



**Samarah:** Jurnal Hukum Keluarga dan Hukum Islam  
Volume 8. No. 2. July 2024  
ISSN: 2549 – 3132; E-ISSN: 2549 – 3167  
DOI: 10.22373/sjhk.v8i2.8938

## **Between *Darūrah* and Halal Integrity: MUI Fatwas on Harm-Derived Vaccines and Medicines**

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**Abstract:** This article aims to uncover emergency considerations in the halalness and hygiene of vaccines and medicines made from harm ingredients. This study is qualitative research using the *darūrah* concept approach by Wahbah al-Zuhailī. A *darūrah* approach to analyzing the needs of the Indonesian people for vaccinations and needed medicines. The data analyzed comes from literature and such as articles, books and the views of scholars. The results of the study found that in the MUI fatwa products on vaccination products and medicines there are different legal provisions, vaccines are considered halal and pure, which is very appropriate by considering the aspects of emergency in the teachings of Islamic law. Unlike the medicine made from pork gelatin, MUI forbids it because it is not included in *istihālah*. So that the MUI fatwa product has a significant influence in awakening Muslims in Indonesia to be careful in determining vaccines and medicines used. The implication is that the emergency consideration in terms of protecting the soul (*hifz al-nafs*) is personal for the perpetrators of vaccinations and medicines, their families, the wider community, and citizens of the world. This effort is the highest-level solution in terms of protecting the soul (*hifz al-nafs*) in *maqāsid shari'ah* terms. The hope of the fatwa is to try to provide a complex understanding to the public so that they believe that the raw materials of vaccine and medicine products are important to be considered halal and holy so that the public trusts all elements involved. In this way, that people also feel legally confident about the drugs they are using because their legal status is clear.

**Keywords:** Fatwas, MUI, *Istihālah*, *Darrah*, Islamic Law

|| Submitted: February 11, 2021 || Accepted: July 21, 2024 || Published: July 31, 2024

<http://jurnal.ar-raniry.ac.id/index.php/samarah>

**Abstrak:** Artikel ini bertujuan untuk mengungkap pertimbangan darurat dalam kehalalan dan kebersihan produk vaksin dan obat-obatan yang terbuat dari bahan yang diharamkan. Kajian ini merupakan penelitian kualitatif dengan menggunakan pendekatan konsep *darūrah* karya Wahbah al-Zuhailī. Pendekatan *darūrah* untuk menganalisa kebutuhan masyarakat Indonesia terhadap vaksinasi dan obat-obatan yang dibutuhkan. Data yang dianalisis berasal dari literatur dan seperti artikel, buku dan pandangan para ulama. Hasil penelitian menemukan bahwa dalam produk fatwa MUI tentang produk vaksinasi dan obat terdapat ketetapan hukum yang berbeda, vaksin dianggap halal dan suci itu sudah sangat tepat dengan mempertimbangan aspek kedaruratan dalam ajaran hukum Islam. Berbeda dengan obat dari gelatin babi, MUI mengharamkan karena tidak termasuk dalam hal *istihālah*. Sehingga produk fatwa MUI tersebut memberikan pengaruh yang signifikan dalam menyadarkan umat Islam di Indonesia untuk berhati-hati dalam menentukan vaksin dan obat-obatan yang digunakan. Implikasinya, pertimbangan darurat dalam hal menjaga jiwa (*hiḏz al-naḑs*) secara personal bagi pelaku vaksinasi dan obat-obatan, keluarganya, masyarakat luas, dan warga dunia. Upaya tersebut sebagai solusi tingkatan tertinggi dalam hal menjaga jiwa (*hiḏz al-naḑs*) dalam istilah *maqāṣid syarī'ah*. Harapan fatwa tersebut untuk berusaha memberikan pemahaman yang kompleks kepada masyarakat agar meyakini bahan baku dari produk vaksin dan obat-obatan menjadi penting dipertimbangkan yang halal dan suci sehingga masyarakat percaya kepada semua elemen yang terlibat. Dengan demikian, masyarakat juga merasa yakin secara hukum tentang obat yang digunakan sebab status hukumnya sudah jelas.

**Kata Kunci:** Fatwa, MUI, *istihālah*, *darūrah*, hukum Islam

## Introduction

In Islamic law, the concept of *darūrah* (compulsion) allows for the relaxation of certain prohibitions in situations of need.<sup>1</sup> This principle is particularly important and relevant in the context of medical treatment, which includes the use of vaccines.<sup>2</sup> These vaccines are often derived from ingredients that are traditionally considered harm (forbidden). In special circumstances where

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<sup>1</sup> Muhaimin, "The Interrelation between Islamic Law and Regional Regulations in Jember (Examining the Maqāṣid Al-Sharī'at-Based Reasoning in *Istinbāt Al-Ahkām*)," *Ahkam: Jurnal Ilmu Syariah* 20, no. 2 (2020), p. 299–330. Zakaria Syaḑei, "Tracing Maqāṣid Al-Sharī'ah In The Fatwas of Indonesian Council of Ulama (MUI)," *Journal of Indonesia Islam* 11, No. 1 (2017). Johari Johari, et.al., "Istiḑsān Method and Its Relevance to Islamic Law Reform: Content Analysis of Fatwa of Majelis Ulama Indonesia on Corneal Transplant," *De Jure: Jurnal Hukum dan Syarī'ah* 15, No. 1 (2023).

