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## Ijtihad Tahqiq Al-Manat Implementation in The Fatwa of The Indonesian Ulama Assembly (MUI) in Southeast Sulawesi

Ahmad<sup>1</sup>, Andi Andhys Chaniago<sup>2</sup>

<sup>1</sup>Program Studi Hukum Keluarga Islam (Ahwal Syakhshiyah), Fakultas Syariah, IAIN Kendari, Indonesia

<sup>2</sup>Program Studi Pendidikan Agama Islam, Fakultas Tarbiyah dan Ilmu Keguruan, IAIN Kendari, Indonesia

Email: [ahmad@iainkendari.ac.id](mailto:ahmad@iainkendari.ac.id)<sup>1</sup>, [andiandhyschaniago@gmail.com](mailto:andiandhyschaniago@gmail.com)<sup>2</sup>

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### ABSTRACT

*The aims of the study are to examined the ijtihad method in the fatwa carried out by the Southeast Sulawesi MUI and to describe the Southeast Sulawesi MUI fatwa that uses the ijtihad tahqiq al-manat method. This qualitative investigation examines the text of the Southeast Sulawesi MUI fatwa. Various approaches are employed, including sociological, textual, and contextual approaches. The method of data collection employs a citation technique. This study's findings suggest that the Southeast Sulawesi MUI continues to implement a fatwa that will be strengthened in the community, a typical pattern in terms of both tausiyah and fatwas. Every fatwas During the Covid-19 period, which was continued by the Southeast Sulawesi MUI such as Tausiyah or Recommendations, it has accommodated the ijtihad tahqiq al-manat method. Tahqiq al-manat has become mandatory and must be performed by every fiqh expert as well as every individual, in every way, every place, and at every time. Theory ijtihad tahqiq al-manat must be a fundamental reference and one of the factors that scholars consider when determining the law to produce a more comprehensive fatwa in the real world (fiqh al-waqi').*

## A. Introduction

This ijthihad tool is essential, especially in the present context when the apparent reality is not as straightforward as the real Muslims' in the early days of Islam.<sup>1</sup> Frequently, the need for legal solutions to new problems is met without using the proper methodology. To lead to erroneous legal interpretations and conclusions. Ijtihad Tahqiq al-Manat is part of the efforts of scholars to provide a methodologically complete response to the law.<sup>2</sup>

However, thorough information regarding the discussion and supporting items associated with tahqiq al-manat is lacking. This is because most academic studies on this subject are still vague, simplistic,<sup>3</sup> and limited<sup>4</sup>. The items in question are associated with, among other things, the meaning and distribution of tahqiq al-manat, supporting instruments, urgency, and other topics that ushul scholars frequently discuss when discussing a theme.<sup>5</sup>

Based on this, ijthihad tahqiq al-manat becomes certain and must be practiced by every fuqaha, particularly scholars who have fatwa rights as institutions, particularly the Indonesian Ulema Council (MUI) in Southeast Sulawesi. If this is not done, then the primary objective of sharia, which is to realize worldly benefits for the benefit of ukhrawi, is very likely to encounter significant obstacles.<sup>6</sup>

Measles rubella (MR) vaccination is part of the fatwa that the community and even the regional government of Southeast Sulawesi have been awaiting. The MUI issued fatwa number 33 of 2018 regarding the use of the MR vaccine in response to the community debates that occurred. This fatwa is only issued after health workers have administered vaccinations in numerous locations, causing

<sup>1</sup> Abd. Jalil and Zuhri Fahrudin, "Urgensi Ijtihad Dalam Merespon Persoalan Kekinian," *Journal of Educational and Language Research* 20, no. 1 (2022): 43, <https://bajangjournal.com/index.php/JOEL/article/view/1483/1023>.

<sup>2</sup> A Ahmad, *Implementasi Ijtihad Tahqiq Al-Manat Dalam Fatwa Lajnah Bahtsul Masail Nahdhatul Ulama Dan Majelis Tarjih Dan Tajdid Muhammadiyah (Studi Analisis Komparatif ...* (repositori.uin-alauddin.ac.id, 2017), <http://repositori.uin-alauddin.ac.id/id/eprint/4249>.

<sup>3</sup> "عبد الرحمن إبراهيم الكيلاني," *تحقيق المناط عند الأصوليين وأثره في اختلاف الفقهاء* 2004, n.d.

