

The Epystimology of Islamic Jurisprudence on Covid-19 Vaccine in Indonesia

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Abstract

The Covid-19 vaccination program in Indonesia, practically has received a pro and contra in the society. In this context, the Majelis Ulama Indonesia (MUI) came through its fatwa to respond the contra-productive of the community over the succession of the vaccination program. This study analysis the epistemological basis of Islamic law in the construction of the MUI Fatwa Number. 02 of 2021 about Covid-19 Vaccine Products from Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero). This qualitative research used philosophical approach, statute approach and conceptual approach. The results show, the epistemological construction of the MUI fatwa No. 02 of 2021 about the Covid-19 vaccine, Sinovac tends to integrate the paradigm of idealism and realism of Islamic law. The tendency of the integrative paradigm can be seen from the epistemological basis of the MUI fatwa formulation on the halalness of the Sinovac Covid-19 vaccine, which is normative-deductive and empirical-inductive, beside that still use preventive fiqh rules (sadd al-dhariah) and benefit (maslahatul mursalah) as the basis for formulating a fatwa. This conclusion can be seen in various elements in the epistemological construction of the MUI Fatwa. First, universal ethical moral values ('am) are taken from the texts (al-Qur'an and Hadith). Second, several fiqh rules emphasize the sadd al-zari'ah (preventive action) and maslahah mursalah (public benefit). Third, the opinion of classical scholars. Fourth, the thought of experts regarding the Covid-19 vaccine.

Keywords: Epistemology, fiqh, covid 19 vaccine, Indonesia

Abstrak

Program vaksinasi Covid-19 di Indonesia dalam ranah praktisnya mendapatkan respons pro-kontra di tengah masyarakat. Tidak sedikit yang mengkritik, menolak bahkan menentangnya. Pada konteks inilah, Majelis Ulama Indonesian (MUI) hadir melalui fatwanya guna merespons sikap kontra produktif dari masyarakat atas sukseksi program vaksinasi tersebut. Penelitian ini bermaksud untuk mengeksplorasi dan mengidentifikasi landasan epistemologi hukum Islam dalam konstruksi Fatwa MUI Nomor. 02 Tahun 2021 Tentang Produk Vaksin Covid-19

Dari Sinovac Life Sciences Co. Ltd. China Dan Pt. Bio Farma (Persero). Penelitian kualitatif ini berupa kajian pustaka dengan pendekatan normatif filosofis. Teori analisis yang digunakan, yakni paradigma idealisme dan realisme hukum Islam. Hasil penelitian menyimpulkan konstruksi epistemologis fatwa MUI Nomor. 02 Tahun 2021 tentang vaksin covid-19 Sinovac cenderung mengintegrasikan paradigma idealisme dan realisme hukum Islam. Kecenderungan paradigma integratif tersebut dapat dilihat dari landasan epistemologi rumusan fatwa MUI atas kehalalan vaksin Covid-19 Sinovac yang bukan sekedar normatif-deduktif, melainkan juga empirik-induktif dengan tetap menjadikan kaidah fikih preventif (sadd al-dhariah) dan kemaslahatan (maslahatul mursalah) sebagai basis perumusan fatwa. Kesimpulan demikian dapat dilihat berbagai unsur dalam konstruksi epistemologis Fatwa MUI tersebut. Pertama, nilai moral etik universal ('am) yang diambil dari dalil nas (al-Qur'an dan Hadis). Kedua, sejumlah kaidah fikih yang menekankan pada kaidah sadd al-z'ari'ah (tindakan preventif) dan maslahah mursalah (kemaslahatan umum). Ketiga, pendapat ulama klasik. Keempat, pendapat para ahli terkait vaksin Covid-19.

Kata kunci : Epistemologi, fikih, vaksin covid 19, Indonesia

Introduction

The increasing number of victims of Covid-19 in Indonesia has encouraged the Indonesian government not to be content with implementing health protocol policies but also special protection strategies for its citizens through a gradual vaccination program (Utari dan Hendradewa, 2021, p. 13) (Mustamu dan Bakarbesy, 2020, pp. 243-263) (Bralianti dan Akbar, 2021, p. 19). The first wave, the Covid-19 vaccination program in Indonesia, will start on January 13, 2021. The vaccine is given to medical personnel, public officials, and the elderly in this first batch. Then, the second wave addressed the community with identification as a vulnerable group and the general public (Nasir dan Joyosemito, 2021, pp. 192-193). However, the vaccination program was not fully welcomed by the Indonesian people. Not all people are satisfied with the explanation of scientific data presented by the government (Sutan dan Qodir, 2021, p. 135). For example, Aceh and West Sumatra are the two provinces with the largest number of rejecters of the vaccine program in Indonesia. For example, in Aceh province, only about 46% of the population is ready to be vaccinated. While in West Sumatra, only about 47% (Turnip, 2021, p. 60). There are still many people who refuse the vaccination program. It cannot be separated from the circulation of various hoax news spread on social media, such as regarding whether the vaccine is safe or not in the body, even relating to halal or not. This condition

becomes a challenge and a new job for the government and medical personnel to provide explanations and education to the public to understand the types of vaccines and the objectives of the vaccination program (Susilo dan Putranto, 2021, p. 151).