<sup>2</sup> Husni Mubarrak A. Latief, "Darurat Vaksin, Fatwa MUI Dan Tinjauan Fikih Daruri (Studi Kasus Fatwa Vaksin Covid-19 Di Indonesia)," *Istinbath* 20, no. 2 (2022), p. 241–61. Siti Aishah Zainudin, et.al., "Systematic Literature Review of The Research Design Based on Fatwa Methods," *International Journal of Islamic Thought* 25, No. 1 (2024).

there is no halal alternative and there is a serious threat to health and life, the principle of *darūrah* can be applied to allow the use of such vaccines. This demonstrates the flexibility of Islamic law in responding to urgent needs to safeguard the safety and welfare of humanity.<sup>3</sup>

The command to seek medical treatment, whether it is obligatory or Sunnah, is still valid today.<sup>4</sup> With the various types of diseases that have emerged in this era, there are also various types of medicines to treat them. Therefore, it is very important for every Muslim to pay attention to the halalness of every medicine consumed. Equally important is to pay attention to the harmful effects or not of the medicine. Some medicines may be derived from halal substances, while others are derived from haram substances. In addition, there are also medicines whose basic ingredients are halal, but the production process is not in accordance with the concept of halal according to sharia. This requires a Muslim to be more thorough and careful in choosing medicines, ensuring that in addition to being halal, they are also safe and beneficial to health without bringing negative impacts. The Covid-19 outbreak is still a health threat.<sup>5</sup> Muslims are required to have efforts to prevent the transmission of the epidemic through vaccination.<sup>6</sup> Vaccination has been implemented in several countries. Indonesia arranges to distribute vaccinations to citizens in January 2021 as a form of government effort to its people. Joko Widodo as Indonesian President is targeting the injection of the covid-19 vaccine to start in early 2021. However, the National Covid-19 Task Force has not been able to confirm the vaccination schedule because it highly depends on the results of clinical trials and permission from the National Food and Drug Monitoring Agency (*Badan Pengawas Obat dan Makanan/BPOM*).

Indonesia has entered an emergency period of Covid-19. More serious, systemic, and massive efforts must be made so that the Covid-19 pandemic and its impacts can be overcome. One of the efforts that can be made is through vaccination. One of the objectives of vaccination is to reduce transmission, sufferers, and deaths caused by Covid-19, and to create immunity in society (herd community). Nevertheless, not all elements of society agree on vaccination. Some

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<sup>3</sup> Efa Rodiah Nur and Fathul Mu, "Exploring the Flexibility of Islamic Law in Facing Global Humanitarian Issues : A Case Study of Lampung Province, Indonesia, in the Context of the COVID-19 Pandemic," *KnE Social Sciences* 2023 (2023), p. 357–71. Abubakar, A., & Abubakar, A. Hukum Vaksin MR: Teori Istihalah dan Istihlak versus Fatwa MUI. *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial*, Vol 23 No. 1, (2021) <https://doi.org/10.22373/jms.v23i1.8485>

<sup>4</sup> Zainul Mun'im, "The Epistemology of MUI's Fatwas on Covid-19: Bayani and Burhani Eclecticism," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (2022), p. 1–20.

<sup>5</sup> Syafrida and Ralang Hartati, "Bersama Melawan Virus Covid 19 Di Indonesia," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 7, no. 6 (2020), p. 495–508.

<sup>6</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 02 Tahun 2021 Tentang Produk Vaksin Covid-19 Dari Sinovac Life Sciences Co. Ltd. China Dan PT. Bio Farma" ([mui.or.id](http://mui.or.id), 2021).

Muslims refuse to get vaccinations due to theological reasons. The group also refuses to get immunization.<sup>7</sup>

In medicine, one issue that has received particular attention is the use of porcine gelatin. Gelatin is a frequently used ingredient in the food and pharmaceutical industries, obtained from the hydrolysis of collagen derived from the bones, skin and connective tissues of animals. Since porcine gelatin is derived from animals that are considered haram in Islam,<sup>8</sup> it raises concerns among Muslims regarding its halalness. This issue requires serious attention as many pharmaceutical products use *gelatine* as a binder, stabiliser or capsule forming agent. For Muslims, it is important to ensure that the medicines they consume are not only effective but also comply with the principles of Shariah. Therefore, there is an urgent need for the development and use of halal alternatives in the pharmaceutical industry in order to fulfil halal demands while safeguarding the health of the Ummah.<sup>9</sup> However, the vaccination effort received a pro-contra response among the community itself.<sup>10</sup> Those who agree with the vaccination think that vaccination is the maximum effort of the Indonesian government to provide a sense of security and solve the problem of Covid-19 transmission. Those who disagree with the vaccination explain that vaccination can cause side effects because it has not been tested for its efficacy. In fact, these people question the sanctity and halal values of the covid-19 vaccine product.

