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THE REVIEW OF EMERGENCY CONCEPT IN ISLAMIC LAW TOWARDS THE FATWA OF THE INDONESIAN ULEMA COUNCIL NO. 14 OF 2021 ON THE USE OF ASTRAZENECA'S COVID-19 VACCINE

Andini Rachmawati

Universitas Darussalam Gontor
andinirachmawati@unidagontor.ac.id

Khairatun Hisan

Universitas Darussalam Gontor
khairatunhisan39170@mhs.unida.gontor.ac.id

Abstract

The increase in the number of patients caused by COVID-19 makes the government try to reduce the number of disease victims with various efforts, one of which is vaccination. One of the vaccines that have been registered to the Indonesian Ulema Council is AstraZeneca vaccine products. Based on MUI fatwa No. 14 of 2021, the vaccine is haram because it uses pork-derived trypsin in its production but become allowed because of emergencies and some of the reasons in the fatwa. Nevertheless, the implementation of the fatwas is less than optimal, one of which is due to the fatwa MUI that is not binding. Some people refuse to use the vaccine because it is considered not currently included in the emergency. After all, other vaccines are halal and pure to use. This research aims to review emergency concepts in Islamic law towards fatwa MUI No. 14 of 2021 on AstraZeneca Product Vaccine Use Law. This research is qualitative research using normative Islamic legal research methods with document study data collection techniques. The data analysis used is inductive. The results of research that has been conducted show that the use of emergency concepts in MUI fatwa No. 14 of 2021 Concerning the Use of COVID-19 Vaccine AstraZeneca products have been following the concept of emergency in Islam which includes fears of loss of life and limbs; emergencies that have occurred; there is no other way to avoid an emergency except by performing prohibited acts; the discovery of halal and sacred medicine and

the recommendation of a credible doctor; not contrary to the basic Islamic sharia, including safeguarding the rights of others; there is a statement from the Government that the emergency has occurred in a country; and must prevent it with reasonable levels.

Keywords: *Emergency, MUI Fatwa, Islamic Law, AstraZeneca Vaccine.*

Abstrak

Peningkatan jumlah pasien COVID-19 menyebabkan pemerintah berupaya menekan jumlah korban dengan berbagai upaya, salah satunya adalah dengan vaksinasi. Salah satu vaksin yang telah didaftarkan status kehalalannya kepada MUI adalah vaksin produk AstraZeneca. Berdasarkan fatwa MUI Nomor 14 Tahun 2021, vaksin tersebut haram karena memanfaatkan tripsin dari pankreas babi dalam pembuatannya namun boleh digunakan karena keadaan darurat dan beberapa alasan yang terdapat dalam fatwa. Namun pelaksanaan fatwa kurang optimal dikarenakan fatwa MUI tidak bersifat mengikat. Beberapa pihak menolak menggunakan vaksin tersebut karena dinilai saat ini belum termasuk dalam keadaan darurat sebab terdapat vaksin lain yang halal dan suci untuk digunakan. Penelitian ini bertujuan mengetahui tinjauan konsep darurat dalam hukum Islam terhadap fatwa MUI Nomor 14 Tahun 2021 tentang Hukum Penggunaan Vaksin Produk AstraZeneca. Penelitian ini adalah penelitian kualitatif menggunakan metode penelitian hukum Islam normatif dengan teknik pengumpulan data studi dokumen. Adapun analisis data yang digunakan bersifat induktif. Hasil penelitian yang telah dilakukan menunjukkan bahwa penggunaan konsep darurat dalam fatwa MUI No.14 Tahun 2021 Tentang Penggunaan Vaksin COVID-19 Produk AstraZeneca telah sesuai dengan konsep darurat dalam Islam yang meliputi adanya kekhawatiran kehilangan nyawa dan anggota tubuhnya; keadaan darurat yang telah terjadi; tidak adanya cara lain untuk menghindari darurat kecuali dengan melakukan perbuatan yang dilarang; tidak ditemukannya obat yang halal dan suci serta adanya rekomendasi dari dokter yang kredibel; tidak bertentangan dengan syariat Islam yang asasi, termasuk menjaga hak orang hak-hak orang lain; adanya pernyataan dari pemerintah bahwa keadaan darurat yang jelas terjadi di suatu negara; dan wajib mencegahnya dengan kadar yang wajar.

Kata Kunci: *Darurat, Fatwa MUI, Hukum Islam, Vaksin AstraZeneca.*

INTRODUCTION

Corona Virus Disease (COVID-19) first appeared in Wuhan in December 2019 which then entered Indonesia beginning with the infected of two Indonesian citizens as announced by President Joko Widodo on March 2, 2020.¹ Based on

¹CNN Indonesia, "Virus Corona Masuk Indonesia, Netizen Serukan Jangan Panik," CNN

8 data from the COVID-19 Handling Task Force on September 19, 2021, the number of positive cases was recorded at 4,192,997 people, and the number of deaths was 140,468.² The virus that claimed many victims from day to day made the Government try to reduce the number of infected victims in various ways, one of which was vaccination.