Responding to the polemic of the public's attitude towards the vaccination program above, the Indonesian Ulama Council or Majelis Ulama Indonesia (MUI) stipulates Fatwa No. 02 of 2021 Regarding Covid-19 Vaccine Products From Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero) (Fatwa No. 02 of 2021 Regarding Covid-19). The presence of the vaccine fatwa is part of several MUI fatwas in responding to social problems experienced by the Indonesian people due to the Covid-19 outbreak (Sholeh dan Helmi, 2021, p. 174). Many MUI fatwas during the Covid-19 pandemic were considered in the formation of Indonesian government regulations (policies) in overcoming social problems due to the Covid-19 pandemic (Sholeh, 2020, p. 281). However, Ilyas Supena, in his research, said that the various MUI fatwas during the Covid-19 pandemic had received mixed responses among the Indonesian Muslim community themselves, both pros and cons (Supena, 2021, pp. 123-124). Ilyas Supena's opinion parallels the research of Abdur Rahman Adi Saputera, which explains the presence of various MUI fatwas related to multiple social problems during the Covid-19 pandemic has received a lot of criticism and even contradiction in the public (Saputera, 2020, p. 59).

The public's pros and cons response to the MUI fatwa related to the halalness of the Sinovac Covid-19 vaccine and other fatwas can be said to be a form of difference in attitudes between idealism and realism in responding to the provisions of Islamic law (fiqh) initiated by the MUI in the philosophy of science paradigm. Suppose the two paradigmatic tendencies are related to the epistemological basis of Islamic law. In that case, it can be said that adherents of Islamic legal ideals believe that the provisions of Islamic law have been fully regulated in the Koran, Hadith, and classical fiqh literature. Consequently, they view that the provisions of Islamic law are final, do not require reinterpretation, let alone make new provisions of Islamic law, in contrast to adherents of Islamic legal realism. They position the reality of practical problems as the basis for formulating Islamic law. Therefore, the provisions of Islamic law are positioned as a product of the intellectual of fiqh experts, which cannot be separated from the socio-historical conditions of the existing Muslims (Supena, 2021, pp. 123-124). Therefore, it is undeniable in the realm of practice, the tendency of the dichotomy between idealism and realism of Islamic law above has

indeed become an empirical fact in the perspective of Muslims in responding to various provisions of Islamic law on various problems of modern society (Munir, 2017, p. 53).

Based on the above background, this study intends to explore and identify the epistemological basis of Islamic law in the construction of the MUI Fatwa, No. 02 of 2021 Regarding Covid-19 Vaccine Products From Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero). This research is necessary and even important so that a paradigmatic framework is found in constructing the MUI fatwa norm building. Is the MUI's paradigmatic basis in formulating the fatwa on the halalness of the Sinovac Covid-19 vaccine idealistic-deductive normative that tends to rest based on normative texts of Islamic teachings? Or is it realistic inductive-empirical based on Muslims' problems and empirical needs? The question is important. It is considered that as a product of *ijtihad*, the presence of a fatwa on the halalness of the Sinovac Covid-19 vaccine, of course, has an important epistemological dimension to highlight and understand. It is especially considering the attitude of the Indonesian Muslim community itself, which is still pros and cons towards the various MUI fatwas that were present during the Covid-19 pandemic, both related to vaccines and others. The purpose is to prevent misunderstandings toward the MUI as part of the agency that has the authority to formulate and stipulate fatwas related to various social and religious problems in Indonesia (Kaptein, 2004, p. 21).

The authors realize that there have been several studies examining the fatwa on Covid-19 Vaccine Products from Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero) with various focuses and perspectives. In this literature review sub-chapter, the author will describe various previous relevant studies to the object of this research, as follows.