The Indonesian Ulema Council (*Majelis Ulama Indonesia*/MUI) continues to prohibit the use of pork *gelatine* absolutely because pork is considered unclean based on the views of the al-Shafi'i madhhab.<sup>11</sup> In the al-Shafi'i madhhab, all parts of pigs, whether meat, bones, or derivative products, are considered unclean and cannot be used in food or medicine. MUI upholds this principle in providing guidance to Muslims in Indonesia, so pork *gelatine* remains banned without exception. This approach demonstrates MUI's commitment to maintaining the sanctity and halalness of products consumed by Muslims. The ban also reflects an effort to ensure that all aspects of life, including health and

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<sup>7</sup> Abdul Mu'ti, "Fikih Vaksinasi Covid-19," *Media Indonesia*, 2021.

<sup>8</sup> Zamzahaila Mohd Zin, et. al., "Halal and Non-Halal Gelatine as a Potential Animal By-Products in Food Systems: Prospects and Challenges for Muslim Community," in *Proceedings of the First International Conference on Science, Technology, Engineering and Industrial Revolution (ICSTEIR 2020)*, (2021), p. 530–40. Nurdeng Deuraseh and Nurulhuda Asilah Asli, "Issues on Halal Foods with Special Reference to Fatwa on Halal Pet Food for Cats in Islamic Law," *El-Mashlahah* 12, No. 2 (2022).

<sup>9</sup> Abdul Syatar, et. al., "Examining Call for the Dissolution of Indonesian Ulema Council: Siyāṣah Syar'īyyah Perspective," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (2023), p. 199.

<sup>10</sup> Fajar Fathur Rachman and Setia Pramana, "Analisis Sentimen Pro Dan Kontra Masyarakat Indonesia Tentang Vaksin COVID-19 Pada Media Sosial Twitter," *Indonesian of Health Information Management Journal* 8, no. 2 (2020), p. 100–109.

<sup>11</sup> Mashudi and Abdullah Rosikh Fil Ilmi, "Public Response to Halal Certification: A Study of the Interaction between MUI Fatwa and LP POM MUI," *International Journal of Islamic Business and Economics* 8, no. 1 (2024).

medicine, conform to Islamic law. MUI encourages the pharmaceutical industry to seek and use halal alternative ingredients, ensuring that medical needs can be met without violating sharia principles. The MUI through the Fatwa Commission issued Fatwa (a binding ruling in religious matters) of a product regarding the covid-19 vaccine product.<sup>12</sup> The fatwa of the product is a common reference in receiving the covid-19 vaccination. There are still many negative narratives which try to underestimate the government regarding the vaccination. Hoax news is widely spread on social media that shows and raises public fear of the impact of the Covid-19 vaccination.

This research is a qualitative study using the approach of the concept of *darūrah* by Wahbah al-Zuhailī.<sup>13</sup> A *darūrah* approach to analyzing the needs of the Indonesian people for vaccinations and needed medicines. The data analyzed comes from literature and such as articles, books and the views of scholars. According to Wahbah, emergency is not limited to consumption needs only, but includes all efforts to defend themselves from all forms of harm, both to the soul, property, honors and intellect. Emergency is also a rule that has implications for legalizing the forbidden or leaving the obligatory. Therefore, emergency in this study is intended as a measuring tool in dissecting the MUI fatwa regarding vaccines and the use of drugs made from pig gelatin. Data sources are obtained from MUI fatwa products. Other data is obtained from credible sources, recent journals, relevant online news. Data collection was carried out by observation, conducting interviews with the management of the Fatwa Commission of MUI of South Sulawesi Province and documentation studies. Stages of data processing through reduction, presentation and conclusion.

### MUI's Role and Fatwas

Fatwas have an important position in Islamic law to solve various problems.<sup>14</sup> Fatwa has the meaning of a legal explanation of a problem which is the answer to a question.<sup>15</sup> People who state fatwas (mufti) are people who tell Allah's law because of his knowledge of these legal arguments.<sup>16</sup> Therefore, the existence of the mufti is very important, both from individuals and institutions.

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<sup>12</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 02 Tahun 2021 Tentang Produk Vaksin Covid-19 Dari Sinovac Life Sciences Co. Ltd. China Dan PT. Bio Farma."

<sup>13</sup> Wahbah Al-Zuhailī, *Al Fiqh Al Islāmī wa Adillatuh*, Jilid 8, (Damaskus: Dār al Fikr, 1989). Wahbah Al-Zuhailī, *Naẓariyāt Al-Daruriyat Al-Syar'iyah; Muqāranah Ma'a Al-Qanūn Al-Waḍ'ī*, (Damaskus: Dar al-Maktabah, 1996).

<sup>14</sup> M. Erfan Riadi, "Kedudukan Fatwa Ditinjau dari Hukum Islam dan Hukum Positif," *Ulumuddin* 6, no. 4 (2010), p. 468–77.

<sup>15</sup> Wan Mohd Khairul Firdaus and Wan Khairuddin, et. al., "Ethics of Mufti in the Declaration of Fatwa According to Islam," *Journal of Legal, Ethical, and Regulatory Issues* 22, no. 5 (2019), p. 1–7.