<sup>4</sup> محمد علي صبيح, "الإحكام في أصول الأحكام للآمدني," علي بن أبي علي الأمدي, n.d.

<sup>5</sup> Ahmad, "Ijtihad Tahqiq Al-Manat Dan Implikasinya Dalam Fikih Kontemporer" (UIN Alauddin, 2012).

<sup>6</sup> Muhammad Taufiki, "Penerapan Konsep Ijtihad Tatbiqi Al-Syatibi Dalam Fatwa MUI: Kajian Terhadap Fatwa Tahun 1997 – 2007" (2008).

controversy among the people of Indonesia and Southeast Sulawesi in particular. The pandemic period has also compelled policy scholars to wear masks, pray, and avoid gathering in mosques,<sup>7</sup> among other restrictions.<sup>8</sup> In the past two years, the MUI has issued a number of fatwas pertaining to the classical method, many of which have received non-methodological criticism.

Ijtihad should consider multiple perspectives. It is not sufficient to conclude in order to generate controversy and questions. Prior to the implementation of the vaccination program, a fatwa should be formulated, taking into account the existing reality, social aspects, state and health aspects, and the interests of all parties. This is precisely what should be included in the fatwa process so that the Muslim community can proceed with calm.

The study emphasizes the need for a fatwa methodology that can produce appropriate and effective fatwas based on the current state of affairs. This technique is known as *ijtihad tahqiq al-manat* in the fatwa stage. It should be present in fatwa institutions, such as the Indonesian Ulema Council (MUI), particularly in Southeast Sulawesi Province. The study aims to examine the *ijtihad* method in the fatwa carried out by the Southeast Sulawesi MUI and to describe the Southeast Sulawesi MUI fatwa that uses The *Ijtihad Tahqiq al-Manat* method. The study contributes to the Southeast Sulawesi Province MUI Institution's implementation of the *tahqiq al-manat* method in the MUI fatwa for use by local institutions in the form of *tausiyah* or recommendations.

## B. Method

The study is qualitative Pustaka research,<sup>9</sup> with exploratory analytical research studies, namely describing, or disclosing data pertinent to the problems studied. The tool of data collection are interview, observation, *kitab*, book,

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<sup>7</sup> A Mutaakabbir and R A R Said, "Dinamisasi Hukum Islam, Analisis Fatwa MUI Masa Pandemi Covid 19," *Palita: Journal of Social ...*, 2022, <http://ejournal.iainpalopo.ac.id/index.php/palita/article/view/2264>.

<sup>8</sup> A Anazawir and A Asyari, "Implementasi Fatwa Mui Nomor 14 Tahun 2020 Tentang Penyelenggaraan Ibadah Dalam Situasi Wabah Covid-19 Di Kabupaten Tanah," *El-Hekam*, 2021, <https://ojs.iainbatu.sangkar.ac.id/ojs/index.php/elhekam/article/view/51>.

<sup>9</sup> Rianto Adi, *Metodologi Penelitian Hukum Dan Sosial* (Jakarta, 2010).

journal, research results, the internet, and other library media. These items are discussed or analyzed in accordance with scientific principles and theories or by the researchers themselves, and conclusions are drawn.<sup>10</sup> The study was conducted in Southeast Sulawesi at the Southeast Sulawesi MUI office and some other locations pertinent to the topic of this study. Since Covid-19 occurred between 2019 – 2021, the research timeline has been adjusted to reflect the current state of the research. For example, the Decree numbered 008/MUI-Sultra/III/2020 was issued on March 28, 2020, and the MUI Fatwa Number 2 of 2021 regarding the Covid-19 vaccine product was issued on March 28, 2021.

### C. Finding and Discussion

The Indonesian Ulema Council is a non-governmental organization that houses ulama, zu'ama, and Islamic scholars in Indonesia in order to guide, foster and protect Muslims in Indonesia. The Indonesian Ulema Council was founded on 7 Rajab 1395 Hijrah, which corresponds to 26 July 1975, in Jakarta, Indonesia.<sup>11</sup>