The research of Ibnu Radwan Siddik Turnip (2021) entitled "Halalness of the Covid-19 Vaccine Production of Sinovac in the MUI Fatwa and the Implementation of Vaccination for Health Workers at the Tanjung Morawa Health Center, Deli Serdang (Qawaidh Fiqhiyyah Perspective)," the research shows, there is a basic rule Jurisprudence in the construction of the MUI fatwa related to the halalness of the Covid-19 vaccine produced by Sinovac is seen as increasing the readiness of health workers at the Tanjung Morawa Health Center, Deli Serdang Regency in accepting the Sinovac type of vaccination program (Turnip, 2021, p. 59). Ibn Ridwan's research focuses on the influence of the basic principles of Islamic law (*fiqh*) in the formulation of the Sinovac vaccine fatwa on the

attitude of medical personnel to accept the vaccination program launched by the government.

Farhat Abdullah (2021), in a study entitled "Sinovac Vaccine Halal Controllers: According To The Lay Community," said that the Covid-19 vaccine was a product of Sinovac Life Sciences Co. Ltd. China does not contain ingredients from pigs, human limbs and also does not contain najis items, so it is stated that the Covid-19 vaccine produced by Sinovac is holy and halal (Abdullah, 2021, pp. 25-26). Farhat's research focuses on the legal provisions of the Sinovac vaccine or not by looking at the various components in its production.

Then the research of Allina Mustaufiatin Ni'mah and Syufa'at (2021) entitled "The Legality of Importing the Covid-19 Vaccine from the Maqashid Sharia Perspective." The study concluded that Indonesia's import of Covid-19 vaccines in terms of sharia economic law could be categorized as a salam sale and purchase contract. Covid-19 Vaccine. The Covid-19 vaccine is imported from abroad before being distributed to the Indonesian people. It is audited first by the Food and Drug Supervisory Agency (POM) regarding its use permit and an audit by the Indonesian Ulama Council or Majelis Ulama Indonesia (MUI) regarding the provisions of Islamic law for its use based on the production process and materials Covid-19 vaccine. In this context, if the MUI determines that the Covid-19 vaccine product is legal and good, then the sale and purchase contract status for the type of salam related to the import of the Covid-19 vaccine is legal. Among the types of vaccines in question, i.e., the Sinovac vaccine. In addition, the audit effort carried out by BPOM and MUI regarding imported vaccines is a form of embodiment of maqashid sharia in the form of *hifz al-nafs* (protecting the soul) of the Indonesian people from the Covid-19 outbreak (Syufa'at, 2021, pp. 21-22). Like Farhat Abdullah, Allina Mustaufiatin Ni'mah, and Syufa'at's research focused on the provisions of Islamic law related to various aspects of the benefits contained in the production process and distribution of the Covid-19 vaccine, one of which is the Sinovac vaccine. It's just that there is an additional focus of study on the aspect of reviewing Islamic economic law related to activities surrounding the import of Covid-19 vaccines.

Then Muhammad Asrorun Niam Shaleh and Muhammad Izhar Helmi (2021) in a study entitled "The Covid-19 Vaccination: Realization on Halal Vaccines for Benefits." except for the Sinovac vaccine. However, the use of vaccines, which are legally illegitimate,

is permitted when in an emergency, namely a condition where there is no longer any vaccine or a type of vaccine that is holy and halal has not been found (Sholeh dan Helmi, 2021, pp. 174). Asrorun Niam and Izhar Helmi's research parallels the research of Farhat Abdullah, Allina Mustaufiatin Ni'mah, and Syufa'at, which focuses on aspects of Islamic law provisions regarding the use of the Sinovac vaccine in the Covid-19 vaccination program in Indonesia.

Based on the description of the various previous research results above, no research has been found on focuses examining the fundamental aspects of the epistemological construction of the MUI fatwa formulation on Covid-19 Vaccine Products from Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero) in the eyes of idealism and realism of Islamic law. This makes it possible to be a side of the distinction and the novelty of this research from various existing studies.

Method

The qualitative research uses primary data of Indonesian Ulama Council's Fatwa No. 02 of 2021 about Covid-19 Vaccine Products From Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero). The research approach among other: philosophy approach, statute approach and conceptual approach. The theory used to analyses i.e. the paradigm of idealism and realism of Islamic law.

Discussion

1. Idealism and Realism of Islamic Legal Thought

The method of obtaining valid Islamic knowledge (thoughts) is not based on rationalism and empiricism but also on intuition and based on theological texts (God's revelation) in the perspective of Islamic epistemology. On this basis, it is not surprising that in Islamic epistemology, when Islam is positioned as a subject in the philosophy of knowledge (science), what becomes the core foundation, namely the theological text basis. In other words, the position of the theological text's foundation is a source of knowledge and a barometer of the validity of existing Islamic thought. This paradigmatic framework is the distinguishing aspect of Islamic epistemology from Western (secular) epistemology, which only rests on rationalism and empiricism as the validity of the truth of science (Hadikusuma, 2018, p. 2).