<sup>16</sup> Ahmad Mukhlisin, et.al., "Metode Penetapan Hukum dalam Berfatwa," *Al Istinbath: Jurnal Hukum Islam* 3, no. 2 (2018), p. 167–84.

The position of fatwas in the life of Muslims is not legally binding but fatwas are ethically binding in terms of its religious aspect. So that there is no chance for a Muslim to oppose it if the fatwa is based on the provisions of *ijtihad* which are valid and appropriate.<sup>17</sup> However, fatwas can be used as a source of material law to become positive law.<sup>18</sup>

There are several fatwa institutions in Indonesia.<sup>19</sup> However, the MUI is the partner of the government. The existence of MUI is based on Article 1 number 2, Article 7 paragraph (1) and Article 8 paragraph (1) of Law Number 12 Year 2011 that MUI fatwas are not statutory regulations, because they are not made by an authorized institution and do not have power binding generally.<sup>20</sup> MUI has issued several fatwas related to Islamic law. The MUI fatwa was issued, both related to aspects of worship and *muamalah* (relations among human beings). It is common for the MUI fatwa to cause controversy and polemics in the midst of society.<sup>21</sup> In fact, MUI fatwas also often cause debate among Muslims themselves, because they are caused by various factors.

The MUI Fatwa Commission has issued several fatwa products during the Covid-19 pandemic. These products include a fatwa regarding the Guidelines for the Management of the Corpse (*Tahjīs al-Janāiz*) of Muslims Infected by Covid-19.<sup>22</sup> Issues Fatwa concerning the Implementation of Worship in a Situation of Covid-19 Outbreak.<sup>23</sup> Issues a Fatwa concerning Guidelines for Prayers for Health Workers Who Wear Personal Protective Equipment (PPE) when caring for and handling Covid-19 Patients.<sup>24</sup> Issues a Fatwa on Guidelines for Kaifiat Takbir

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<sup>17</sup> Mohammad Syifa Amin Widigdo and Homaidi Hamid, "The Power of Fatwā in Indonesia: An Analysis of MUI's Controversial Fatwās," *Afkaruna* 14, no. 2 (2018), p. 146–66..

<sup>18</sup> Slamet Suhartono, "Eksistensi Fatwa Majelis Ulama Indonesia Dalam Perspektif Negara Hukum Pancasila," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 12, no. 2 (2018), p. 448.

<sup>19</sup> Syifa Amin Widigdo and Hamid, "The Power of Fatwā in Indonesia: An Analysis of MUI's Controversial Fatwās."

<sup>20</sup> Suhartono, "Eksistensi Fatwa Majelis Ulama Indonesia Dalam Perspektif Negara Hukum Pancasila."

<sup>21</sup> Danu Aris Setiyanto, "Fatwa Sebagai Media Social Engineering (Analisis Fatwa MUI Di Bidang Hukum Keluarga Pasca Reformasi)," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 3, no. 1 (2018), p. 85

<sup>22</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor: 18 Tahun 2020 Tentang Pedoman Pengurusan Jenazah (Tahjiz Al-Jana'iz) Muslim Yang Terinfeksi Covid-19" ([mui.or.id](http://mui.or.id), 2020).

<sup>23</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor: 14 Tahun 2020 Tentang Penyelenggaraan Ibadah Dalam Situasi Terjadi Wabah Covid-19," *Majelis Ulama Indonesia* ([mui.or.id](http://mui.or.id), 2020).

<sup>24</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor: 17 Tahun 2020 Tentang Pedoman Kaifiat Shalat Bagi Tenaga Kesehatan Yang Memakai Alat Pelindung Diri (Apd) Saat Merawat Dan Menangani Pasien Covid-19" ([mui.or.id](http://mui.or.id), 2020).

and Eid Prayers during the Covid-19 Pandemic.<sup>25</sup> Issues a Fatwa concerning the use of Zakat, *Infak*, and *Shadaqah* assets to prevent the Covid-19 outbreak and Its Impact.<sup>26</sup> Issues a Fatwa concerning the Implementation of Friday Prayers and its pilgrims to prevent Covid-19 Outbreaks.<sup>27</sup> Previously, the MUI also issued a fatwa on immunization permissibility.<sup>28</sup> This immunization capability is one of the considerations of the MUI Fatwa Commission in issuing a fatwa on the Covid-19 vaccine.

During the Covid-19 pandemic, various lines of religious life experienced their own challenges, so that being religious in moderation was an absolute priority.<sup>29</sup> The most worrying thing about the impact of Covid-19 from a religious perspective is the emergence of a phobia against the teachings of Islam itself, Islamophobia arose during the Covid-19 pandemic.<sup>30</sup>

The government is the party that requests fatwas from MUI on the laws of medicine and treatment. MUI considers three factors before assessing whether a product is halal.<sup>31</sup> The first is that all raw materials, additives, and supporting materials must be halal; the second is that there must be no unclean contamination during production; and the third is that LPPOM is required to certify halal medicines to ensure that the product is halal. These specifications make it clear that medicines containing pork components are no longer eligible for a halal fatwa.

