

Legal Problems Using AstraZeneca Vaccine: Hermeneutic Analysis of the Fatwa of the Indonesian Ulema Council

Problematika Hukum Penggunaan Vaksin AstraZeneca: Analisis Hermeneutik terhadap Fatwa Majelis Ulama Indonesia

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Abstract: Recently, the Indonesian Muslim community has been shocked by the government's policy to use the AstraZeneca Vaccine to minimize the negative impact of Corona Virus Disease 10 (Covid-19). This policy is permitted by the Fatwa of the Indonesian Ulema Council (MUI), although it uses trypsin from pigs to make the vaccine. This article explains the legal problems of using the vaccine from a hermeneutic perspective. This research is a literature review using the MUI Fatwa Number 14 of 2021 concerning the Law on the Use of the Covid-19 Vaccine for AstraZeneca Products as primary data and analyzing it descriptively with a hermeneutic approach. The authors found that the MUI Fatwa Number 14 of 2021 was a direct request from the government and was used as a guideline for implementing the AstraZeneca Vaccine for Muslim communities in Indonesia. In determining the fatwa on the permissibility of using the AstraZeneca Vaccine in an emergency to create herd immunity against Covid-19, the MUI Fatwa Commission uses the *qiyās* and *maqāsid al-syarī'ah* methods. The use of these two methods can be seen from the citation of several fiqh rules and opinions of previous scholars. Even though there are contradictory responses to the MUI Fatwa, the only difference lies in the concept of *istihālah* (change of unclean objects to become holy) used by the fatwa institution.

Keywords: Fatwa, Indonesian Ulema Council, AstraZeneca, Hermeneutics, Covid-19.

Abstrak: Akhir-akhir ini, masyarakat muslim Indonesia dihebohkan dengan kebijakan pemerintah untuk menggunakan Vaksin AstraZeneca dalam rangka meminimalisir dampak negatif dari Corona Virus Disease 10 (Covid-19). Kebijakan tersebut dibolehkan oleh Fatwa Majelis Ulama Indonesia (MUI), walaupun dalam proses pembuatan vaksinya menggunakan tripsin dari babi. Artikel ini bertujuan untuk menjelaskan problematika hukum penggunaan vaksin tersebut dari perspektif hermeneutik. Penelitian ini merupakan kajian pustaka dengan menjadikan Fatwa MUI Nomor 14 Tahun 2021 tentang Hukum Penggunaan Vaksin Covid-19 Produk AstraZeneca sebagai data primer dan menganalisisnya secara deskriptif dengan pendekatan hermeneutik. Penulis menemukan bahwa Fatwa MUI Nomor 14 Tahun 2021 merupakan permintaan langsung dari pemerintah dan digunakannya sebagai pedoman pelaksana penggunaan Vaksin AstraZeneca bagi masyarakat muslim di Indonesia. Dalam menetapkan fatwa kebolehan penggunaan Vaksin AstraZeneca dalam kondisi darurat untuk menciptakan kekebalan kelompok masyarakat (*herd immunity*) terhadap Covid-19, Komisi Fatwa MUI menggunakan metode *qiyās* dan *maqāsid al-syarī'ah*. Penggunaan kedua metode ini terlihat dari pengutipan beberapa kaidah fikih dan pendapat para ulama terdahulu. Walaupun terdapat respon yang kontra terhadap Fatwa MUI tersebut, perbedaan hanya terletak pada konsep *istihālah* (perubahan benda najis menjadi suci) yang digunakan oleh lembaga fatwa.

Kata Kunci: Fatwa, Majelis Ulama Indonesia, AstraZeneca, Hermeneutik, Covid-19.

A. Introduction

In early 2021, the Indonesian Muslim community was shocked by Indonesia's policy of using the AstraZeneca Vaccine to minimize the negative impact of Corona Virus Disease 10 (Covid-19). This policy is supported by the Fatwa of the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI) Number 14 of 2021 concerning the Law on the Use of the Covid-19 Vaccine AstraZeneca Products. Although in making the AstraZeneca vaccine, trypsin from pigs is used, the MUI still allows its use in emergency conditions. This fatwa not only caused a polemic in the middle of the season¹ but also internally at MUI.² The chairman of the MUI for East Java Province, Muhammad Hasan Mutawakkil Alallah, claimed

¹ Syariffuddin Syariffuddin, Fitri Wahyuni, and Siti Rahmah, "Penyuluhan Hukum dalam Upaya Peningkatan Kesadaran Hukum terhadap Vaksinisasi Covid-19 di Kabupaten Indragiri Hilir," *Community Development Journal: Jurnal Pengabdian Masyarakat* 2, no. 3 (20 November 2021): 1041-46.