The AstraZeneca product is one of the vaccines the MUI has issued a fatwa regarding its halal status. In the MUI fatwa Number 14 of 2021, it is stated that the AstraZeneca product vaccine is *haram* but can be used because of emergencies and some of the reasons that have been outlined in the fatwa.³ However, the permissibility of using Corona Virus Disease (COVID-19) AstraZeneca products from South Korea should be reviewed further. The reason is that the vaccine of this AstraZeneca product uses trypsin derived from the porcine pancreas in the manufacturing process.

Unfortunately, the implementation of the fatwa issued by MUI has not been optimal because it has not been bound by any relevant law. As a Muslim-majority country, binding itself to the fatwa of the scholars represented by the Indonesian Ulema Council is something that should be consciousness. But some rejection of AstraZeneca vaccines has occurred in several places. A boarding school in Mojokerto refused the use of this vaccine product used in the boarding school environment. The Head Master of boarding school assesses that the fatwa number 14 of 2021, which states AstraZeneca vaccine is *haram* but can be used if in an emergency does not apply in the boarding school he defended this because in the Amanatul Ummah boarding school there is no emergency then it is illegal to use AstraZeneca vaccine products.⁴

A similar incident occurred in Samarinda. The East Kalimantan Islamic Center Management Agency refused to hold a mass AstraZeneca vaccination at the Baitul Muttaqin Mosque complex, Islamic Center Samarinda. Chairman of BPIC Kaltim, H.Awang Dharma Bakti, stated that the rejection was based on MUI fatwa No. 14/2021 regarding the use of COVID-19 Vaccine AstraZeneca

Indonesia, 2021, <https://www.cnnindonesia.com/teknologi/20200303141434-192-480096/virus-corona-masuk-indonesia-etizen-serukan-jangan-panik>.

²⁰ ³³ Satuan Tugas Penanganan COVID-19, "Analisis Data COVID-19 Di Indonesia," Satgas Penanganan COVID-19, 2021, <https://covid19.go.id/berita/analisis-data-covid-19-indonesia-update-19-september-2021>.

³ Majelis Ulama Indonesia, "Fatwa MUI No 14 Tahun 2021 Tentang Hukum Penggunaan Vaksin Covid 19 Produk AstraZeneca," 2021.

⁴ Liputan6, 'Ponpes Mojokerto Tolak Penggunaan Vaksin AstraZeneca', *Liputan6.Com*, 2021 <<https://surabaya.liputan6.com/read/4515052/ponpes-di-mojokerto-tolak-penggunaan-vaksin-astrazeneca>> [accessed 3 September 2021].

products mentioned that the vaccine uses pork trypsin in the manufacturing process. Although the law can be used in the fatwa in emergencies, Awang assessed that currently other halal vaccines that can be used, such as Sinovac, so the Islamic Center refuses to use AstraZeneca vaccine products.⁵

The permissibility of using this AstraZeneca product vaccine is in the fatwa issued by MUI Number 14 of 2021 because Indonesia is currently a country that is still in the COVID-19 emergency zone. However, in Islam, the permissibility to consume *haram* food in an emergency must meet several requirements, among which is that the person in those conditions must do the forbidden thing. This means that only by eating the forbidden food one can survive.⁶

In 2018, the Indonesian Ulema Council issued a fatwa towards using IndiaSerum Institute's Measles-Rubella vaccine for immunization contained in Fatwa MUI No. 33/2018. The fatwa mentions that the law on the use of the vaccine is haram because it uses ingredients from porks to make it but is allowed for several reasons, one of which is because there has been no halal and pure MR vaccine.⁷ However, in the case of the COVID-19 vaccine, AstraZeneca's vaccine is not the only vaccine available. There are other COVID-19 vaccines whose status is halal and pure to use, such as the Sinovac vaccine.⁸

Based on the above issues, the researcher interested in further reviewing all matters related to the COVID-19 vaccine in MUI fatwa No. 14 of 2021 reviewed from the concept of emergency in Islamic law with the title "The Review of Emergency Concepts in Islamic Law Towards the Fatwa of the Indonesian Ulema Council No. 14 of 2021 concerning the Use of COVID-19 Vaccine AstraZeneca Products."

The research that has been done related to the theme are, first, a thesis entitled "*Konsep Darurat dalam Hukum Islam: Kajian Terhadap Fatwa Majelis Ulama Indonesia Nomor 33 Tahun 2018 Tentang Penggunaan Vaksin Measles Rubella untuk Imunisasi*" written by Eka Fatimah Saktiana, a student of the Comparative School

⁵Zakarias Demon Daton, "Tolak Vaksin AstraZeneca, Badan Pengelola Islamic Center Samarinda Batal Gelar Vaksinasi Massal," Kompas.com, 2021, <https://regional.kompas.com/read/2021/08/26/194250978/tolak-vaksin-astrazeneca-badan-pengelola-islamic-center-samarinda-batal>.

⁶وهبة الزهيلي, *الفقه الإسلام وأدلته الجزء الثالث*, (دمشق: دار الفكر, ١٩٨٤). ص. ٥١٧.

⁷Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 33 Tahun 2018 Tentang Penggunaan Vaksin MR (Measles Rubella) Produk Dari SII (Serum Institute of India) Untuk Imunisasi," 2018.