The Indonesian Ulema Council (MUI) issued a fatwa on the prohibition of pork *gelatine* in 2001. This fatwa confirms that *gelatine* derived from pigs is harm and should not be used in food products, medicines, or other products consumed by Muslims. MUI took this decision based on the view of the al-Shafi'i Madhhab, which states that pigs are heavily impure (*najīs mugallaḏah*).

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<sup>25</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 28 Tahun 2020 Tentang Panduan Kaifiat Takbir Dan Shalat Idul Fitri Saat Pandemi Covid-19 Komisi," *Majelis Ulama Indonesia* (mui.or.id, 2020).

<sup>26</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor: 23 Tahun 2020 Tentang Pemanfaatan Harta Zakat, Infak, Dan Shadaqah Untuk Penanggulangan Wabah Covid-19 Dan Dampaknya" (Mui.or.id, 2020).

<sup>27</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 31 Tahun 2020 Tentang Penyelenggaraan Salat Jum'at dan Jamaah Untuk Mencegah Penularan Wabah Covid-19" (mui.or.id, 2020).

<sup>28</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 04 Tahun 2016 Tentang Imunisasi" (mui.or.id, 2016).

<sup>29</sup> Abdul Syatar, et.al., "Darurat Moderasi Beragama Di Tengah Pandemi Corona Virus Disease 2019 (Covid-19)," *KURIOSITAS: Media Komunikasi Sosial Dan Keagamaan* 13, no. 1(2020), p. 1–13.

<sup>30</sup> Muammar Bakry, et. al., "Arguing Islamophobia during COVID-19 Outbreaks: A Consideration Using Khuṣūṣ Al-Balwā," *International Journal of Criminology and Sociology* 9, (2020), p. 2757–65.

<sup>31</sup> Uus Ahmad Husaeni and Selviana Zakiah, "Determinants of Buying Intention of Halal Products on Private Islamic Religious College Lecturers in West Java," *Asian Journal of Islamic Management* 4, no. 1 (2022), p. 59–71.

Everything that meets or comes from pigs, including *gelatine*, is considered unclean and forbidden to use.

This view is also reinforced by the fact that pig *gelatine* does not undergo a process of substance change known as *istihālah*, which can change the halal status of an ingredient. Since there is no change in substance that makes it pure, the use of pork *gelatine* in consumed products remains harm. On 11<sup>th</sup> January 2021, MUI issued a fatwa product regarding the Covid-19 vaccine. The fatwa product stipulates two legal provisions, namely that the covid-19 vaccine produced by Sinovac Life Sciences Co. Ltd. China and PT Bio Farma (Persero) have halal and holy laws.<sup>32</sup> Covid-19 vaccine produced by Sinovac Life Sciences Co. Ltd. China and PT Bio Farma can be used by Muslims if their safety is guaranteed according to a credible and competent expert.<sup>33</sup>

The urgency of the global COVID-19 pandemic required rapid development and deployment of vaccines, some of which involved harm substances in their production. In Islamic ethics, the principle of *darūrah* (necessity) allows for ordinarily prohibited actions to be permissible under specific conditions of extreme necessity. This principle is invoked when there is a genuine threat to life or health that cannot be averted by permissible means. The global pandemic posed a significant threat to human life and health on an unprecedented scale. In such dire circumstances, where lives are at risk and there is an urgent need for intervention, scholars may invoke the principle of *darūrah* to justify actions that would otherwise be considered impermissible. Some COVID-19 vaccines have been developed using substances that are considered haram (impermissible) in Islam, such as certain types of *gelatin* or ingredients derived from non-halal animals. Despite this, scholars from various Islamic bodies, including the Indonesian Ulema Council (MUI), have issued rulings allowing Muslims to take these vaccines due to the overriding necessity of saving lives.

The justification for permitting the use of vaccines containing haram substances under the principle of *darūrah* hinges on the severity of the pandemic and the absence of halal alternatives that could effectively address the crisis within the required timeframe. The primary concern here is to prevent widespread loss of life and to protect public health. Muslims are encouraged to seek halal options wherever possible. However, in situations where only haram options are available for critical needs like health and survival, the individual is not held accountable for using the haram option when no permissible alternative exists. These decisions often spark ethical debates within Islamic communities, with varying interpretations and perspectives from scholars worldwide. The balance between

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<sup>32</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 02 Tahun 2021 Tentang Produk Vaksin Covid-19 Dari Sinovac Life Sciences Co. Ltd. China Dan PT. Bio Farma."

<sup>33</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 02 Tahun 2021.



upholding religious principles and addressing urgent humanitarian needs remains a topic of ongoing discussion and deliberation.