MUI was founded following a meeting or deliberation of scholars, scholars, and zu'ama from various parts of the country, including 26 ulama representing 26 provinces in Indonesia at the time and ten ulama who were members of mass organizations. Central-level Islamic organizations, including NU, Muhammadiyah, Syarikat Islam, Perti. Al Washliyah, Math'laul Anwar, GUPPI, PTDI, DMI, and Al Ittihadiyah, four scholars from the Islamic Spiritual Service, Army, Air Force, Navy, and POLRI, and thirteen figures/scholars who are individual figures. A consensus was reached to establish a forum for deliberation among the ulama, zuama, and Muslim scholars, as stated in the "Charter for the Establishment of the MUI," which was signed by all the participants of the discussion, which was subsequently referred to as the National Ulama Conference I. After 30 years of independence, the momentum for the establishment of the MUI coincided with a period of revival for the Indonesian nation, during which the nation's energy was largely consumed by the group's

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<sup>10</sup> Ronny Hanitijo Soemitro, *Metodologi Penelitian Hukum Dan Jurimetri* (Jakarta, 1999).

<sup>11</sup> MUI, "<https://muisultra.com/2021/09/03/sejarah-majelis-ulama-indonesia/>," 2021.

political struggles and less concerned with the spiritual welfare of the people. Twenty-five years into its journey, the Indonesian Ulema Council, as a deliberative forum for scholars, zuamas, and Muslim scholars, strives to:

1. Facilitate the realization of a religious and social life blessed by Allah SWT among Indonesian Muslims;
2. Providing advice and fatwas on religious and social issues to the government and the community, increasing activities for the realization of ukhuwah Islamiyah and inter-religious harmony in order to strengthen the unity and integrity of the nation;
3. Becoming a liaison between the ulama and the umaro (government) and a translator between the people and the government in order to achieve national development;

The Southeast Sulawesi MUI for the 2021-2026 term of service is chaired by KH. Drs. Mursyidin, M.HI with Dr. Supriyanto, MA as general secretary and Prof. Dr. Abdullah Al Hadza, MA as chairman of the advisory board. Meanwhile, the commission that handles fatwas:

Chairman : Dr. Abdul Gafar, M.Th.I

Secretary : Dr. H. Danial, Lc., M.Th.I

Members: 1. H. Saifullah Yusuf Lc., MA

2. Dr. H Hasdin Has, Lc., M.Th.I

3. Suarjono A. Tanjung, S.Ag., MA

4. Abdul Jalil, S.HI., MA., M.EI

5. H. Fathudin, Lc

6. Syahrul Mubarak, S.Ag., M.Ag

The discourse on fatwas is inseparable from the study of ijtiḥad and all of its instruments. Because the fatwa, which is the result of ijtiḥad, is issued by individuals or institutions that have met the requirements for ijtiḥad in terms of capacity and capability.

Linguistically, fatwa comes from Arabic فِئ. There is no Indonesian translation of this word, so it is still used according to the original word. This

word has the same root as the word **ال** (youth, youth, young, and strong), as if to suggest that this word will strengthen something by eliminating things that are difficult to understand and use (Muhammad ibn Mukarram ibn Manzur al-Afriqi al-Masri, nd). In various derivations, the words that are often used are – (fatwa), **استفتى** (ask for fatwa), and **المفتي** (giver) of fatwas, mufti).<sup>12</sup> This word is used several times in the Qur'an, among others: the words " "and" are used twice each (QS. an-Nisa/4: 127 and 176); the words " **لاستفت** " and " **ان** " are used respectively once (Surat al-Kahf/18: 22 and Yusuf/12: 41); in the form of a command, " " once QS . Yusuf/12: 46); "twice (Surah Yusuf/12:43 and QS. al-Naml/27: 32); and " **استفتهم** " twice (Surat al-Saff at/37:11 and 149). Some of the statements above mean asking for an explanation of something that has not been or is not explained.<sup>13</sup>

Using the terminology of *usul fiqh*, some *usul fiqh* scholars define fatwa as "a legal explanation of a problem that is the answer to a question" (Ismail, 2008, p.347). This definition is an understanding of what Ibn Hamdan al-Hanbali defined when he proposed the meaning of the term "mufti." He stated that the mufti is a person saved by Allah's law due to his expertise in legal arguments.<sup>14</sup>

According to Al-Syaukani, 1999, a mufti is a mujtahid. This indicates that only certain individuals can become muftis and issue fatwas. Therefore, a mufti must satisfy the *ijtihad* criteria. Abu Zahrah proposes a significant distinction between *ijtihad* and *al-ifta* (give a fatwa). According to him, the second is more specific than the first, *ijtihad*. If *ijtihad* is the mujtahid's utmost effort in reaching legal conclusions, both in terms of what has occurred and what has not occurred, then a faqih seeks to identify and apply the law of the problem.<sup>15</sup> This suggests that the second thing is an attempt to solve problems that arise but are not addressed by existing treasures.