⁸Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 2 Tahun 2021 Tentang Produk Vaksin COVID-19 Dari Sinovac Life Sciences CO.LTD. China Dan PT. Bio Farma (Persero)," 2021.

of Jurisprudence Faculty of Sharia UIN Sulthan Thaha Saifuddin Jambi in 2021. The similarity of this study with the research that the researcher will carry out is discussing the concept of Islamic emergency law in the use of vaccines, but there are differences in the types of vaccines discussed. This thesis discusses the Measles-Rubella vaccine, while the researcher discusses the COVID-19 vaccine from AstraZeneca. Second, A thesis is written by Naeli Anisatuzuhriya, a student majoring in Sharia Economic Law, Purwokerto Islamic State University in 2019 with the title: “*Analisis Fatwa MUI Nomor 33 Tahun 2018 Tentang Penggunaan Vaksin Measles Rubella Untuk Imunisasi.*” This thesis is almost similar to the one that the researcher will discuss. They both use vaccine objects, but there are differences in the types of vaccines discussed. The researcher discusses the AstraZeneca vaccine reviewed from emergency concept in Islamic Law, while the study analyses the MUI fatwa related to the use of the Measles-Rubella vaccine. Third, A thesis is written by Fitri Alfiani, a student majoring in Sharia Business Law at Maulana Malik Ibrahim State Islamic University in 2019 entitled: “*Penggunaan Vaksin Measles Rubella (MR) Produk dari SII (Serum Intitute of India) Untuk Imunisasi Menurut Dinas Kesehatan dan Majelis Ulama Indonesia Kota Malang.*” Although both studies discuss vaccines’ same object, this thesis has significant differences from the author’s research. The researcher focuses the discussion on COVID-19 vaccine AstraZeneca products reviewed from emergency concept in Islamic Law, while this thesis discusses the MR vaccine of SII products according to the Department of Health and MUI Malang. So this study is a new study because the vaccine used is AstraZeneca’s COVID-19 vaccine which is a new vaccine that entered Indonesia in 2021 so there are not many studies that discuss this vaccine.

The type of research used in this research is normative research of Islamic law. The method of data collection in this study is by document study. Document study is a data collection tool that is done through written data using content analysis.⁹ In data analysis, the authors conducted the study through the following steps: The first step is that the researcher collects data by studying documents from MUI Fatwa No. 14 of 2021 on AstraZeneca Product Vaccine Use Law, several turas books related to research themes, and Indonesian-language books and scientific journals that support research themes. Data collection is also done from the internet taken from credible and accountable websites. The data that has been collected is then reduced to set aside data that is not relevant to the study so that it will give a clear picture to the author. The next step is the presentation of data. The data that has been collected is then presented in

⁹Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2015).p.21

the form of narrative text because the research is qualitative. The presentation of data in this study is also in tables and graphs to make it easier for readers to understand the data presented. The last step is to conclude. After presenting the data that has been collected, the next step is to conclude the research that has been conducted related to the review of emergency concept of fatwa MUI No. 14 of 2021.

RESULT AND DISCUSSION

Emergency Concept in MUI Fatwa No.14 of 2021 on AstraZeneca Vaccine

The Indonesian Ulema Council, on March 16, 2021 established a fatwa on the legal use of AstraZeneca's COVID-19 vaccine. In the fatwa, AstraZeneca products are COVID-19 vaccines produced by AstraZeneca at SK Bioscience Co.Ltd., Andong, South Korea. The legal provision contained in the fatwa is that AstraZeneca's COVID-19 vaccine is illegal because in the stage of the production process utilizing trypsin derived from porcine pancreas. However, at the time of the issuance of the fatwa, the use of COVID-19 vaccine AstraZeneca products legally became a *mubah* for several reasons, namely:¹⁰

- a. There is an urgent need (*hajah syar'iyah*) that occupies the syar'i emergency.
- b. There is competent and reliable expert information about the danger (fatal risk) if not immediately carried out COVID-19 vaccination.
- c. The availability of halal and sacred COVID-19 vaccine is insufficient for the implementation of COVID-19 vaccination in order to strive to realize group immunity (herd immunity)
- d. There is a guarantee of safety of its use by the Government
- e. The Government does not have the freedom to choose the type of COVID-19 vaccine given the limitations of existing vaccines.

The Indonesian Ulema Council gave an exception to the ability to use the vaccine, namely what are the reasons that have been described above are missing one of them, then the law goes back to the origin, namely haram used.