### MUI's *Istidlāl* in the Fatwa on Vaccines and Medicines from Pig *Gelatin*

The MUI Fatwa Commission took the evidence from 3 verses of the Quran. One of the three verses is the word of Allah in Qur'an surah al-Baqarah verse 173:

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخَنزِيرِ وَمَا أُهْلَ بِهِ لِغَيْرِ اللَّهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

Meaning: He has forbidden you only (to eat carrion) which dies of itself, the blood, the flesh of swine and that over (the sacrifice of) which the name of someone other than Allah has been invoked. Yet He who is constrained (to use them) without desiring (them) nor going beyond the limits (of bare necessity), incurs no sin. Surely, Allah is Great Protector, ever Merciful.<sup>34</sup>

The understanding of the verse is that Allah is absolutely forbidden to something that is mentioned in the verse such as carcasses, blood, pork and animals that are not slaughtered by the name of Allah. However, it is permissible to consume what is haram for Muslims in an emergency without exceeding the limit according to their needs. In context, the covid-19 vaccine can be said to be something which is emergency because it can prevent massive transmission of the pandemic through in-depth studies from experts in their respective fields.

The evidence of several hadiths revealed by the MUI Fatwa Commission, one of them was the hadith narrated by Imam al-Bukhari hadith number 5678:

مَا أَنْزَلَ اللَّهُ دَاءً إِلَّا أَنْزَلَ لَهُ شِفَاءً

Meaning: It is not Allah who sends down a disease, but Allah will also send down the cure / antidote.<sup>35</sup>

The instructions from the hadith suggest that Muslims should believe that each epidemic has vaccinations that can prevent transmission. Therefore, Islamic teachings contain principles of justice and the benefit of mankind when an epidemic occurs. The MUI determined this hadith as one of the arguments in issuing a law (*istinbat*) regarding Covid-19 vaccine products.

The MUI Fatwa Commission also carried out proposition (*istidlāl*) by taking fiqh principles that are relevant to the issue of the Covid-19 vaccine.<sup>36</sup> One

<sup>34</sup> Kementerian Agama RI, *Al-Qur'an Dan Terjemahannya* (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an Badan Litbang dan Diklat Kementerian Agama RI, 2019).

<sup>35</sup> Muhammad bin Ismail Abu Abdillah Al-Bukhari, *Shahih Al-Bukhary*, I (Bairut: Dar al-Thuq al-Najah, n.d.).

<sup>36</sup> Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 02 Tahun 2021 Tentang Produk Vaksin Covid-19 Dari Sinovac Life Sciences Co. Ltd. China Dan PT. Bio Farma."

of the fiqh principles mentioned is (الضرر يزال) harm must be eliminated).<sup>37</sup> That principle is one of the five *qawā'id al-fiqhiyah al-kubrā*.<sup>38</sup> The harm which is meant by the fiqh principle is a condition that threatens a person's life so that it is permissible to do an act that is prohibited or to consume what is forbidden.<sup>39</sup>

Criticism of the MUI Fatwa Commission *istidlāl* on the Covid-19 vaccine does not take and mention the source of Islamic law from the *Ijmak* and *Qiyas*. *Ijmak* and *Qiyas* should be the legal methods used in the fatwa products. In fact, the arguments of the Qur'an and the sunnah that are presented in the fatwa should provide a form of appointment in the argument (*wijh al-dilālah*) and then be correlated with the issue of vaccines. This case aims to ease society to become more easily understand the form of the presentation of arguments related to the issue being confronted.

In determining the law regarding the use of drugs that contain haram elements such as pig gelatin, MUI refers to several arguments from the Qur'an, Hadith, and fiqh rules, as well as considering the opinions of previous scholars. The Quranic proposition in Surah Al-Baqarah (2: 173): This verse confirms that Allah has forbidden several types of food, including pork. However, Allah makes an exception in cases of emergency, where one is forced to consume it to preserve life. This verse shows that in cases of emergency, there is leeway in eating what is forbidden. Another verse in Surah Al-An'am (6: 119). This verse confirms that Allah has explained what He has forbidden to mankind, except in cases of necessity. It also confirms that in cases of emergency, there is leeway in religious rulings.

Referring to some of these explanations, we can conclude that the *istinbat* method used by MUI in determining the fatwa on drugs containing pork elements uses the *istishlāhi* method, namely giving consideration to the benefit or known as *mashlahah mursalah* that treatment with something unclean or forbidden in a *darūrah* condition is allowed and even an obligation to maintain the benefit of the soul.

### ***Darūrah* Analysis in the MUI Fatwa Product**

Vaccines which are containing a mixture of haram substances can become halal when they go through the *istihālah* process. *Istihālah* is the change of an unclean substance into a holy substance which, through its final process, is not the same as its original form. The use of the emergency principle (*darūrah*) is a

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<sup>37</sup> Thalbah, "Kaidah Fiqhiyah Furu'iyah: Penerapannya Pada Isu Kontemporer," *Tahkim: Jurnal Hukum Dan Syariah* 10, no. 1 (2014), p. 67–88.

<sup>38</sup> 'Abdul 'Aziz Muhammad 'Azzam, *Al-Qawā'id Al-Fiqhiyah* (Kairo: Dar al-Hadis, 2005).