<sup>12</sup> Ahmad Warson Munawwir, *Kamus Al-Munawwir Arab Indonesia Terlengkap*, 2002.

<sup>13</sup> Muhammad ibn Mukarram ibn Manzur al-Afriqi al-Masri, *Lisan Al-Arab*, n.d.

<sup>14</sup> Ahmad Ibn Hamdan al-Harrani al-Hanbali, *Sifat Al-Fatwa Wa Al-Mufti Wa Al-Mustafti*, 1984.

<sup>15</sup> Abu Zahrah, *Usul Al-Fiqh*, 1958.

Abu Zahra's statements did not contradict the strong connection between fatwa and ijtihad in terms of legal discovery. The fatwa is the result of ijtihad when it reaches as far as the maximum effort of experts to perform legal istinbat. Islamic law, which is founded on the Qur'an and sunnah, is largely determined by the religious fatwas issued by muftis or fatwa authority institutions based on the approval of mujtahids.

Majlis Majma' al-Fiqh al-Islamic al-Dauli explained in the 17th congress held in Oman, Jordan, 24-28 June 2006, that a fatwa is an explanation of shari'a law, or perhaps an explanation of a law that is not supported, but to explain a problem so that there is no misunderstanding and treatment of it.<sup>16</sup>

In Islam, fatwas play an important role in resolving various issues. (QS an-Nisa (4): 126 ) The Quran indicates that when a fatwa is requested, Allah swt provides the fatwa through a revelation that has descended. Rasulullah saw. It also solves a number of dubious problems. Questions posed by Para pertain to their lives in the family, in society, to jihad, to justice, and to a variety of other problems, both of public interest and of a personal nature, which he can resolve with so many fatwas.

According to al-Syatibi, the mufti served as a substitute for the Prophet in explaining Allah swt. and the laws governing the actions of the mukallaf, such as the Prophet.<sup>17</sup> This is supported by the following: the ulama are the Prophet's heirs<sup>18</sup>; a mufti is the Prophet's representative in conveying the law, as it is stated that the Prophet commanded him to convey what he heard from him, even if it was a single verse; and a mufti can serve as a legislator. Because what he conveys is in the form of what the Quran and hadith have previously stated. Based on this, he worked as a lawyer, as well as the legal conclusions based on the Koran and hadith, which in this case function as legislators but have not been disclosed.

<sup>16</sup> Majma' al-Fiqh al-Islami al-Dauli tentang al-ifta: syurutuh Waadabuh, "Fatwa Nomor 153 (2/17)," 2017, <http://www.iifa-aifi.org/2203.html>.

<sup>17</sup> Abu Ishaq Al-Syatibi, *Al-Muwafaqat Fi Usul Al-Syariah, Tahqiq Oleh Abdullah Darraz*, IV (Kairo, n.d.).

<sup>18</sup> Abu Daud Sulaiman Al-Sijstani, *Sunan Abi Daud*, 3rd ed. (Beirut, n.d.).

Given the significance of a mufti's role, it is not surprising that ancient scholars imposed stringent qualifications for becoming a mufti and a mujtahid. In his book *al-Faqih wa al-Mutafaqqih*, Al-Khatib al-Bagdadi cites the al-statement Shafii's that only those with adequate knowledge of the Koran, hadith, Arabic, and other knowledge are permitted to give fatwas.<sup>19</sup>

Ibn al-Salah (d. 643 AH) outlined the fundamental qualifications of a mufti before proceeding to list categories. According to him, a mufti must be a mukallaf, Muslim, siqah (trustworthy), devoid of personality-damaging flaws, a jurist, possess a good way of thinking, and be sensitive to local circumstances. After classifying muftis into prayers, Ibn al-Salah added specific requirements, namely mufti mustaqil and mufti gair mustaqil. Mufti Mustaqil, in addition to meeting the aforementioned requirements, must have a thorough understanding of the legal arguments, the Qur'an, hadith, ijma', and qiyas that have been revealed in various fiqh books. Therefore, the mufti of this rank is the mufti with his own legal istinbat method.<sup>20</sup>