The law established by MUI is not without consideration from several aspects. Considering that the COVID-19 pandemic, which until now is still a world problem that can be life-threatening, efforts are needed to reduce the rate of transmission, one of which is through vaccination. The success of COVID-19

¹⁰Indonesia, "Fatwa MUI No 14 Tahun 2021 Tentang Hukum Penggunaan Vaksin Covid 19 Produk AstraZeneca."

vaccination is influenced by many factors, including the sufficient availability of vaccines, the speed at which vaccines are given to targets and how many are vaccinated. The vaccines available are still very few, so various countries contest it. The determination of this fatwa was also motivated by the Government's request to MUI to settle the fatwa on the legal use of AstraZeneca's COVID-19 vaccine to guide its implementation. Therefore, the MUI Fatwa Commission needs to establish a fatwa on the legal use of the vaccine to be used as a guideline.¹¹

Emergency Concept in Islamic Law

Etymologically, the emergency is *isim mashdar* which means the same as the word *idhtirār*, which means a very urgent need. The emergency is the need, the pressure of unavoidable conditions, and difficulties. According to fiqh experts defined by the extent that someone is within limits that if not consuming something that is prohibited, then a person will get hurt or dangerous.¹²

Madzhab leaders put forward some emergency notions. Ali Haydar of the Hanafi Madzhab defines an emergency as a state of being forced to eat something forbidden by sharia. According to Ahmad Dardir of madzhab Maliki, the emergency is the fear of death, either known to him or prejudiced. According to Muhammad Abdur Rauf al Manawi, the emergency is when one's needs have reached emergency limits, such as protecting religion, soul, reason, descendants, property, and honor. While Muwafiquddin bin Qudamah from Madzhab Hambali means that the emergency allowed is the fear of death if it does not eat it.¹³

A situation can be categorized as an emergency in Islamic law if it meets the following conditions:¹⁴

- a. If a situation is a compulsion, that is if a person is in a state of worry that will cause loss of life or limbs.
- b. When an emergency occurs, it is not what will happen or be awaited. So it is not permissible if a person eats a carcass before finding himself in a state of hunger that is feared to lead him to death if he does not eat it.
- c. Suppose there is no way to avoid the emergency except by doing prohibited acts. If it is possible to avoid an emergency with the permissible, it is forbidden to prevent it by committing illegal acts.

¹¹Indonesia.

¹²Muhammad Abul Fatah Al Bayanuni, *Fikih Darurat* (Jakarta: Turos Pustaka, 2018).p.36

¹³عبد الوهاب ابراهيم ابو سليمان, *فقه الضرورة وتطبيقاتها المعاصرة*. ص.٥٠-٤٩

¹⁴محمود محمد عبد العزيز الزيني, *الضرورة في الشريعة الإسلامية والقانون الوضعي* (إسكندرية: مؤسسة الثقافة الجامعية,

١٩٩٣).ص.٨٩.

d. Emergencies that occur are prevented at reasonable levels.

Wahbah Zuhaily added some conditions of a state of emergency, namely:¹⁵

- a. The emergency does not conflict with the fundamental Islamic sharia, including safeguarding the rights of others, preventing harm, and safeguarding the essence of Islamic aqidah, for example, the prohibition of adultery and killing in these conditions.
- b. In terms of treatment, it is hinted that there is a recommendation from a doctor who is fair and robust in religion and science that there is no halal drug to replace the illegal drug.
- c. There is a statement from the Government that the emergency has occurred in a country

Humans are considered in an emergency or forced when hunger brings them to the limit of death or diseases that can cause death. According to Ibn Hazm, the emergency limit is when a person survives a day a night without eating and drinking. However, if he was worried about the weakness that led him to death or hindered him from work and continued his journey, he was allowed to consume something illegal for his survival. Meanwhile, the cleric Madzhab Maliki argues that the limit of emergencies is if a person does not eat and drink for three days.¹⁶

Review of the Concept of Emergency in Islamic Law towards MUI Fatwa No 14 of 2021

Fatwa of the Indonesian Ulema Council Number 14 of 2021 was established in Jakarta on March 16, 2021. The concept of emergency in the book Turats and MUI fatwa will be presented in the following table:

Table 1. Emergency in Islamic Law and Fatwa MUI

No	Emergency in Islamic Law	In the Fatwa of MUI
1	Fears of loss of life and limbs	Conditions of urgent need that occupy the syar'i emergency
2	An emergency has occurred, not one that will happen or be awaited.	There is a competent and reliable expert information about the fatal risk if not immediately vaccinated.

¹⁵ وهبة الزهيلي، نظرية الضرورة الشرعية مقارنة مع القانون الوضعي، ص. ٧١
¹⁶ السيد سابق، فقه السنة الجزء الثالث (القاهرة: الفتح للإعلام العربي، ١٩٧٧). ص. ١٨٠

No	Emergency in Islamic Law	In the Fatwa of MUI
3	There is no other way to avoid an emergency except by committing an illegal act.	The availability of halal and sacred vaccines is not sufficient for the implementation of COVID-19 vaccination to strive to realize herd immunity.
4	In terms of treatment, if there is no halal and pure medicine and is a recommendation from a credible doctor.	There is a guarantee of safety of its use by the Government.
5	Prevented at a reasonable rate.	The Government does not have the freedom to choose a vaccine given the limitations of available vaccines.
6	Not contrary to the basic Islamic sharia, including safeguarding the rights of others, preventing harm, and maintaining the essence of Islamic aqidah	
7	There is a statement from the Government that the emergency has occurred in a country	

An emergency is a condition when a person is worried about the safety of his soul, whether the concern is specific or just conjecture. According to the four madzhab fiqh, the emergency law is mandatory for someone who is in that state to eat the haram food that is in front of him at a rate that can make a person maintain life and avoid death.