² Syailendra Persada, "Wamenag Minta Publik Hentikan Polemik Fatwa Halal Vaksin AstraZeneca," *Tempo*, March 23, 2021, <https://nasional.tempo.co/read/1444883/wamenag-minta-publik-hentikan-polemik-fatwa-halal-vaksin-astrazeneca>.

that the vaccine was not forbidden (*haram*) but halal and suitable to use. Therefore, the legal problems of using the AstraZeneca Vaccine in the MUI fatwa are essential for the authors to examine in this paper.

The authors have traced several scholars who have studied the fatwas issued by MUI. Among these fatwas are democracy and religious pluralism,³ blasphemy against Islam by Ahok,⁴ sharia mutual funds,⁵ and restrictions on religious activities.⁶ By using the content analysis approach and Islamic legal philosophy, Moch. Nurcholis found that the determination of the MUI Fatwa Number 14 of 2021 used the *maqāsid al-syarī'ah* paradigm.⁷ According to Abdul Khaliq Napitupulu et al., the fatwa is correct. Napitupulu et al. found three emergency aspects in using the AstraZeneca Vaccine in the Covid-19 pandemic: food and health, *al-'usr* and *umūm al-balwa* emergencies and *darurah al-marādh*.⁸ Abdul Hakim and Yazid Imam Bustomi analyzed that the fatwa used a *maqāsid al-syarī'ah* approach to determine the law of *al-maslahah al-mursalah* in its determination.⁹

This paper complements the results of previous research related to the MUI Fatwa Number 14 of 2021. Moreover, it explains the legal problems of using the

³ Syafiq Hasyim, "Fatwas and Democracy: Majelis Ulama Indonesia (MUI, Indonesian Ulema Council) and Rising Conservatism in Indonesian Islam," *TRaNS: Trans-Regional and -National Studies of Southeast Asia* 8, no. 1 (Mei 2020): 21–35.

⁴ Iswandi Syahputra, "Social Media Activities and the 212 Movement: The Indonesian Ulema Council's Perspective," *Al-Jami'ah: Journal of Islamic Studies* 58, no. 2 (20 Desember 2020): 323–54.

⁵ Umi Widyastuti dkk., "Sharia Compliance in Sharia Mutual Funds: A Qualitative Approach," *International Journal of Economics and Business Administration* VIII, no. 3 (19 Juli 2020): 19–27.

⁶ Salman Abdul Muthalib dkk., "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 (31 Desember 2021): 421–49. M. Asrorun Ni'am Sholeh, "Towards a Progressive Fatwa: MUI's Response to the COVID-19 Pandemic," *AHKAM: Jurnal Ilmu Syariah* 20, no. 2 (30 Desember 2020): 282–98.

⁷ Moch Nurcholis, "Fikih Maqasid Dalam Fatwa Majelis Ulama Indonesia tentang Penggunaan Vaksin Covid-19 Produk Astrazeneca," *Tribakti: Jurnal Pemikiran Keislaman* 32, no. 2 (31 Juli 2021): 315–32.

⁸ Abdul Khaliq Napitupulu dkk., "Analisis Konsep Al-Darurah dalam Fatwa DSN-MUI No. 14 Tahun 2021 tentang Penggunaan Vaksin Strazeneca," *at-thullab Jurnal Mahasiswa Studi Islam* 3, no. 2 (13 Desember 2021): 749–67.

⁹ Abdul Hakim dan Yazid Imam Bustomi, "Analisis Istinbath Ahkam Fatwa Majelis Ulama Indonesia Nomor 14 Tahun 2021 tentang Hukum Penggunaan Vaksin Covid-19 Produk Astrazeneca," *Muḍṣarah: Jurnal Kajian Islam Kontemporer* 3, no. 2 (31 Desember 2021): 1.

vaccine from the hermeneutic perspective Khaled M. Abou El Fadl put forward.¹⁰ The negotiation of the three elements in Khaled M. Abou El Fadl's hermeneutics (author, text and reader) is discussed in this article. There are three purposes of this paper. First, explain government policies and requests for fatwas against the AstraZeneca Vaccine. Second, to describe the methods and legal arguments used by the MUI Fatwa Commission in determining fatwas. Third, to describe the response of the preachers and their problems with the fatwa.