Ibn al-Salah breaks down the criteria for mufti gair mustaqil into four situations that may occur in the condition of a mufti:

1. The mufti's capacity with the mufti mustaqil is nearly adequate. He is not considered a mustaqil mufti because he adheres to the method of his school's imam. He mastered the method developed by the priest of his school, but he did not employ his priest's method and fiqh when performing legal istinbat and issuing fatwas.
2. The mufti has authority over only one mazhab. The mufti is not an imam of a particular mazhab, but he knows the school's jurisprudence and the arguments he uses to reach his legal conclusion. This group of scholars existed during and after the fourth hijriyah.

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<sup>19</sup> Ibn Qayyim al-Jauziyyah, *I'lam Al-Muwaqqiin 'an Rabb Al-'alamin*, vol. IV (Beirut, n.d.).

<sup>20</sup> Ibn al-Salah, *Adab Al-Mufti Wa Al-Mustafti* (Beirut, n.d.).



3. The mufti who is well-versed in the jurisprudence of his mazhab, but who views comprehension and sees his qiyas. He only knows and cites statements made by the imam of his school.<sup>21</sup>

Regarding these groupings, it appears that Ibn al-Salah grouped them in accordance with the situation and conditions of the time in which he lived, namely the sixth and seventh centuries of hijriyah, when cultural assimilation from various regions had taken place.

Al-Syatibi has an understanding of the mufti and his conduct, so his fatwa is worthy of being followed. According to him, a fatwa is deemed invalid if it is issued by a person who does not carry out religious orders. This is because the quotation and the mufti's intended action differ.<sup>22</sup>

Regarding the modern requirements for fatwa, Majma' al-Fiqh al-Islamic law al-Dauli stated in his fatwa that a mufti is someone who is knowledgeable about shari'a law, issues, and cases. He is a person who is gifted by Allah swt with the ability to carry out legal istinbat based on arguments in order to solve various things and problems that arise in the modern world. Consequently, this fatwa specifies the requirements for mufti candidates. Among these prerequisites are :

1. Mastering the Koran and hadith accompanied by various sciences related to both;
2. Mastering ijma', ikhtilaf of various schools, and opinions in terms of fiqh;
3. Mastering fiqh proposals, basic principles, fiqh rules, and *maqasid* sharia, complete with various scientific tools that can assist legal istinbat, such as nahwu, sharaf, balaghah, linguistics, mantiq and so on;
4. Knowledge of the human condition, its culture, development, progress, renewal, and various developing traditions that do not conflict with the text;

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<sup>21</sup> Ibn al-Salah.

<sup>22</sup> Al-Syatibi, *Al-Muwafaqat Fi Usul Al-Syariah, Tahqiq Oleh Abdullah Darraz.*

5. Have a legal background from the text of the ability to support;
6. Using references from experts in their respective fields to get a true understanding of the problem, such as in the fields of medicine, economics, and so on.<sup>23</sup>

The various problems raised, it can be said that the fatwa is the result of *ijtihad* in conveying the messages of revelation to mankind, especially related to legal issues exchanged by revelation. No one can therefore issue a fatwa or discuss the law without the ability and knowledge of the *ijtihad* method required to arrive at the law.

Fatwa/*ijtihad* is analogous to reading actual religious texts brought by Muhammad's Prophet. Alternatively, a fatwa is a dialogue between religious texts (*nas*) and the realities of life. Fatwa/*ijtihad* can also recognize the creative reality of rigid normative religious forms when addressing complex social situations. The fatwa-givers (*muftis*) are akin to the bearers of the Prophet's baton in order to raise the religious banner, although they are not immune to error.

Regarding the position of fatwas in the life of Muslims, fatwas are not legally binding; however, it is ethically binding on religion, so there is no chance for a Muslim to do so if the fatwa is based on valid and appropriate *ijtihad*.<sup>24</sup>

The activity of issuing a fatwa (*ifta*) is comparable to *ijtihad*. Thus, fatwas may be issued by individuals (*ijtihad fardi*) or by groups (*ijtihad jamai*). *Fardi ijtihad* is *ijtihad* conducted by individuals on a variety of issues that typically involve personal interests. *Jamai ijtihad*, on the other hand, is *ijtihad* conducted by groups of experts or institutions on issues that typically involve broader interests.