The emergency in Islam has specific conditions that must be met. The first condition is the fear of loss of life or limbs. This condition is by the emergency reasons in the fatwa at the second point, namely the existence of competent and reliable expert information about the fatal risk if vaccination is not immediately carried out. ITAGI has reviewed, as stated in the MUI commission hearing, that COVID-19 vaccination has benefits in the short and long term. In the short term, vaccines are helpful to reduce mortality, pain, and reduce transmission to COVID-19 disease transmission. While the long-term benefit, to control the pandemic by monitoring the development of SARS-CoV-2 virus infection in terms of epidemiology, found the target priority scale to be given

the vaccine by estimating the number of subjects immunized to form herd immunity, the immunization of COVID-19 for the community for the whole of Indonesia. ITAGI stated that herd immunity formed by vaccination could prevent COVID-19 infection, so the delay in vaccination will affect the rate of transmission of the outbreak.¹⁷

The second state of emergency in Islam is that an emergency has occurred, not one that will happen or be awaited. The COVID-19 pandemic is an outbreak that causes many fatalities. Based on data from the COVID-19 Handling Task Force on September 19, 2021, the number of positive cases was recorded at 4,192,997 people, and the number of deaths was 140,468.¹⁸ Thus, a state of emergency has occurred in Indonesia.

In the fatwa, AstraZeneca's vaccine is a disaster for several reasons. The first reason is the urgent need (*hajah syar'iyah*) that occupies the *syar'i* emergency condition. The two are different, but in some cases, *hajah syar'iyah* can occupy a *syar'i* emergency. As the *fiqhiyah* rule reads:

الحاجة تنزل منزلة الضرورة عامة كانت أو خاصة

The need is placed in an emergency, whether it is general or special

The above rules explain that urgent needs can be categorized as emergencies, whether general or particular.¹⁹

In normal condition, the use of vaccine to prevent a disease is a needs (*hajah*), but if there is a fear of loss of life and limbs if not immediately carried out COVID-19 vaccination, so this needs is occupies the *syar'i* emergency because the difficulties experienced include one of *maqashid syariah*, that is soul.

The third emergency condition is no other way to avoid an emergency except by committing illegal acts.

Vaccination is one of the Government's efforts in reducing the number of COVID-19 cases. Vaccination is done to achieve herd immunity or group immunity. Herd immunity is indirect protection from infectious diseases when a population is immune either through vaccination or immunity developed through previous infections. The World Health Organization (WHO) supports herd immunity against COVID-19 achieved through vaccination. In achieving herd

¹⁷Indonesia, "Fatwa MUI No 14 Tahun 2021 Tentang Hukum Penggunaan Vaksin Covid 19 Produk AstraZeneca."

¹⁸COVID-19, "Analisis Data COVID-19 Di Indonesia."

¹⁹Duski Ibrahim, *Al-Qawaid Al-Fiqhiyah (Kaidah-Kaidah Fiqih)* (Palembang: Noerfikri, 2019).p.86

immunity, a portion of the population must be vaccinated to keep vulnerable groups unvaccinated.²⁰

Vaccination by all Indonesians in accordance with the rules of fiqhiah:

الضرر يدفع بقدر الإمكان

“Danger must be prevented as much as possible”

الدفع أولى من الرفع

“Prevention is more important than eliminating.”

Two rules are rules about commands to prevent harm. The first rule explains that the harm that occurs must be prevented as much as possible. While the second rule means prevention should take precedence over-treating or eliminating harm after it occurs. In this case, the governments vaccination is a form of prevention of the increase of COVID-19 cases in Indonesia, so it has been in accordance with the two rules above.

In some studies, vaccines have been considered influential in tackling the COVID-19 pandemic. In testing the effectiveness of the COVID-19 vaccination in Indonesia, the statistics showed that vaccination especially doses two had a significant impact on the increase in cases, deaths, and cures of COVID-19. The impact on recovery is relatively higher than the impact on additional cases and deaths. While the impact of vaccination on deaths due to COVID-19 is lower than the impact on increasing cases and patient recovery rates.²¹

Siti Nadia Tarmizi, Spokesperson for COVID-19 Vaccination, said that as many as 5% of fully vaccinated health workers reportedly confirmed COVID-19 from April to June 2021. This number increased from January to March 2021, which shows the number of health workers confirmed by COVID-19 as much as 0.98%. However, the number of health workers who have been fully vaccinated and should be treated is much lower than those who have not been vaccinated, at 0.17 and 0.35%. In the observation period of January-March and April-June 2021, the proportion of health workers who died from COVID-19 in those who had not been vaccinated with those who had received the first dose of

²⁰L. R. Diana et al., “Edukasi Mengenai Herd Immunity Dan Vaksinasi COVID-19 Kepada Tenaga Kefarmasian Di Indonesia,” *BERDIKARI* 3, no. 2 (2020): 1–5.