This paper is literature research using the hermeneutic approach of Khaled M. Abou El Fadl. The primary data that the author uses is the MUI Fatwa Number 14 of 2021 concerning the Law on the Use of the Covid-19 Vaccine for AstraZeneca Products, while the secondary data is in the form of journals, articles, newspapers, government websites, the internet, laws and regulations, and other supporting data related to this research. Regarding searches from the internet, the authors explore the responses of the most famous preachers on YouTube regarding the AstraZeneca Vaccine law. The data analysis technique that the author uses is the Miles and Huberman model with three stages, namely data reduction, data presentation or presentation, and conclusion drawing or verification.¹¹

B. Use of AstraZeneca Vaccine: Government Policy and Request for Fatwa

Since the emergence of the Covid-19 pandemic and the discovery of a vaccine to minimize its impact, AstraZeneca has become widely known by the people of Indonesia. AstraZeneca is a drug organization from the UK that collaborates with Oxford College in creating immunizations against Covid-19. The AstraZeneca immunization was produced using a defenceless variant of the usual cold infection of chimpanzees that has been adapted not to fill people. At a recent start, it still includes more than 20,000 volunteers. The AstraZeneca immunization was produced using a defenceless variant of the common cold infection in chimpanzees that has been adapted not to infect humans. Quoted from the BBC, it is referenced that the AstraZeneca antibody has average adequacy of 70%. Another

¹⁰ Muhammad Lutfi Hakim, "Hermeneutik-Negosiasi dalam Studi Fatwa-Fatwa Keagamaan: Analisis Kritik terhadap Pemikiran Khaled M. Abou el Fadl," *istinbath* 19, no. 1 (16 Juli 2020): 27–52.

¹¹ Matthew B. Miles, *Analisis Data Kualitatif: Buku Sumber tentang Metode-Metode Baru*, trans. Tjejep Rohandi (Jakarta: UI-Press, 1992), 11.

benefit of antibodies is that they are not difficult to convey, given the fact that there is no need to stockpile at freezing room temperature.¹²

As a world health institution, the World Health Organization (WHO) has determined the Covid-19 Virus as a global pandemic that attacks the world community massively. As a result of the COVID-19 pandemic, Indonesia has begun to make and determine various policies, ranging from lockdowns in large cities to enacting Large-Scale Social Restrictions (PSBB) policies in several areas that are in red zones such as Jakarta, Surabaya, Gresik and Sidoarjo. After the policy, the government implemented the new normal with strict health protocols until early 2021. The government, through the Ministry of Home Affairs instruction no. 02 of 2021 stipulates the policy of Enforcement of Restrictions on Community Activities for a small scale from February 9 to 22, 2021.¹³ After the implementation of PSBB was deemed ineffective in suppressing the spread of the Covid-19 outbreak, the government-initiated Restrictions on Community Activities on a Microscale (PKMM) based on directions from the Minister Domestically in controlling the spread of Covid-19. Compared to the PSBB policy, the government considers that the PPKM policy is far more effective and efficient in dealing with the transmission of the Covid-19 virus.¹⁴

The Covid-19 immunization program in Indonesia starts on January 13, 2021. Immunizations are given to welfare workers, public authorities, and the old for the primary wave. In the next wave, the vaccination goals are weak local areas and the population. Public authorities target 181.5 million people who received the Coronavirus immunization in March 2022. To meet the goals set by the government, Joko Widodo is trying to ensure the accessibility of antibodies. On February 24, 2021, the government issued Regulation of the Minister of Health of the Republic of Indonesia Number 10 of 2021 concerning the Implementation of

¹² Rochani Nani Rahayu dan Sensusiyati, "Vaksin Covid 19 di Indonesia: Analisis Berita Hoax," *Jurnal Ekonomi, Sosial & Humaniora* 2, no. 07 (22 Februari 2021): 39-49.

¹³ Bentuk Spiritualitas dan Warga Muhammadiyah, "Social, Art, and Humanities Meaning and Forms of Muhammadiyah Citizens' Spirituality during the Covid 19 Pandemic in a Sociological Perspective" 1, no. 1 (2021): 13-21.