Although the barometer of the validity of science (thought) in the epistemology of Islamic and Western thought is different, the paradigm of idealism and realism in Western epistemology can be an approach in explaining the pattern of idealism and realism in the discourse of Islamic thought, as well as the contestation of patterns of Islamic legal thought (Supena, 2021, p. 126). Such a conclusion is due to the historical tradition of the development of Islamic legal thought that cannot be separated from the influence of various elements in the epistemology of Greek philosophy (Islamy, 2021, p. 197). Such a statement can be seen from the tendency of the idealistic style of Islamic legal thought, which always tries to make the textual basis of the text (revelation) the substance and essence, and even validity. This tendency ultimately gives rise to various products of Islamic legal thought that are deductive-idealistic by ignoring the empirical facts faced by humanity. This pattern of Islamic legal thought can also be categorized in the bayani epistemological tradition which emphasizes the textual basis (revelation) in gaining knowledge (thoughts) of Islam and its validity (Supena, 2021, pp. 126–27). According to Muhammad Abed Al-Jabiri as quoted by Hadikusuma, the bayani epistemology is part of a typical Arabic thought method that emphasizes the text's authority (revelation), both directly and indirectly, with textual understanding. It makes the position of human rationality in Bayani's epistemology not getting a strategic space in producing Islamic thought independently. In a sense, it does not refer to the normative text (revelation) (Hadikusuma, 2018, pp. 3-4). Therefore, it is not surprising that the products of Islamic legal thought idealism often do not even find a point of relevance and responsiveness to empirical problems and the needs of the people.

Meanwhile, the tendency of realism in Islamic legal thought can be found in the thoughts of Muslim intellectual figures who emphasize burhani epistemology as the paradigmatic basis (Supena, 2021, pp. 126-127). Where it is important to know that the burhani epistemology greatly empowers the competence of rationality of human reason as the basis of the arguments so that the existence of religious arguments in the burhani epistemology can be accepted if they are parallel to human logic (Hadikusuma, 2018, pp. 11-12). Meanwhile, the style of idealism in Islamic legal thought can be found in its historical roots from Ibn Rushd, who is known as a Muslim intellectual who seeks to follow rationalism and defend the argument of causality. There are at least two major contributions of Ibn Rushd in the development of Islamic philosophy. First, his views on

the validity of various paths to find the same truth. All paths used are equally acceptable, and are based on a very rational theory of meaning and rich thinking. Second, integrating philosophy and religion. (Jayus and Irham, 2020, p. 7). This paradigm then gave birth to a method of demonstrative reasoning through an inductive testing step (Supena, 2021, p. 127). Ibn Rushd uses the method of inductive reasoning to understand the meaning of the Shari'a in the texts (revelation). He stated that philosophical and religious rationality could be mutually informative and collaborative in formulating a product of thought through this method. Meanwhile, in the context of the study of Islamic legal thought, the realism style views the existence of Islamic legal thought as being responsive and a solution to various dynamic and complex societal problems because the realism style of Islamic law positions the issue of social reality as the basis for legal formulation (Supena, 2021, pp. 127-128).

In this study, the paradigm of idealism and realism of Islamic law above will be used as an analytical theory in exploring as well as identifying the epistemological construction of the fatwa of the Indonesian Ulema Council (MUI) Fatwa No. 02 of 2021 Regarding Covid-19 Vaccine Products From Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero).

2. Analysis of the Epistemological Construction of the Fatwa of the Indonesian Ulema Council (MUI) Number. 02 of 2021 Regarding Covid-19 Vaccine Products From Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero)

The phenomenon of the Covid-19 outbreak has become an international disaster since 2019 and is continuing today (Islamy dan Istiani, 2020, p. 170). The outbreak's impact has spread to various lifelines in all corners of the world, including social, economic, medical, educational, political, cultural, and even religious rituals (Thomson dan Eric, 2020, p. 1) (Yunus dan Rezki, 2020, p. 227). In the context of Indonesia itself, for example, various problems experienced by the community due to the Covid-19 pandemic have become serious problems, both for civil society, especially the government (Islamy, et. al., 2020, p. 235). The increase in the number of Covid-19 cases in a brief period demands the role of the government to take serious handling in minimizing the spread of Covid-19 (Agustino, 2020, pp. 253-254).