<sup>39</sup> Syamsul Hilal, "Qawā'id Fiqhiyyah Furū'iyah Sebagai Sumber Hukum Islam," *Al-Adalah* 11, no. 2 (2013): 141–54.

situation that forces a person to do haram because there is no other halal alternative that can solve a problem.<sup>40</sup>

In this case, the emergency principle to legalize the covid-19 vaccine is divided into two types:

1. Something is claimed to be an emergency when a real situation occurs or is predicted to occur soon so that it can be considered as certain situation.
2. Prediction of the future based on correct statistical calculations, can be considered as an emergency, because scientific considerations and calculations are relatively occurred.

According to Abu Zahrah,<sup>41</sup> shariah value has three objectives, namely purifying the soul, upholding social justice and creating general benefits (*maṣlahah al-'āmm*). Therefore, according to Muammar Bakry,<sup>42</sup> based on the consideration of the general benefit as one of the goals of Islamic law, the Covid-19 vaccination has been very urgent and has an emergency nature (*dārūrī*).

The MUI fatwa product which explains that the Sinovac vaccine is halal and clean. The Food and Drug Monitoring Agency (BPOM) stated that the Sinovac vaccine is safe and useful to use, there is no longer a strong reason to refuse vaccination. Based on considerations of the general benefit, the main level of emergency (*martabah al-dārūrī*) and in order to save the life of the nation and protect the community from the Corona outbreak, covid-19 vaccination can be claimed as mandatory. If it is not resolved immediately, the Covid-19 pandemic will increasingly run out of control, threatening the future of the nation and causing economic, social, health, political and other serious problems.

President Joko Widodo became the first person to administer the vaccination after the fatwa for the Covid-19 vaccine was issued by the MUI. In fact, in every region in Indonesia the first ones to be vaccinated are the regional heads and community leaders who are considered to have influence. In real terms, vaccination is something that should be followed by the wider community to protect the soul of the person being vaccinated, their families, and the wider community. This indicates that the MUI fatwa prioritizes emergency aspects in Islamic teachings.

The emergency considerations in the MUI fatwa product regarding the ability to use Covid-19 vaccine products have received support from large social organizations (social organizations) in Indonesia. Muhammadiyah organizations<sup>43</sup> are committed to joint efforts to support the Covid-19 vaccination

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<sup>40</sup> Wahbah Al-Zuhailī, *Naẓariyāt Al-Ḍaruriyat Al-Syar'iyah; Muqāranah Ma'a Al-Qanūn Al-Waḍ'ī*.

<sup>41</sup> Muhammad Abu Zahrah, *'Ilm Ushul Al-Fiqh* (Kairo: Dar al-Fikr al-'Arabi, 2013).

<sup>42</sup> Interview with Muammar Bakry, Majelis Ulama Indonesia South Sulawesi, August 12, 2023.

<sup>43</sup> Muhammadiyah, "Majelis Tarjih: Vaksinasi Merupakan Bagian Dari Ikhtiar Yang Dianjurkan Agama," Muhammadiyah.or.id, 2021.

program. According to Najamuddin Safa,<sup>44</sup> explained that when the availability of Covid-19 vaccine meets the safe criteria, its efficacy has been certified by an institution that has the authority and its halal value has also been confirmed by MUI, there is no choice not to follow the fatwa.

Nahdlatul Ulama (NU) through Ahmad Ishamuddin Rais Syuriah,<sup>45</sup> the NU Executive Board, calls on NU citizens to join the Corona virus vaccine injection program. Ahmad Ishamuddin also explained that the covid-19 vaccination effort in Islamic teachings has a legal obligation for each individual (*farḍu 'ain*). According to Muhammadiyah, vaccination is part of an effort to cut off and end the spread of Covid-19 pandemic. Whereas, Muhammadiyah is trying to invite all its citizens to work together to prevent the occurrence of Covid-19 transmission to be actively involved in this safe, effective and lawful vaccination, this initiative is part of humanitarian jihad.

Meanwhile, Syamsul Bahri, Secretary of the South Sulawesi Province MUI Fatwa Commission, explained that the vaccine emergency fatwa issued by the MUI was in accordance with the agreed fatwa methodology.<sup>46</sup> Abdul Gaffar and Ahmad Baharuddin explained that as long as the *istihālah* process continues, it can be said to be an emergency. So as a clerical institution recognized by the state and followed by the public, the Indonesian Ulema Council has its own mechanism for issuing fatwas, including on the Covid-2019 issue.<sup>47</sup>

Regarding the issue of Covid-2019 conditions, prioritizing the context of benefit and *maqāṣid shari'ah*. For example, the government's policy of not praying in congregation at mosques when conditions of transmission are high actually refers to protecting the soul (*hifz al-naḥs*) so that people do not contract the virus and health protocols. Therefore, it should be noted that the government's policy contains benefits which aim to avoid harm and avoid danger as stated in the rules of fiqh. This government policy is also based on the fatwa of the Indonesian Ulema Council. So, in the context of Islamic law, avoiding harm and obeying the government is also a command of sharia.<sup>48</sup>

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<sup>44</sup> Interview with Najamuddin Safa, Chairman of the MUI, South Sulawesi, 7 August 7, 2023.