¹⁴ Kemenkeu, "Efektivitas PPKM Kunci Kendalikan Covid dan Pemulihan Ekonomi," Kementerian Keuangan, accessed January 31, 2021, <https://www.kemenkeu.go.id/publikasi/berita/efektivitas-ppkm-kunci-kendalikan-covid-dan-pemulihan-ekonomi/>.

Vaccination in the Context of Combating the 2019 Corona Virus Disease (Covid-19) Pandemic.¹⁵ Six vaccines have become the benchmark for Indonesia, namely Sinovac, AstraZeneca, Sinopharm, Moderna, Frizer and Novavax.¹⁶ Specifically, regarding the AstraZeneca Vaccine, Indonesia has received 1,113,600 doses on March 8, 2021.¹⁷ The usage policy was responded to quickly by MUI. On March 16, 2021, MUI issued MUI Fatwa Number 14 of 2021 concerning the Law on the Use of the Covid-19 Vaccine for AstraZeneca Products.

This fatwa is a direct request from the government, and the government will use the fatwa to guide the implementation of the use of the AstraZeneca Vaccine for Muslims. The government's request for the fatwa is stated in the "weighing" preamble in the MUI Fatwa Number 14 of 2021.¹⁸ The determination of the fatwa made by the MUI Fatwa Commission is one of the roles of the MUI in responding to the problems of the Islamic law that arise in the Muslim community.

C. MUI Fatwa regarding AstraZeneca: Legal Methods and Arguments

MUI is a religious and social institution founded on July 26, 1975 (17 Rajab 1395 H). MUI is independent. MUI is not tied to any community, anyone or tied any one party. MUI is a representative of various community organizations that have existed before. MUI is a collaborator from the government that is expected to form a fast and responsive collaboration with the ulama, leaders, and the people so that a just, religious, prosperous and prosperous society is formed.¹⁹

¹⁵ "Permenkes No. 10 Tahun 2021 tentang Pelaksanaan Vaksinasi dalam Rangka Penanggulangan Pandemi Corona Virus Disease 2019 (COVID-19)," accessed January 28, 2021, <https://peraturan.bpk.go.id/Home/Details/169665/permenkes-no-10-tahun-2021>.

¹⁶ Website Resmi Penanganan COVID-19, "Daftar Vaksin COVID-19 yang Digunakan di Indonesia-Masyarakat Umum," covid19.go.id, accessed January 28, 2021, <https://covid19.go.id/edukasi/masyarakat-umum/daftar-vaksin-covid-19-yang-digunakan-di-indonesia>.

¹⁷ "Kemenkes Terbitkan Surat Edaran Informasi Vaksin AstraZeneca, Begini Isinya," *Sehat Negeriku* (blog), April 9, 2021, <https://sehatnegeriku.kemkes.go.id/baca/rilis-media/20210409/3837444/kemenkes-terbitkan-surat-edaran-informasi-vaksin-astrazeneca-begini-isinya/>.

¹⁸ "Fatwa MUI No. 14 Tahun 2021 tentang Hukum Penggunaan Vaksin Covid-19 Produk AstraZeneca," accessed January 26, 2021, <https://mui.or.id/wp-content/uploads/2021/03/Fatwa-MUI-No-14-Tahun-2021-tentang-Hukum-Penggunaan-Vaksin-Covid-19-Produk-AstraZeneca-compressed.pdf>.

¹⁹ Ibnu Radwan Siddik, "Kehalalan Vaksin Covid-19 Produksi Sinovac dalam Fatwa MUI dan Implementasi Vaksinasinya pada Tenaga Kesehatan di Puskesmas Tanjung Morawa, Deli Serdang

In making a fatwa, the MUI has a basic foundation and arguments that have become guidelines for making it. This matter aims to harmonize the fatwa with several pre-existing situations and foundations. In general, the determination of fatwas on contemporary problems faced by Muslims is carried out collectively under an institution called the Fatwa Commission. The legal basis used by the Fatwa Commission in a sequence is the Qur'an, hadith, *ijmā'*, *qiyās* and other legal bases that can be a justifiable argument (*mu'tabar*). After analyzing the object and the socio-religious impact on the issues issued in a comprehensive fatwa, the Fatwa Commission then examines the views of the previous scholars, the opinions of the madhhab priests and the *mu'tabar* fiqh scholars. The determination of the fatwa must take into account the legal, regulatory authority and consider the public benefit.²⁰