In addition to economic problems, a significant problem experienced by the Indonesian people due to the Covid-19 pandemic, namely health (medical) issues (Supriatna, 2020, p. 61) (Nugraha, et. al., 2020, p. 299). Where the health problem is in the realm of practice, it is experienced by ordinary civilians and health workers (Hidayati, 2020, p. 93) (Pramana, et. al., 2021, p. 1). It can be seen that since the Covid-19 outbreak hit, many health workers (medical) were infected, not even a few of them died (Sutaryono, et. al., 2020, p. 49). Therefore, it is not an exaggeration if the Covid-19 outbreak is called the largest virus outbreak in the history of the virus outbreak in Indonesia (Dwinantoaji dan Sumarni, 2020, p. 158). Such conditions have prompted the Indonesian government to implement various public policies, such as the lockdown system, quarantine, health protocol instructions, closure of public facilities and transportation, implementation of Community Activity Restrictions (PPKM), and even vaccination programs as special protection for the community's immunity from the potential for infection with Covid. -19 (Islamy, 2021, p. 2). However, the Covid-19 vaccination program launched by the government in the realm of practice, not all Indonesian people accept it with a cooperative attitude (Sutan dan Qodir, 2021, p. 135). Not even a few people reject the vaccination program for various reasons. Moreover, the circulation of various hoax news triggers people to reject the vaccination program (Susilo, et. al., 2021, p. 151).

Responding to the government's challenge in making the Covid-19 vaccination program a success, the Indonesian Ulema Council or Majelis Ulama Indonesia (MUI) came up with a fatwa decree No. 02 of 2021 Regarding Covid-19 Vaccine Products From Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero). The fatwa on vaccines is one of several MUI fatwas related to various social problems during the Covid-19 pandemic (Jauhari dan Ghoni, 2020, p. 233). MUI views the Covid-19 outbreak as a major threat to Indonesian public health. Therefore, it takes the form of prevention of transmission through a vaccination program. Before entering into the analysis of the core discussion of the research, this sub-chapter will describe the two provisions in the MUI fatwa formulation in the form of general and legal provisions. First, general provisions. This provision explains what is meant by the Covid-19 vaccine, namely the Covid-19 vaccine produced by Sinovac Life Sciences Co. Ltd. China and PT. Bio Farma (Persero) using three product names, including CoronaVac, Covid-19 Vaccine, and Vac2Bio. Second, legal provisions. This provision states that the law on the Covid-19 vaccine produced by

Sinovac Life Sciences Co. Ltd. China and PT. Bio Farma (Persero), namely holy and halal. The vaccine can be used to ensure its safety based on credible experts (Fatwa No. 02 of 2021 Regarding Covid-19).

In the Indonesian context, the Indonesian Ulema Council or Majelis Ulama Indonesia (MUI) is part of a religious institution that has the competence and authority to issue legal fatwas related to social and religious issues (Alfitri, 2020, p. 367). However, it is important to know that the various fatwa norms issued by the MUI are not binding and imperative (imperative), but in practice they have great power and influence in shaping the paradigm and religious attitudes of Muslims in Indonesia in addressing social and religious issues (Widigdo dan Hamid, 2018, p. 146). However, it is undeniable that various MUI fatwas also often reap the pros and cons of Muslims themselves, especially related to the fatwas on theological issues (aqidah), which are principal and have become mainstream understanding of Muslims in Indonesia, such as fatwas related to the ontological polemic of religious pluralism (Sirry, 2013, p. 100) (Hosen, 2012, p. 1).

Next, apart from the influence of the fatwa on the halalness of the Sinovac Covid-19 vaccine, the Covid-19 vaccine in the midst of people's lives, it is important to realize that the construction of the MUI fatwa is not only a formalistic legal style but of course there is a philosophical dimension to the benefits orientation of Islamic law behind it (Syafei, 2017, p. 119). On this basis, this sub-chapter will describe the epistemological analysis of the MUI fatwa on Covid-19 Vaccine Products from Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero) in the paradigm of idealism and realism of Islamic law. The analysis can be mapped into four epistemological aspects based on the author's analysis. Further explanation, as follows.