In addition to these points, this fatwa or *ijtihad* confirms that, in modern times, it is possible to issue fatwas jointly. Due to the complexity of modern society's problems, it is impossible for an individual to master all of the occurrences and issues. Thus, a fatwa can be issued by an institution composed of a variety of elements that complement one another.<sup>25</sup>

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<sup>23</sup> Waadabuh, "Fatwa Nomor 153 (2/17)."

<sup>24</sup> Waadabuh.

<sup>25</sup> Waadabuh.

## **1. The Ijtihad Method in The fatwa by Council of Southeast Sulawesi Indonesian Ulema Fatwas**

The fatwa of the Southeast Sulawesi Ulema Council is implemented not through the mechanism found at the Central MUI but by strengthening an existing fatwa within the community. Obaid (September 28, 2021), one of the administrators of the Southeast Sulawesi MUI, asserted this is the date of the upcoming jihad.

The authority to issue a fatwa resides primarily with the Central (MUI) unless there are local or regional issues. Its nature is taushiyah, guidance, kaifiyah, and pandemic-related fatwas issued from the center. Among these are the Sinovac vaccine halal fatwa and the Southeast Sulawesi MUI announcement regarding the replacement of Friday Prayers with Zuhur Prayers, the Fatwa on the Implementation of Worship in the COVID-19 Outbreak, MUI Fatwa Number 2 of 2021 regarding Covid 19 vaccine products from Sinovac Bio Farma, and MUI Fatwa Number 28 of 2020 regarding the Guide to Kaifiat Takbir and Eid Prayers during the Covid 19 outbreak.

Three residents of Southeast Sulawesi (Sultra) tested positive for the Corona Virus or COVID-19 in March of 2020. To prevent this from occurring, the Southeast Sulawesi Indonesian Ulema Council (MUI) issued a notice requesting that Friday prayers be replaced with zuhur prayers in their respective homes. Saturday, March 28, 2020, the Southeast Sulawesi MUI General Chairperson Mursyidin and General Secretary Supriyanto issued decree number 008/MUI-Sultra/III/2020.

Southeast Sulawesi MUI conveyed several things following a meeting on March 27, 2020, between leaders of the religious council, members of the regional leadership communication forum (Forkopimda), and agencies involved in handling COVID-19 in Southeast Sulawesi at the Office of the Governor of Southeast Sulawesi.

First, invite religious leaders to play an active role in disseminating information and comfort, and urge the public to seek medical attention

immediately if they experience symptoms of COVID-19, as the Coronavirus is not comparable to HIV/AIDS. Second, it is recommended that district/city MUIs collaborate with local governments to combat the spread of COVID-19. Also disseminated three MUI fatwas pertaining to COVID-19: fatwa number 14 regarding the implementation of worship during an outbreak of COVID-19, fatwa number 17 of 2020 regarding guidelines for prayer rules for medical personnel who wear personal protective equipment (PPE), and fatwa number 18 of 2020 regarding guidelines for the management of the bodies of Muslims infected with COVID-19. Third, in accordance with MUI fatwa number 14 of 2020, and it has been designated as an area affected by COVID-19 by determining the number of Monitoring Persons (ODP) in almost all districts/cities, causing public unrest, the MUI has issued a *tausiyah* prohibiting OPD from performing congregational prayers in mosques. In the meantime, patients under surveillance (PDP) and those who have been exposed to COVID-19 are prohibited from attending Friday and congregational prayers.

## **2. Ijtihad Tahqiq al-Manat at the Fatwa of the Southeast Sulawesi Indonesian Ulema Council**

In Southeast Sulawesi, there is no fatwa issued independently by the Southeast Sulawesi MUI, only *taushiyah*, guidelines, or recommendations based on the Central MUI fatwa, as stated in the interview with Obaid.<sup>26</sup> (2021). Among the fatwas examined to determine the methodology of the fatwa pertaining to *ijtihad*, *tahqiq al-manat* was identified as follows:

### **a. Fatwa-MUI-Number-2-Year-2021-about-product-covid-19-vaccine-from-Sinovac-Bio-Farma**

Covid-19 vaccine product from China's Sinovac Life Sciences Co., Ltd. and Indonesia's PT. Bio Farma (Persero) Initially, General Provisions. In this fatwa, "Covid-19 Vaccine" refers to the Covid-19 vaccine manufactured by Sinovac Life Sciences Co., Ltd., China and PT. Bio Farma (Persero) under the brand names CoronaVac, Covid-19