Regarding the fatwa of using the AstraZeneca Vaccine, the Fatwa Commission has determined that the AstraZeneca Vaccine is haram. The prohibition of the vaccine is due to trypsin from pigs in the manufacturing process. Although the law is haram, the MUI allows Muslims to use it because there are not enough halal vaccines available. The MUI decision is based on Surah Al-Baqarah verses 168, 173, 195, seven hadiths, and twelve fiqh rules. In addition, the determination of the fatwa is also based on nine opinions of ulama, four previous MUI fatwas, and the opinions of several experts such as the Minister of Health, President Director of PT. Biofarma, Head of the Food and Drug Supervisory Agency, the Indonesia Technical Advisory on Immunization (ITAGI) study results, and the MUI Food, Drug and Cosmetics Assessment Institute auditor team.²¹

In determining the fatwa, there are two methods used by the Fatwa Commission with several legal arguments to allow the AstraZeneca Vaccine. The first method used is *qiyās*. The use of the *qiyās* method can be seen in the equation of 'illa law used by the Fatwa Commission, namely kemudharatan. Based on a

(Perspektif Qawaidh Fiqhiyyah)," *Al-Mashlahah Jurnal Hukum Islam dan Pranata Sosial* 9, no. 01 (1 Mei 2021): 65.

²⁰ "PO Pedoman Penetapan Fatwa MUI," accessed January 26, 2021, https://mui.or.id/wp-content/uploads/2020/07/5.-PO-Pedoman-Penetapan-Fatwa-OK_68-86.pdf.

²¹ "Fatwa MUI No. 14 Tahun 2021 tentang Hukum Penggunaan Vaksin Covid-19 Produk AstraZeneca."

hadith from Anas bin Malik, the Prophet Muhammad allowed a group of Urainahs to drink the urine of dairy camels for treatment to avoid the harm caused by their illness. This matter also applies to the case of the spread of Covid-19 in Indonesia. The AstraZeneca vaccine, which is forbidden by law, may be used by Muslims with the ratio-legis cause (*'illah al-hukmī*) that it is harmful. The Fatwa Commission then strengthened its argument by citing seven opinions, namely Imam al-'Izz ibn 'Abdul al-Salam, Imam Nawawi, Imam Muhammad al-Khatib al-Syarbaini, Imam Syihabuddin al-Ramli, Sheikh Ahmad al-Dardir, and Ibn Qudamah. The seven scholars allow the use of illicit goods for treatment.

In addition to *qiyās*, the Fatwa Commission also uses *maqāsid al-syarī'ah*. There are five elements contained in *maqāsid al-syarī'ah*; protection of religion (*hifd al-dīn*), protection of soul (*hifd al-nafs*), protection of offspring (*hifd al-nasl*), protection of reason (*hifd al-'aql*), and protection of property (*hifd al-māl*).²² The permissibility of using the haram AstraZeneca Vaccine and the limited availability of halal vaccines aims to protect a person's soul by creating herd immunity against Covid-19. The use of *maqāsid al-syarī'ah* can be seen in quoting the rules of fiqh and the opinions of the scholars. There are four fiqh rules used by the Fatwa Commission to protect the soul. First, it is permissible to do what is prohibited (*al-dharūrah tubīh al-mahzhūrah*). Second, the danger must be eliminated (*al-dharar yuzāl*). Third, the danger must be prevented as much as possible (*al-dharar yudfa' biqadr al-imkān*). Fourth, prevention is more important than eliminating (*al-masyaqqah tajlib al-taisīr*). The opinions of scholars who allow the use of illicit goods to protect one's soul are Imam al-'Izz ibn 'Abdul al-Salam, Sheikh Ahmad al-Dardir, and Ibn Qudamah.

D. AstraZeneca Vaccine Problems: Response to MUI Fatwa

After being set on March 16, 2021, the MUI Fatwa Number 14 of 2021 concerning the Law on the Use of the Covid-19 Vaccine for AstraZeneca Products received various responses from the Muslim community found in several online media. In general, the authors grouped these responses into two. First, the

²² Muhammad Lutfi Hakim, "Pergeseran Paradigma Maqasid Al-Syari'ah: Dari Klasik sampai Kontemporer," *Al-Manahij: Jurnal Kajian Hukum Islam* 10, no. 1 (February 22, 2017): 4.

opinions agree with the MUI Fatwa Number 14 of 2021. Second, the opinions that are against the MUI fatwa.