First, the basis of the texts (al-Quran and Hadith). The basis of the textual arguments that serve as the basis for the MUI Fatwa argument for the halalness of the Sinovac Covid-19 vaccine can be said to emphasize various verses containing the message of a general clause (*ām*) rather than a specific clause (*ḵbāsh*). Such a statement can be seen in multiple verses that form the basis, among others, (1) QS. Al-Baqarah verse 173, which means: *"Indeed Allah only forbids you carrion, blood, pork, and animals that (when slaughtered) are called (names) other than Allah. However, whoever is forced (to eat) while he does not want it and does not (also) exceed the limit, then there is no sin for him. Verily Allah is Forgiving, Most Merciful."* (2) QS. Al-Maidah verse 3, which means *"Forbidden to you (eating) carrion, blood, pork, (meat of animals)*

slaughtered in the name of other than Allah, the strangled, the beaten, the fallen, the horned, and the prey of the wild animals, except which you have slaughtered, and (forbidden for you to eat animals) which is slaughtered for an act.” (3) QS. Al-An'am verse 145, which means "Say I did not find in the revelation that was revealed to me something that is forbidden for those who want to eat it, except if the food is carrion, flowing blood, or pork, because indeed all of them are dirty, or animals. Slaughtered in the name of other than Allah. Whoever is forced (to eat) while he does not want it and does not (also) transgress, then indeed your Lord is Forgiving, Most Merciful."

Meanwhile, the basis of the Hadith used include (1) *"Get medical treatment, because Allah does not make a disease except to make a cure other than one disease, namely senile (old)"* (HR. Abu Daud from Osama bin Syarik). (2) *"God has sent down disease and medicine, and made a cure for every disease; So, seek treatment and do not seek treatment with things that are forbidden."* (Narrated by Abu Dawud from Abu Darda). (3) *"Allah does not send down a disease except to send down (also) a cure"* (Narrated by Al-Bukhari from Abu Hurairah). (4) *"The Messenger of Allah was asked about a rat that fell into the cheese. He replied: "If the cheese is hard (solid), throw the mouse and the cheese around it, and eat (the rest of) the cheese; but if the cheese is liquid, then do not eat it"* (HR. Ahmad from Abu Hurairah). (5) *"If the water reaches the amount of two qullah, then it does not contain dirt/impurities (najis)"* (HR. Abu Dawud, at-Tirmidhi, an-Nasai, Ibn Majah from Abdullah Ibn Umar. This hadith is considered authentic by Ibn Huzaimah, al-Hakim, and Ibn Hibban). (6) *"Indeed, there is nothing that makes water impure (najis), unless it changes its smell, taste and color"* (Narrated by Ibn Majah from Abi Umamah al-Bahili) (Fatwa of MUI Number: 23 of 2020).

Various textual arguments used by the MUI as the normative basis for the Fatwa argument above show that the epistemological basis for the MUI Fatwa formulation related to the fatwa on the halalness of the Sinovac Covid-19 vaccine tends to emphasize various verses that are general (*'ām*), not specific (*ḵaṣh*). It needs to be re-understood that the verse (*nas*) proposition in Islamic law has a target scope for whom it is intended. In this case, there are criteria for the purpose of a general legal paragraph, which includes all individual entities or is relevant to any condition, in contrast to the particular verse, which means limited and under certain (specific) conditions (Fathoni, 2016, p. 339). According to Fazlur Rahman as quoted by Ilyas Supena, the substance of the message of the general verse (*'ām*) is a universal principle or value that can be actualized in all conditions, space,

and time. Therefore, the text and social dimensions in understanding and embodying the (*'ām*) verse cannot be separated. Both of them have a big role in capturing the message of the verses of the Qur'an, which are essential-substantial-fundamental-universal. However, it is undeniable that this problem is hermeneutical in the discourse of the paradigm of Islamic thought in general (not only interpretation), namely the question of how to formulate a dialogical relationship between the universality and particularity of the message of the meaning of the verses of the Qur'an. In addition, it is also related to how to formulate a dialogical relationship between the normativity and historicity of the Qur'an (Supena, 2021, p. 128). These two hermeneutical questions eventually gave birth to two normative and historical approaches in modern Islamic studies.

The normative approach still emphasizes respect for normative values and the sacredness of the text. The paradigmatic implication is that the understanding of Islamic teachings contained in the revelation text (*naṣ*) becomes very legal-formal and rigid. This in the end can cause the variety of Islamic scholarship and thought to be insoluble, and can even become a paradox with empirical problems in human social life. Meanwhile, the historical approach emphasizes the substantial meaning behind the symbols and texts of Islamic teachings. The paradigmatic implication is that the development of Islamic studies or thought can always be progressive and compatible with the progressivity of life. Although it is undeniable that this historical approach has often been criticized because it is suspected that it will make Islam lose its authenticity (Janah, 2018, p. 102).