<sup>45</sup> Kandi Setiawan, "PBNU: Vaksinasi Ikhtiar Cegah Covid-19," NU Online, 2021.

<sup>46</sup> Interview with Syamsul Bahri, Secretary of the Fatwa Commission of MUI of South Sulawesi, August 7, 2023.

<sup>47</sup> Interview with Abdul Gaffar, Chairman of the MUI Fatwa Commission of Southeast Sulawesi, May 9, 2024. Interview with Ahmad Baharuddin, Islamic Law Expert in Makassar, May 21, 2024.

<sup>48</sup> Salman Abdul Muthalib, et.al., "Changes in Congregational Prayer Practices During the Covid-19 Pandemic in Aceh from Maqashid al-Sharia Perspective," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 16, No. 2 (2021). Taufiqurohman Taufiqurohman and Nelli Fauziah, "The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law," *El-Usrah: Jurnal Hukum Keluarga* 6, No. 1 (2023).

According to Achmad Musyahid, the guidance of Islamic law hints that Muslims believe that every outbreak there is a vaccination that can prevent transmission. Prevention is part of the efforts or efforts made by humans, as in the past Caliph Umar bin Khattab also avoided the transmission of disease outbreaks.

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The two largest mass organizations agreed to make one of the considerations, namely the MUI fatwa Number 2 of 2021 concerning Covid-19 Vaccine Products. Both mass organizations have conducted a study on the existence of a vaccine program from the Government. Vaccines that have been widely used in various diseases and covid-19 vaccination have been adjusted to WHO standards, both of which support the implementation of vaccination. The availability of the covid-19 vaccine is still limited, making some vaccines still in the development process and the government is seeking supplies from various vaccine manufacturing companies. The government ensures the vaccine testing process to ensure safety through a process carried out by the National Food and Drug Monitoring Agency (BPOM) and obtaining a halal fatwa from the Indonesian Council of Religious Scholars.

If we look at the concept of emergency which stated by Wahbah al-Zuhaili, namely that the occurrence of a very serious condition of danger or difficulty to a human makes him worry about damage or injuring the soul, body, honor, reason, property and everything related to it.<sup>50</sup> Emergency considerations in the use of Covid-19 vaccine products which aim to prevent transmission and save people who are vaccinated. The emergency covers all types of harms, including those related to the Covid-19 vaccine.

The need for Covid-19 vaccination products is at an emergency level. Emergency indicators and limitations in the use of the Covid-19 vaccine due to several reasons, as stated as follow:

1. An emergency can be based on definite knowledge and guesswork in the form of predictions. Data on humans who have suffered from Covid-19 can be used as a principal in terms of certainty of knowledge. Meanwhile, predictions can be seen from the development clusters of the spread of Covid-19.
2. There is no other solution other than Covid-19 vaccination products.
3. Based on the information from trusted experts, the majority of experts in their fields agree with the use of Covid-19 vaccine products.
4. Get treatment in an emergency, unlawful (haram) use can be used based on doctor's recommendation. In this case, the covid-19 vaccination if some

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<sup>49</sup> Interview with Ahmad Musyahid, Islamic Law Expert in Makassar, May 21, 2024.

<sup>50</sup> Kandi Setiawan, "PBNU: Vaksinasi Ikhtiar Cegah Covid-19," NU Online, 2021. Mashuri Mashuri, et.al., "Maqāsid Shari'ah Flexibility to Overcome COVID-19 in Indonesia: From Government Policies to Fatwā of Council of Indonesian Ulama (MUI), Nahdlatul Ulama (NU), and Muhammadiyah," *De Jure: Jurnal Hukum dan Syari'ah* 13, No. 2 (2021).

people suspect that the raw material is made from pork, with emergency considerations it can still be used.

One connection with the Covid-19 vaccination emergency is in terms of emergency of food and medication. The MUI fatwa reveals the Qur'anic argument which states it is permissible to consume carcasses, pork under compulsion. To maintain life requires prevention and treatment. Covid-19 vaccination is the best preventive measure to date. The emergency use of the Covid-19 vaccination shows the flexibility of Islamic teachings contained in the MUI fatwa.

### Conclusion

Based on the information provided, the MUI fatwa distinguishes between vaccines and medicines made from substances considered impermissible in Islam, such as pork *gelatin*. Vaccines are deemed halal and pure because they are seen as necessary for emergencies according to Islamic teachings, specifically under the principle of protecting the soul (*hifz al-nafs*). This stance not only influences the practice of Muslims in Indonesia but also fosters caution in choosing vaccines and medicines. The fatwa's implication is profound, as it encourages awareness among Muslims regarding the halal status of vaccines and medicines. It underscores the importance of ensuring that these products comply with Islamic principles, particularly in critical situations where protecting lives (*hifz al-nafs*) is paramount. This effort aligns with the highest-level goals (*maqāṣid shari'ah*) of preserving life and health. Ultimately, the fatwa aims to provide a comprehensive understanding to the public, emphasizing the significance of halal and pure ingredients in vaccine and medicine production. This enhances public trust in the safety and religious compliance of these products, benefiting not only individuals and families but also the broader community and global citizens.

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