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<sup>26</sup> Interview with Anwar Obaid (MUI), September 2021

Vaccine, and Vac2Bio. Second: Statutory Provisions. The Covid-19 vaccine manufactured by Sinovac Life Sciences Co., Ltd., China, and PT. Bio Farma (Persero) is both halal and sacrosanct. The Covid-19 vaccine manufactured by Sinovac Life Sciences Co. Ltd. China, and PT. Bio Farma (Persero), as number one may be administered to Muslims if its safety is guaranteed by credible and qualified experts.

Regarding the typology of ijihad in this fatwa, the MUI is attempting to provide information from mu'tabrah sources about this type of vaccine. The unproven law regarding the use of vaccines that were rumored to be derived from pigs provided a solid foundation for issuing the fatwa. This is then compared to the permitted similar cases. This concept is known as ijihad tahqiq al-manat typology.

#### **b. Fatwa for the Implementation of Worship in the Situation of the COVID-19 Outbreak**

Fatwa's decision regarding the implementation of worship in a situation of the Covid-19 outbreak. *First: General Provisions.* In this fatwa, what is meant by: COVID-19 is *a coronavirus* disease, an infectious disease caused by a *coronavirus* that was discovered in 2019.

##### *Second: Legal Provisions*

1. Everyone is obligated to make an effort to protect and maintain everything that can cause disease because it is part of the maintenance of the main goal (*al-Dharuriyat al-Khams*).
2. People who are exposed to the Coronavirus must maintain and isolate themselves so as not to infect others. For him, the Friday prayer can be replaced with the noon prayer because the Friday prayer is obligatory worship that involves many people, resulting in mass transmission of the virus. For him, it is forbidden to carry out sunnah worship activities that open up opportunities for transmission, such as congregational prayers five times/rawatib, Tarawih, and Eid prayers in mosques or other public places, as well as attending public recitations and tabligh Akbar.

3. Healthy individuals who are not known to have been exposed to COVID-19 or who have reason to believe they have not been exposed must take the following precautions:
  - a. If he is in an area where the potential for transmission is high or very high based on the right time, he may leave the Friday prayer and replace it with the Zuhur prayer at home, but he must perform the congregational prayer, Taraweeh, and Eid al-Fitr at the mosque or other public places.
  - b. If he is in an area where the potential for transmission is low, he must carry out his worship obligations properly and take precautions to avoid exposure to COVID-19, such as avoiding direct physical contact (hand-shaking, hand-hugging, hand-kissing), carrying prayer mats, and frequently washing his hands with soap.
4. In a life-threatening area where the spread of COVID-19 is not under control, Muslims may not hold Friday prayers there until conditions return to normal, and it becomes obligatory to pray Zuhur in their respective locations. Similarly, it is prohibited to participate in religious gatherings that involve a large number of people and is believed to be a conduit for the spread of COVID-19, such as congregational prayers five times / rawatib, Tarawih, and Eid prayers in mosques or other public places, as well as public recitations and taklim assemblies.
5. When the spread of COVID-19 is under control, Muslims are obligated to hold Friday prayers and are permitted to hold worship that involves large groups of people, such as congregational prayers five times a day/rawatib, Tarawih, and Eid prayers in mosques or other public places, as well as attending public recitations and assemblies. taklim while avoiding exposure to the COVID-19 virus.

6. The government uses this fatwa as a guideline when formulating COVID-19-related policies concerning religious issues and obligatory Muslims.
7. Management of corpses (tajhiz al-janaiz) exposed to COVID-19, particularly in bathing and shrouding, must adhere to medical protocols and be carried out by the competent authorities in accordance with the Shari'a. In the interim, they are protected from exposure to COVID-19 so that they can continue to pray and be buried.
8. Illegal are actions that cause panic and/or public harm, such as the purchase and/or hoarding of basic necessities, masks, and false information about COVID-19.

Increasing worship, repentance, istighfar, dhikr, reading Qunut Nazilah in every fardhu prayer, increasing blessings and alms, and praying to Allah SWT for protection and safety from calamities and distress (daf 'u al-bala), particularly the COVID-19 outbreak.