Based on the description above, the MUI's emphasis on using various universal verses (*'ām*) shows the paradigmatic flexibility of Islamic law that it builds. There is epistemological flexibility in understanding and using the normative foundations of the Koran and Hadith as the foundation for the construction of a fatwa on the halalness of the Sinovac Covid-19 vaccine. Such conclusions can be seen in the MUI's efforts to interpret universal verses (*'ām*) the basis of the MUI fatwa argument regarding the halalness of the Sinovac Covid-19 vaccine, namely by referring to the content of universal social-ethical values in various *am* verses which are based on socio-historical conditions and *illat* of law which is then contextualized with the efforts (strategy) of the vaccination program to protect the health of the Indonesian people from the Covid-19 outbreak.

Second, Islamic law principles (qawaid fiqhiyah), among others. (1) *al-Dhoruru yuzaal* (adversity must be removed). (2) *al-Amru bis syai'i amrun bi wasaailibi* (an order to do something also means an order to do an intermediary). (3) *Ma la yatimmu al-wajibu illa bibi fahuwa waajibun* (An obligation that can only be realized by doing something, then something becomes obligatory). (4) *al-Daf'u aula minar rof'i* (prevention is prioritized over eliminating). (5) *Yutakhammalu al-dhoruru al-khoossu li daf'i al-dhorori al-'ammi* (bearing particular harm to prevent eventual harm) (Fatwa of MUI Number: 23 of 2020).

The use of some fiqh rules as above shows that the legal maxim in the MUI fatwa on the halalness of the Sinovac Covid-19 vaccine emphasizes some fiqh rules that emphasize preventive efforts from harm (*sadd al-dzari'ah*) and the fiqh rules that emphasizes the realization of *maslahah mursalah* (public benefit). Maslahat mursalah is an Islamic legal thought that makes maslahah (human interests or needs) that are not bound (mursalah) as a source or basis for determining Islamic law. This concept is also known as *istislah* or *al-masalih al-mursalah* (Rusfi, 2018, p. 69). The use of fiqh rules with the *sadd al-dzari'ah* dimension in the formulation of the MUI fatwa on the halalness of the Sinovac Covid-19 vaccine is the right thing because the existence of *sadd al-dzari'ah* can be an epistemological basis in determining flexible legal fatwas in responding to dynamic legal problems. Therefore, through the use of fiqh rules with *sadd al dzari'ah* dimensions, it is expected to present Islamic legal norms that can position legal issues proportionally while still making the aspect of benefit as the orientation of legal determination (Imron, 2010, p. 65).

Meanwhile, the *maslahah mursalah* principle is a postulate of Islamic law that can be independent in the methodology of determining Islamic law (Usul Fiqh) because it does not require the legitimacy of *nas*, both for and against it (Khallaf, 1974, p. 84). It does not stop here, MUI's emphasis on some fiqh principles that emphasize the principle of *maslahah mursalah* is the right thing. Bearing in mind, the *maslahah mursalah* argument in the methodology of Islamic law has a close correlation with the various objectives of realizing Islamic law (*maqasid shariah*). Both have strong relevance as a paradigmatic basis in determining Islamic law on various new legal problems for which no legal solution is found explicitly in the *nas* (Alias, et. al., 2021, p. 2994). Therefore, it is not surprising that both of them are widely used as philosophical foundations in the construction of the MUI fatwa in responding to various social and religious problems of Muslims in Indonesia during the

Covid-19 pandemic, not least in the construction of the MUI fatwa on the halalness of the Sinovac Covid-19 vaccine (Nurhayati dan Nasution, 2020, p. 251).

Third, the opinion of classical scholars. There are several opinions of classical scholars who are part of the basis for the formulation of the fatwa on the halalness of the Sinovac Covid-19 vaccine, among others. (1) Opinion of Imam al-Zuhri in the book *Syarab Sahih al-Bukhārī* by Ibn Baththal (Maktabah Syamilah, 6/70) which states the prohibition of treatment using impure (najis) goods (2) Opinion of Imam Ibn Hajar al-Haitami in the book of *Tuhfatu al-Muhtaj* juz 1 page 290 which explains the impurity of pigs and the law of prohibition on their use under normal conditions, (3) Opinion of Imam al-Nawawi in the book *Raudlatu al-Thalibin wa Umdatul-Muftiin* (1/37) which explains that something that is not believed to be impure or pure, then its status is judged as clean (*tabir*) goods according to the law of origin. (4) The opinion of Imam al-Thabary in his book *Tabdzib al-Atsar* (2/717) states that the condition of a small amount of water has the potential to become impure (najis) when exposed to (mixed) something unclean/impure (najis), even though there is no change in color, taste, or smell. In contrast to the condition of a large amount of water, the legal status does not change to impure (najis) when exposed to a little najis. (5) Opinion of al-Qasthalani in the book *Irsyadu al-Sari* (7/96) which says that the law is mandatory for treatment due to illness and self-protection from the plague (Fatwa of MUI Number: 23 of 2020).