²¹Dedi Junaedi et.al., “Menguji Efektivitas Vaksinasi Covid-19 Di Indonesia”, *Reslaj: Religion Education Social Laa Roiba Journal*, 4.1 (2022), 158–67 <<https://doi.org/10.47476/reslaj.v4i1.537>>.

the vaccine was no different 0.03%. In comparison, the vaccination with a full dose protects with a ratio of 0.001% in the period January to March 2021 and April-June 2021 with a ratio of 0.01%.²²

5 According to the data presented above, vaccination is considered the most effective way to overcome the COVID-19 pandemic, and if not vaccinating allows an increase in mortality rates. The third emergency requirement is met because the situation can be categorized as an emergency to allow something prohibited by sharia.

The fourth emergency condition in Islam, in terms of treatment if there is no halal and holy medicine. According to the Indonesian Ulema Council, the AstraZeneca vaccine is illegally used because it uses porks in the manufacturing process. The use of trypsin derived from the pancreas of porks is used at the stage of separation of the host cell from its microcarrier.²³ Porcine trypsin is also used as one of the components in the medium used to grow E.coli to regenerate the transfection of plasmid p5713 p-DEST ChAdOx1 nCov-19. The use of pork is prohibited in Islam under normal conditions. According to Imam Shihabuddin al-Ramli, pigs should not be used in usual conduits because the condition is worse than dogs and killing them is recommended even though it is not dangerous and there is a clear *nas* of its prohibition.²⁴ As Gods word:

3 حَرَّمَ عَلَيْنَا مِثْلَهُ وَالَّذِي لَا يُؤْتِي السَّبْعَ بِإِسْمِهِ فَهَبْهُ ذِكْرًا
 حَرَّمَتْ عَلَيْكُمُ الْمَيْتَةَ وَالْدَّمَ وَلَحْمَ الْخِنْزِيرِ وَمَا أُهْلَ لِغَيْرِ اللَّهِ بِهِ
 وَالْمُنْخَفِقَةَ وَالْمُؤَفَّقَةَ وَالْمُتَرَدِّيَةَ وَالطَّيْحَةَ وَمَا أَكَلَ السَّبْعُ إِلَّا مَا
 ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ وَأَنْ تَسْتَفْسِمُوا بِالْأَزْلَامِ ذَٰلِكُمْ فِسْقٌ
 ٤ الْيَوْمَ يَيسُ الَّذِينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَخْشَوْهُمْ وَاخْشَوْنَ الْيَوْمَ
 أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمْ
 الْإِسْلَامَ دِينًا فَمَنِ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرَ مُتَجَانِفٍ لِإِثْمٍ فَإِنَّ اللَّهَ
 غَفُورٌ رَحِيمٌ

²²Rokom, “Studi Terbaru: Vaksin COVID-19 Efektif Mencegah Perawatan Dan Kematian,” SehatNegeriku Kementerian Kesehatan, 2021, <https://sehatnegeriku.kemkes.go.id/baca/rilis-media/20210812/4238277/studi-terbaru-vaksin-covid-19-efektif-mencegah-perawatan-dan-kematian/>.

²³Majelis Ulama Indonesia, “IPOM MUI Buktikan, Vaksin AstraZeneca Manfaatkan Tripsin Dari Babi,” Majelis Ulama Indonesia, 2021, <https://mui.or.id/berita/29903/lppom-mui-buktikan-vaksin-astrazeneca-manfaatkan-tripsin-dari-babi/>.

²⁴شمس الدين محمد بن أبي العباس أحمد بن حمزة ابن شهاب الدين الرملي المتوفى المصري الأنصاري, حماية المحتاج الجزء الأول (بيروت: دار الكتب العلمية, 2003), ص. 237.

It is forbidden for you (to eat) carcasses, blood, pork, (animal meat) slaughtered in the name of anything other than Allah, who is suffocated, who is struck, who falls, who is slaughtered, and pounce upon by wild animals, except those you have slaughtered, and (forbidden for you) who are slaughtered for idols. Furthermore, (forbidden also) to vote fate with an arrow (to vote fate with the arrow) is wicked. Today the disbelievers have despaired of defeating your religion, therefore do not fear them and fear Me. On this day, I have given you your religion, and I have made enough of you My favour, and I have made Islam religion for you. So, whoever is forced because of hunger accidentally sinning, indeed Allah is merciful again.²⁵

Although the use of pork is prohibited under normal conditions, Imam Nawawi allows treatment with unclean goods with several conditions, namely:²⁶

If halal and holy objects have not been found as a medicine that can replace the unclean object.

If you know the medical aspects of the drug, there is credible information from Muslim doctors who recommend it.

