf).

In implementing the PSBB regulations, it is required that the number of cases or number of deaths due to Covid-19 be met which is significant. Apart from that, it is also required that there be an epidemiological study of similar incidents in other areas. 20 From this requirement, an area where PSBB rules can be applied means that there has been a spread of the Covid-19 virus in that area. Even though the virus cannot be seen with normal eyes without tools, in the author's opinion an outbreak of this virus in an area can be categorized as a general disaster ('umum al-balwa) so that it is permissible for that area to abandon worship activities carried out in congregation and have the potential to cause transmission. absolute, while dhirâr means giving harm to others in a contradictory way (muqâbalah).23

Based on this rule, a person is prohibited from causing harm to other people. In the case of the Covid-19 outbreak, large gatherings of people without maintaining distance can potentially transmit the virus. Therefore, every place that has the potential to gather many people and can become a place for virus transmission should be temporarily closed.

The meaning of this rule is that all forms of regulation by leaders or people who take care of Muslim affairs are not legally valid if they are not aimed at the public benefit. If the arrangement is contrary to the benefit then the arrangement is void according to Sharia law. 26

In this case, the PSBB policy of limiting congregational worship activities is of course aimed at the public benefit. This is done to prevent the spread of the virus. The hope is that by reducing the number of people exposed, leaders or the government will be able to handle these patients. "If a case is narrow it can become broad, if a case is broad it can become narrow."

The meaning of this rule is that if a person or group encounters difficulties that make it difficult to apply the original law, then this can be alleviated or made easier while the difficulty exists. However, if the difficulty disappears, then you must return to the original law.28

When a disease breaks out in an area, the potential for transmission in public places is very possible. This infection will later cause difficulties both for yourself (for worship) and for others (medical personnel who assist with treatment). "Therefore, in the author's opinion, for

the time being, congregational activities, whether sunnah or obligatory for the time being (during the ongoing pandemic), can be expanded in law to avoid wider difficulties (masyaqqah)." Resisting damage is more important than attracting benefit."

According to al-Subki, rejecting damage (dar al-mafâsid) takes priority if the position between damage (mafsadah) and benefit (maslahah) is balanced or equal. 29 Likewise, according to Azam, if there is a conflict between mafsadah and maslahah, then rejecting damage (mafsadah) takes priority. According to him, this is because the sharia's attention to leaving what is forbidden is greater than doing what is commanded, because in something that is forbidden there is wisdom in it.³⁰

Carrying out congregational worship, whether in a place of worship or other places, has benefits. However, worship in congregation in the middle Disease outbreaks can cause harm, namely contracting or transmitting the disease to other people. Therefore, ritual activities of congregational worship should be avoided during the pandemic.

5. Analysis of PSBB in the Religious Sector using the Ushul Fikih Approach

In ushul fiqh, the author finds several rules related to this matter. Are as follows: al-Nahyu

Etymologically, Al-Nahyu means al-man'u (prevent, hinder, forbid and forbid). Meanwhile, in terms of terminology, according to Abdul Karim Zaidan, it is

"The demand not to do something comes from the 'superior'³² with words that indicate it"

Another definition put forward by ushul fiqh experts is

"Demanding to leave an action with words to someone who is under him with an obligatory demand"

The two definitions above have the same substance, namely the demand to abandon an action. However, the second definition includes the criterion that the claim is an obligation. The syarh or explanation of the second definition states that it is stated as an obligatory demand, so that demands that are karâhah or makrûh are not included in it. This is because karahah is still allowed to do it.

According to Azam, the meaning of this rule is that if two dangers are faced, what must be done is to bear the lesser danger with the aim of rejecting or eliminating the greater danger. According to him, if someone is faced with a condition like this, that person is obliged to choose the lesser danger⁴⁹

During this pandemic, the consequences faced are related to health problems (even death) and economic weakness or decline. Both will have a negative impact on human life. However, in this case, based on the rules of jurisprudence that the author mentioned above,

mafsadah relating to life is certainly greater than the economy. Therefore, the policies taken should prioritize health interests but on the other hand also not ignore economic conditions.

CONCLUSION

In an effort to break the Covid-19 chain, the government issued a Large-Scale Social Restrictions (PSBB) policy. This policy limits several aspects of activities, including religious activities. In the religious sector, this policy requires the temporary suspension of religious activities in places of worship and replacing them at home. With the approach of Islamic Jurisprudence and Ushul Fiqh, this policy can be justified in Islamic law. Note that it only applies during the pandemic as the prerequisites for this policy are implemented. Apart from that, derivative policies or other policies related to handling this pandemic must prioritize life safety over other aspects.

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