In relation to the classification of ijihad in this fatwa, the MUI proposal intends to present data from mu'tabrah sources regarding emergency situations. The law governing the implementation of worship in the Covid scenario provides a solid foundation for issuing the fatwa. This is then compared to the permitted similar cases. This concept is known as ijihad tahqiq al-manat typology.

The Nation of Incorporating Islamic Law into the life of the nation and state is frequently heard and frequently exploited, especially prior to the formation of a democratic party. Nonetheless, serious, comprehensive, and long-term efforts to realize these goals remain extremely limited. Including the concept of ijihad in the form of a fatwa issued by a fatwa institution, the legislation steps of sharia values to become elements of national law depend heavily on the dynamics of people's lives. The political power map between those who support and reject the discourse is

also decisive. Therefore, *ijtihad* should not be limited to the realm of implementation, which is *gair mulzam*, but should also include constitutional *ijtihad*.

**Table 1. Similarity Analysis between The MUI Fatwa and The *Ijtihad Tahqiq al-Manat* Method**

MUI Sultra Fatwa	The concept of <i>Ijtihad Tahqiq al-Manat</i>					2. <i>Ma'alaat al-Afal</i> (Paying attention to legal impact)
	Analysis of the Evidence	State Analysis	Time Analysis	Place Analysis	Individual Analysis	
MUI Fatwa Number 2 of 2021 regarding Covid 19 vaccine products from Sinovac Bio Farma	(Surat al-Baqarah [2]: 173). <i>(Surat al-Maidah [5]: 3)</i> <i>(Narrated by Abu Dawud from Osama bin Sharik).</i>	That the Covid-19 outbreak remains a health risk, and vaccination is one of the measures being taken to prevent its spread.  Medicinal products and vaccines that Muslims will consume must be deemed and believed to be pure and halal.	Pandemic Time	Areas with Outbreaks	Everyone Needs to protect themselves and others	Generate Benefits
Fatwa on the Implementation of Worship in the Situation of the COVID-19 Outbreak	(Surat al-Baqarah [2]: 155-156) <i>(Surat al-Taghabun [64]: 11)</i> <i>But if there is a plague where you are, then do not leave that place."</i> (Narrated by al-Bukhari)	The World Health Organization (WHO) has declared COVID-19 a pandemic, necessitating religious prevention and control measures to prevent its spread.	Pandemic Time	Areas with Outbreaks	Everyone Needs to protect themselves and others	Generate Benefits

Table 1 shows that the Southeast Sulawesi MUI fatwa, either *taushiyah* or edict is an affirmation of the Central MUI fatwa regarding the covid 19 vaccine product from Sinovac Bio Farma and the implementation of worship in the COVID-19 outbreak situation, has fulfilled the elements of the *Tahqiq al-Manat* *ijtihad* methodology.

#### D. Conclusion

The Southeast Sulawesi Ulema Council approaches fatwa differently than the Central MUI. Managing and sustaining existing fatwas to strengthen them in the community is a common pattern in terms of *taushiyah* fatwas and edicts. All



fatwas during the Covid-19 period forwarded by the Southeast Sulawesi MUI, including Tausiyah/Recommendation: MUI Fatwa Number 2 of 2021 regarding the covid 19 vaccine product from Sinovac Bio Farma, as well as Notice: The Indonesian Ulema Council (MUI) Southeast Sulawesi issued a notice calling for the implementation of Friday prayers abolished, and replaced with noon prayers in their respective homes, has been in accordance with the *tahqiq al-manat* *ijtihad* method based on an effort to see various important indicators in this *ijtihad*, namely *i'tiabar al-ma'alat* and *fiqh al-waqi*.

Although the formulation of the fatwa methodology does not mention the pattern of *ijtihad tahqiq al-manat*, the fatwa institution theoretically believes that a fatwa cannot be issued unless after studying the four sources of Islamic law in depth; although in practice, this kind of procedure is not always used. This is evident when comparing the fatwas issued by the MUI from its inception to the present with the concept of *ijtihad tahqiq al-manat*, which was developed long before the MUI was established. Scholars have formulated the concept of *ijtihad tahqiq al-manat* in two ways: first, attention to the text from all sides to conclude a law, and second, comprehensive attention to the reality or the existing case by taking into account the circumstances, time, place, and individual, as well as the legal impact that will occur.

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