Suppose you pay attention to a number of opinions of classical scholars who are used as the basis for the formulation of the MUI fatwa above. In that case, they tend to be dominated by opinions from scholars who are affiliated with the Shafi'i school (Shafi'iyah). This shows that MUI still maintains the tradition of classical Islamic thought as part of the paradigmatic basis for the construction of a fatwa on the halalness of the Sinovac Covid-19 vaccine. The MUI step should be appreciated. Considering the sociological facts in the diversity of Muslims in Indonesia, they still make various products of classical Islamic thought as science as well as the basis for solutions in solving existing legal problems (Jinan, 2016, p. 82). From this, it can be seen that MUI not only wants to prioritize deductive normative validity in the epistemological building of its fatwa, but also to maintain the tradition of thought, rituality and sociological practice of Indonesian Muslims, which is dominated by the Syafi'i school. The style of Islamic thought of the Shafi'i school which is in line with the personality of the Indonesian people has made it a school that is

still always practiced in the midst of the religious life of Indonesian Muslims. In addition, the active role of the scholars of the Shafi'i school in the dissemination of the Shafi'i school of thought is carried out through various media, including education, da'wah, arts and Islamic Community Organizations in formulating various norms or fatwas of Islamic law in responding to problems that arise faced by Muslims in Indonesia (Rohmah dan Az-Zafi, 2020, p. 190). What MUI has done can also be said as an effort to preserve the principles of Islamic legal thought from the Shafi'i school as part of the methodology for determining Islamic law in the formulation of its fatwa (Khoiri, 2017, p. 23). As stated in the formulation of the fatwa on the halalness of the Sinovac Covid-19 vaccine.

Fourth, the opinions of experts related to vaccines, including (1) Report and Explanation of the Audit Results of the LPPOM MUI Auditor Team together with the MUI Fatwa Commission to Sinovac Life Sciences Co. Ltd. China and to PT. Bio Farma (Persero) regarding the production process and materials (2) Badan Pengawas Obat dan Makanan (BPOM) decision which has been approved for use during an emergency or Emergency Use Authorization (EUA) and guarantees safety, quality, as well as the efficacy for the Covid-19 Vaccine produced by Sinovac Life Sciences Co.Ltd. China and PT. Bio Farma (Persero) is one indicator that the vaccine meets good qualifications (*thayyib*).

Involving the views of medical experts regarding the use of the Covid-19 vaccine as part of the formulation of the fatwa on the halalness of the Sinovac Covid-19 vaccine shows a form of integration of Islamic and medical thought in the epistemological context of Islamic law. The integrative paradigm can also be a manifestation of the interconnectivity paradigm between religion and science (Arsyad, 2016, p. 115). In this context, Amin Abdullah said that the paradigm of interconnection between religion and science would be able to awaken the mindset and attitude of humans to have an open, cooperative, transparent, responsible character and can revive scientific discussions (Abdullah, 2004, pp. iiv-ix). On this basis, MUI tries to avoid the dichotomous paradigm between religious thought and science in responding to the social problems of the people. What MUI has done can also be called a form of science theology through an internal pattern, namely, mutually reinforcing relationships. That is, religion plays a role in encouraging the realization of scientific studies about nature and its phenomena. Meanwhile, science and technology function to strengthen the level of human faith in

religion and to get convenience in carrying out their role activities on earth (Basri, 2019, p. 377).

Conclusion

The epistemological construction of the fatwa of the Indonesian Ulama Council or Majelis Ulama Indonesia (MUI) No. 02 of 2021 regarding Covid-19 Vaccine Products From Sinovac Life Sciences Co. Ltd. China And Pt. Bio Farma (Persero) tends to integrate the paradigm of idealism and realism of Islamic law. It can be proven from the existence of various elements that underlie the construction of the epistemological building in the formulation of the MUI Fatwa. First, universal ethical moral values ('am) are taken from the texts (al-Qur'an and Hadith). Second, a number of fiqh rules that emphasize the *sadd al-zari'ah* (preventive action) and *maslahah mursalah* (public benefit). Third, the opinion of classical scholars. Fourth, the opinion of experts regarding the Covid-19 vaccine. The theoretical implication of the findings of this study shows that the epistemological basis of Islamic law in the formulation of the MUI fatwa related to medical-related issues is normative-deductive and empirical-inductive, beside that still use preventive fiqh rules (*sadd al-dhariah*), benefit (*maslahatul mursalah*) and scientific (medical) opinions as the basis for formulating fatwas.

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