The MUI Fatwa Number 14 of 2021 was responded well by the three preachers most favoured by students on YouTube.²³ Adi Hidayat's opinion regarding the permissibility of using the AstraZeneca Vaccine follows the arguments contained in the MUI Fatwa Number 14 of 2021. Based on the explanation uploaded on the Adi Hidayat Official YouTube Channel, Hidayat explained in detail based on the MUI Fatwa Number 14 of 2021. According to Hidayat, the original law of the AstraZeneca Vaccine is haram. AstraZeneca Vaccine can be used in emergency conditions to create herd immunity in the face of the Covid-19 pandemic. Since it was uploaded on July 25, 2021, this YouTube channel owned by Hidayat has had 2,184,930 viewers.²⁴

Buya Yahya also expressed a similar response on his YouTube channel called Al-Bahjah TV. Yahya condemned the AstraZeneca vaccine as haram, and Yahya advised Muslims to take halal vaccines. If there are no more halal vaccines other than the AstraZeneca Vaccine, he added, then the use of the AstraZeneca Vaccine is allowed because of a health emergency. Yahya conveyed this opinion on Al-Bahjah TV to answer one of his congregations in Taiwan. Since it was uploaded on August 29, 2021, the Youtube account owned by Yahya has had 519,919 viewers.²⁵

Unlike Hidayat and Yahya, there is no firm opinion from Somad regarding the permissibility of using the AstraZeneca Vaccine. Somad's opinion regarding the feasibility of the AstraZeneca Vaccine can be seen from his statement in the media that he is willing to be vaccinated against AstraZeneca if Saudi Arabia and Egypt allow it. Somad made the two Muslim countries a barometer of the ability of the

²³ Ulfah Kurniawati, "Peminatan pada Konten Keislaman dalam Unggahan Aplikasi Youtube (Studi Fenomenologis Mahasiswa PAI UII Angkatan 2016)" (Skripsi, Yogyakarta, Universitas Islam Indonesia, 2020), 78.

²⁴ Adi Hidayat Official, *PART 2, UAH Bicara Tentang Vaksin Astra Zeneca-Ustadz Adi Hidayat*, accessed January 26, 2021, <https://www.youtube.com/watch?v=479YMkUAB18>.

²⁵ Al-Bahjah TV, *Vaksin AstraZeneca Mengandung Babi, Bagaimana Hukumnya Jika Terlanjur Vaksin? Buya Yahya Menjawab*, accessed January 26, 2021, <https://www.youtube.com/watch?v=sLOsEr-aWxE>.

AstraZeneca Vaccine because the two Muslim countries were where he studied.²⁶ Somad's opinion regarding the use of the AstraZeneca Vaccine can also be seen from the use of the AstraZeneca Vaccine in the two countries.²⁷ Somad's argument against the efficacy of the AstraZeneca vaccine can be seen in his reasoning about the halalness of the Measles-Rubella (MR) Vaccine. Somad analogized the halalness of the Measles-Rubella vaccine between dying or eating pork. Somad argues that you can't die, and it's better to eat pork.²⁸ The permissibility of using the MR Vaccine follows the MUI Fatwa Number 33 of 2018 concerning the Measles-Rubella Vaccine.²⁹

Slightly different from the MUI Fatwa and the three YouTube Channel owners most favoured by students, the Bahtsul Masail Institute for the Nahdlatul Ulama Executive Board (LBM PBNU) Number 1 of 2021 concerning Jurisprudence on the Use of the AstraZeneca Vaccine, absolutely allows it. The difference between the fatwas issued by these two fatwa institutions lies in the concept of *istihālah* (change of unclean objects to become holy) used. LBM PBNU condemns the use of the AstraZeneca vaccine by Muslims because it is sacred and not harmful. The AstraZeneca Vaccine is allowed under normal conditions, especially during an emergency during the Covid-19 pandemic.³⁰ The determination of this fatwa involves many elements from fiqh experts and experts and is included in the extraordinary *bahtsul masā'il*. The fatwa issued by the PBNU LBM was set on March 29, 2021.