Setiawan Budi Utomo, in his book *Fiqh Aktual* adds that the condition of treatment with the unclean is the existence of evidence in medical tests and scientific analysis in addition to the practical experience that proves that something illegal can cure and do not harm. Yusuf Qaradawi said that if, according to practical experience and medical reports from credible doctors that there is no reason and medical need that definitively states bringing something haram as medicine, he still tolerates this principle of *rukhsah* in anticipation of conditions when a Muslim does not get medicine except by consuming illegal goods.²⁷

The ability to seek treatment with something unclean is also permissible in the opinion of Al Aziz ibn ‘Abd al-Salam on condition that there is no holy medicine to replace it because health and safety is more important than *maslahat* away from something unclean. But the use of *khamr* as a drug is not allowed unless it is believed that a cure will be achieved if you take it and no other drugs are found.²⁸

In carrying out the vaccination program by the Government, the halal vaccine when MUI Fatwa No. 14 of 2021 on AstraZeneca product vaccine use

²⁵Q.S: Al Maidah/5: 3

²⁶أبي زكريا يحيى الدين بن شرف النووي، كتاب المجموع الجزء التاسع (جدة: مكتبة الإرشاد). ص. ٥٥

²⁷Sulastrri Chaniago, “Fikih Dan Kesehatan,” *JURIS* 10, no. 2 (2011): 162–718

²⁸أبي محمد عز الدين عبد العزيز بن عبد السلام السلمى، قواعد الأحكام في مصالح الأنام الجزء الأول (قاهرة: مكتبة

الكلبيات الأزهرية، ١٩٩١). ص. ٥٩٠

law is established, halal vaccines available are only Sinovac production and the stock is not sufficient for vaccine needs for the people of Indonesia in realizing herd immunity.

The Government also does not have the flexibility in choosing a type of vaccine that is halal, considering that vaccine production in the world is also limited. Some vaccine producing countries have been embargoed due to the third spike in active cases of COVID-19 in several countries in Asia, such as India, the Philippines, Papua New Guinea and some countries in South America, such as Brazil. So that the vaccine producing countries do not export the vaccine, only used in their respective countries. As a result, it affects countries in the world, including Indonesia. The number of vaccines, which were initially available, was 30 million doses in March and April, to only 20 million doses.²⁹ Thus the first condition in using something unclean as a medicine proposed by Imam Nawawi was fulfilled.

AstraZeneca's vaccine has been approved for use by BPOM (Food and Drug Administration) by issuing an Emergency Use Authorization (EUA) on February 22, 2021. BPOM has evaluated the safety, efficacy, and quality of AstraZeneca Vaccine together with a team of expert members of the National Commitment of Drug Supervisors, ITAGI (Indonesian Technical Advisory Group on Immunization), and other related clinicians. Based on clinical trial results data, the AstraZeneca vaccine given in 2 doses at intervals of 4-12 weeks in a total of 23,745 subjects was declared safe and well-tolerated. For efficacy evaluation, the AstraZeneca vaccine given shows an excellent ability to stimulate the growth of antibodies, both given to adults and the elderly. From the efficacy evaluation, a vaccine with two standard doses calculated from 15 days of the second dose to 2 months of monitoring the vaccine showed the efficacy of 62.10% that had been by the level of efficacy required by WHO. Meanwhile, from the quality aspect, after BPOM conducted a thorough evaluation of the quality documents submitted, the results of the AstraZeneca vaccine have qualified in general.³⁰ The issue of a EUA of AstraZeneca vaccine above indicate there is a guarantee of safety from the Government in use of this vaccine.

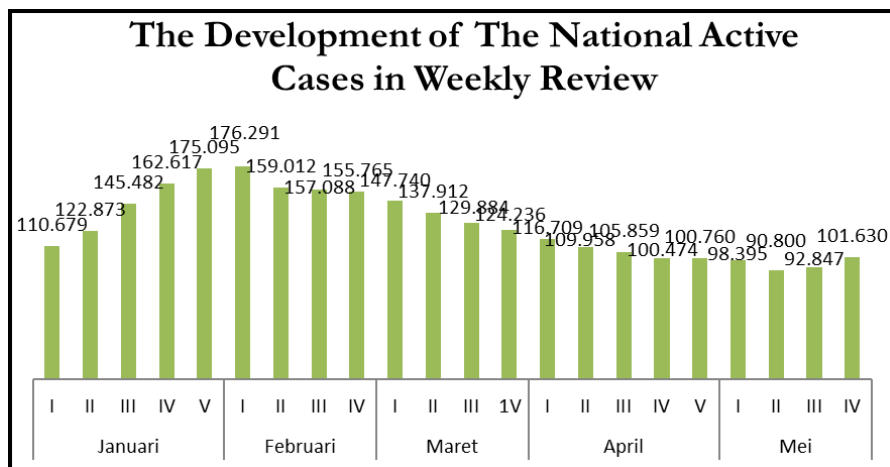
²⁹Rokom Kementerian Kesehatan, "Suplai Vaksin COVID-19 Terbatas, Menkes Budi Atur Ulang Laju Vaksinasi COVID-19," SehatNegeriku Kementerian Kesehatan, 2021, <https://sehatnegeriku.kemkes.go.id/baca/berita-utama/20210406/0437423/suplai-vaksin-covid-19-terbatas-menkes-budiatur-ulang-laju-vaksinasi-covid-19/>.

³⁰Kerjasama dan Humas Badan POM Terbitkan Emergency Use Authorization Vaksin AstraZeneca," Badan POM, 2021, <https://www.pom.go.id/new/view/more/pers/594/Badan-POM-Terbitkan-Emergency-Use-Authorization-Vaksin-AstraZeneca.html>.