²⁶ PT VIVA MEDIA BARU-VIVA, "UAS Mau Suntik Vaksin COVID-19 tapi Ada Syaratnya," November 9, 2020, <https://www.viva.co.id/berita/nasional/1320172-uas-mau-suntik-vaksin-covid-19-tapi-ada-syaratnya>.

²⁷ detikTV, "Negara-Negara Muslim yang Pakai Vaksin AstraZeneca," detikHealth, accessed January 26, 2021, <https://health.detik.com/detiktv/d-5502387/negara-negara-muslim-yang-pakai-vaksin-astrazeneca>.

²⁸ Liputan6.com, "Ustaz Abdul Somad tentang Vaksin MR: Pilih Babi, Jangan Pilih Mati," liputan6.com, September 12, 2018, <https://www.liputan6.com/health/read/3641953/ustaz-abdul-somad-tentang-vaksin-mr-pilih-babi-jangan-pilih-mati>.

²⁹ Ahmad Sanusi, Ahmad Harisul Miftah, dan Ria Agustiana, "The Application of Emergency Concept Within the MUI Fatwa on Measles Rubella Vaccine Immunization," *Al-'Adalah* 17, no. 2 (2020): 397–422.

³⁰ "PBNU Keluarkan Fatwa terkait Kehalalan Vaksin AstraZeneca," nu.or.id, accessed January 26, 2021, <https://nu.or.id/nasional/pbnu-keluarkan-fatwa-terkait-kehalalan-vaksin-astrazeneca-TfTvo>.

The difference of opinion between the two groups is not on whether or not to use the AstraZeneca Vaccine but rather on the concept of *istihālah* used.³¹ *Istihālah* is a change like an object into a relatively different object from its previous nature.³² In fiqh, the concept of *istihālah* plays a crucial role in determining whether a substance or object is sacred or not. Although the scholars agree on the concept of *istihālah*, they differ on its scope. Imam Shafi'i only limited the halal concept of *istihālah* to changing liquor (*khamr*) into vinegar and tanned skin, while Imam Abu Hanifah used the concept more broadly. Abu Hanifah argues that objects that change their unclean content can also eliminate the law of impurity.³³ Thus, the MUI Fatwa is more inclined toward the opinion of Imam Syafi'i, who uses the concept of *istihālah* in a limited way. At the same time, the Fatwa of LBM PBNU is more accommodating to the concept of *istihālah* used by Imam Abu Hanifah. Apart from that, the two fatwa institutions support the government's use of the AstraZeneca Vaccine to create collective immunity.

E. Conclusion

The MUI Fatwa Number 14 of 2021 concerning the Law on the Use of the Covid-19 Vaccine for AstraZeneca Products is a direct request from the government. The government then used this fatwa as a guideline for implementing the AstraZeneca Vaccine, especially for the Muslim community in Indonesia. In determining the fatwa on the permissibility of using the AstraZeneca Vaccine in an emergency to create immunity for community groups against Covid-19, the MUI Fatwa Commission uses the *qiyās* and *maqāsid al-syarī'ah* methods. The use of these two methods can be seen from the citation of several fiqh rules and opinions of previous scholars. Even though there are contradictory responses to the MUI Fatwa, the only difference lies in the concept of *istihālah* (change of unclean objects

³¹ "MUI Menyikapi Istihālah: Kasus AstraZeneca," *Majelis Ulama Indonesia* (blog), 23 Maret 2021, <https://mui.or.id/opini/29908/mui-menyikapi-istihalah-kasus-astrazeneca/>.

³² Alyasa' Abubakar dan Ali Abubakar, "Hukum Vaksin MR: Teori Istihālah dan Istihlak versus Fatwa MUI," *Media Syari'ah: Wahana Kajian Hukum Islam dan Pranata Sosial* 23, no. 1 (30 Juni 2021): 5–6.

³³ Anjahana Wafiroh, "Tinjauan Konsep Istihalah Menurut Imam Al-Syafi'i dan Imam Abu Hanifah, dan Implementasinya pada Percampuran Halal-Haram Produk Makanan)," *Isti'dal: Jurnal Studi Hukum Islam* 4, no. 1 (22 Mei 2017): 1–15.

to become holy) used by the fatwa institution. Both opinions agree that the Muslim community can use the AstraZeneca vaccine to create herd immunity.

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