In other hand, A Muslim doctor, dr. Raehanul Bahrain, M.Sc., Sp.PK, in his Youtube channel, stated that the AstraZeneca vaccine could be used to avoid the outbreak.³¹ Thus, the conditions put forward by Imam Nawawi in the Book of Al Majmu' have been fulfilled, those are knowing the medical aspects of the medicine with the issued a EUA of AstraZeneca vaccine by BPOM and there is a Muslim doctor who recommend the use of vaccine.

Viewed from empirical factors, AstraZeneca vaccine use in the vaccination program by the Government is enough to affect the number of COVID-19 sufferers in Indonesia based on data from the COVID-19 Handling Task Force presented in the form of the graph below.³²

Picture 2. Graphs of National Active Number Development in Weekly Review



Source: Satuan Tugas Penanganan COVID-19, 2021

The graph above shows a decrease in the number of active cases in Indonesia before and after AstraZeneca's vaccine was used in the national vaccination program by the Government. AstraZeneca vaccine began to be used during the first injection carried out to the Chairman of MUI East Java in Pendopo Delta Wibawa Sidoarjo Regency on March 22, 2021.³³ When viewed

³¹Raehanul Bahrain, "Vaksin AstraZeneca COVID-19 Halal Atau Haram," Youtube, 2021, <https://www.youtube.com/watch?v=pEOI7l-6RDo>.

³²COVID-19, "Analisis Data COVID-19 Di Indonesia."

³³Rokom Kementerian Kesehatan, "Vaksin COVID-19 AstraZeneca Mulai Digunakan," SehatNegeriku Kementerian Kesehatan, 2021, <https://sehatnegeriku.kemkes.go.id/baca/berita->

from the graph above, the AstraZeneca vaccine began to be used in the fourth week of March. Before the vaccine was used, the number of COVID-19 sufferers until March of the third week amounted to 129,884 people. After the fourth week, the number of active cases decreased from day to day until the end of May 2021, amounting to 101,630 people. However, the authors cannot fully guarantee that the decrease in the number of COVID-19 sufferers is simply due to the vaccine factor. Thus, the empirical factor above have fulfilled the requirement which referred to Setiawan Budi Utomo in his book.

The fifth emergency requirement, which is prevented with reasonable levels. This is by the rules of *fiqhiyah*:

ما جاز لعذر بطل بزوالها

“Something that is allowed because there is a *udzur*, it will be void if the *udzur* is lost”

The purpose of this rule is that if sharia allows something forbidden because of emergency, need, or *udzur*, then the ability will be void if the emergency, need, or *udzur* is lost, law returns to its original law, which is haram.³⁴

In the MUI fatwa, a legal provision states that if the conditions that cause the use of the AstraZeneca vaccine are lost, then the ability no longer applies, and the law returns to its original law, which is haram.

The sixth requirements of emergency condition is It does not conflict with the basic Islamic sharia, including safeguarding the rights of others, preventing harm, and safeguarding the essence of Islamic aqidah. Vaccination is certainly not against the rights of others. Vaccination minimizes the possibility of a person transmitting this disease to others while maintaining their rights. Vaccination programs carried out by the Government include efforts to reduce the number of victims and deaths due to COVID-19. So the use of this vaccine is appropriate with the rules of *fiqhiyah*:

الضرر يزال

Danger must be eliminated

Vaccination is a effort to eliminate a danger will caused by the COVID-19. According to this rule the vaccination advisable to do because the vaccine can

utama/20210322/3137288/vaksin-covid-19-astrazeneca-mulai-digunakan/.

³⁴محمد صدقي بن احمد البرنو أبو الحارث الغزي, موسوعة القواعد الفقهية الجزء التاسع (بيروت: مؤسسة الرسالة,

٢٥.ص.٢٠٠٣

prevent harm for self and others. Therefore, the sixth emergency requirement has been fulfilled.

The seventh requirements, there is a statement from the Government that the emergency has occurred in a country. In this case, the emergency statement is represented by the Indonesian Ulema Council as the institution of fatwa determination. The government submitted a fatwa application to the Indonesian Ulema Council as a guide for the implementation of the vaccination program contained in Fatwa MUI No. 14 of 2021 on the legality on using AstraZeneca's Vaccine.

CLOSING

The emergency outlined in the Fatwa of the Ulema Council No. 14 of 2021 on AstraZeneca Vaccine Use Law has been by the concept of emergency in Islamic law due to the fulfilment of emergency conditions in Islam which include: fears of loss of life and limbs; emergencies that have occurred; there is no other way to avoid an emergency except by doing something prohibited; no halal and holy remedies were found and recommendations from trusted doctors; prevented at a reasonable rate; not contrary to the basic Islamic sharia, including safeguarding the rights of others, preventing harm, and maintaining the essence of Islamic aqidah; and there is a statement from the Government that the obvious emergency has occurred in a country. The COVID-19 pandemic is an emergency that has caused the loss of many lives. Vaccination is an effort that is believed to reduce the rate of increase in cases of victims infected with COVID-19. However, the halal and holy vaccine when the fatwa is established is only the Sinovac vaccine, which is limited. So from the reasons that have been presented, the emergency outlined in the MUI fatwa has been following the concept of emergency in Islamic law.

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