

LOCAL REGULATIONS ON RELIGIOUS ACTIVITIES
DURING THE PANDEMIC FROM THE *MAQĀSĪD AL-
SHARĪ'AH* PERSPECTIVE: A CASE IN SIDOARJO,
EAST JAVA

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Abstract: Sidoarjo, during the Covid-19 pandemic, is one of the districts in East Java carrying large-scale restrictions (PSBB), because many Sidoarjo residents were exposed to Covid-19. For this reason, the Sidoarjo Government made a Regent's Regulation on PSBB. Among the things that are restricted are religious activities. This has led to a limit in the implementation of worship for Sidoarjo residents. This article discusses the Sidoarjo regent's regulations on restrictions on religious activities during the Covid-19 pandemic from the perspective of *maqāṣid al-sharī'ah*. This research is a library and qualitative research. The data was collected through a study of documents from Sidoarjo regency government regulations and analyzed by *maqāṣid al-sharī'ah*. Four regulations of the Regent of Sidoarjo related to religious activities during the Covid-19 pandemic Regulation Number 30, 32, 44 and 58 Tahun 2020. From the perspective of *maqāṣid al-sharī'ah*, religious activities were restricted during the Covid-19 pandemic to maintain religion and the soul. It is related to maintaining religion because the regulation does not prevent its citizens from worshipping even with strict health protocols. It is related

to maintaining the soul because it aims to minimize the spread of Covid-19 in the Sidoarjo regency.

Keywords: Covid-19 pandemic; religious activities; regent regulations; *maqāṣid al-shari'ah*.

Introduction

Coronavirus disease (Covid-19), is a virus that originated in animals¹ and is spreadable among human beings,² which causes respiratory infections.³ World Health Organization (WHO) states that the Covid-19 outbreaks transmit directly and indirectly through contaminated objects or surfaces or via contact with the infected through nose and droplets.⁴

The case of Covid-19 viral infection in Indonesia initially started with mother and her child living in Depok. They carried the virus of Covid-19 after contacting closely with a Japanese citizen at a dance event in Jakarta on February 14, 2020.⁵ Up to recent times, positive cases in Indonesia have increased. On December 6 2020, 576.000 positive cases of Covid-19 viral infection in Indonesia were noted, with 17.700 deaths.⁶

¹ Sasmita Poudel Adhikari et al., "Epidemiology, Causes, Clinical Manifestation and Diagnosis, Prevention and Control of Coronavirus Disease (Covid-19) during the Early Outbreak Period: A Scoping Review," *Infectious Diseases of Poverty*, Vol. 9, No. 29 (2020), 1-12.

² Hussin A. Rothan and Siddappa N. Byrareddy, "The Epidemiology and Pathogenesis of Coronavirus Disease (COVID-19) Outbreak," *Journal of Autoimmunity*, Vol. 109 (February, 2020): 102433.

³ D. Isaacs et al., "Epidemiology of Coronavirus Respiratory Infections," *Archives of Disease in Childhood*, Vol. 58, No. 7 (1983), 500-503.

⁴ World Health Organization (WHO), "Advice on the Use of Masks in the Community, during Home Care, and in Health Care Settings in the Context of COVID-19," *WHO* (April, 2020), retrieved from [https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-\(2019-ncov\)-outbreak](https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak), 1-2.

⁵ Sulistyawati Sulistyawati et al., "Knowledge, Attitudes, Practices and Information Needs During the COVID-19 Pandemic in Indonesia," *Risak Management and Healthcare Policy*, Vol. 14 (2021), 163-175; Ihsanuddin, "Fakta Lengkap Kasus Pertama Virus Corona di Indonesia," *Kompas.Com* (2020), available at <https://nasional.kompas.com/read/2020/03/03/06314981/fakta-lengkap-kasus-pertama-virus-corona-di-indonesia?page=all>.

⁶ "Bertambah 6.027 Kasus, Positif Covid-19 Jadi 569.707 Orang," *CNN Indonesia* (2020), <https://www.cnnindonesia.com/nasional/20201205135135-20-578370/bertambah-6027-kasus-positif-covid-19-jadi-569707-orang>.

In the Asian region, Indonesia also has the highest cases of covid, especially in DKI Jakarta, West Java, and East Java.⁷ The Indonesian government does not make a lockdown policy like other countries.⁸ The government imposed restrictions on travel abroad and advised its citizens to return to Indonesia.⁹ On Eid al-Fitr, the government forbids its citizens to go home.¹⁰ The government of Indonesia has been striving to reduce the positive rates by putting a lot of effort such as social and physical distancing, mask-wearing during travel, frequent handwashing, and crowd avoiding. It is advisable to work, study, and worship from home.¹¹ It is inscribed in the Regulation of the Ministry of Health of the Republic of Indonesia No. 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions (PSBB) to Accelerate the Handling of Covid-19¹² and the Regulation of the Government of the Republic of Indonesia No. 21 of 2020 concerning Guidelines

⁷ Susan Olivia, John Gibson, and Rus'an Nasrudin, "Indonesia in the Time of Covid-19," *Bulletin of Indonesian Economic Studies*, Vol. 56, No. 2 (2020), 143-174.

⁸ Robert Sparrow, Teguh Dartanto, and Renate Hartwig, "Indonesia Under the New Normal: Challenges and the Way Ahead," *Bulletin of Indonesian Economic Studies*, Vol. 56, No. 3 (2020), 269-299.

⁹ Mahir Pradana et al., "The Effects of Incriminating COVID-19 News on the Returning Indonesians' Anxiety," *Journal of Loss and Trauma*, Vol. 25, No. 8 (2020), 656-661.

¹⁰ C.L.L. Hoeng, "Rising to the COVID-19 Health Care Challenge in Indonesia," *Deloitte* (2020), <https://www2.deloitte.com/id/en/pages/life-sciences-and-%09healthcare/articles/rising-to-covid-19-health-care-challenge-in-indonesia.html>, 1-10.

¹¹ Aliyyah Rusi Rusmiati et al., "The Perceptions of Primary School Teachers of Online Learning during the Covid-19 Pandemic Period: A Case Study in Indonesia," *Journal of Ethnic and Cultural Studies*, Vol. 7, No. 2 (2020), 90-109; Presiden Republik Indonesia, *Peraturan Pemerintah Nomor 21 Tahun 2020 Tentang Pembatasan Sosial Berskala Besar Dalam Rangka Percepatan Penanganan Coronavirus Disease 2019/COVID-19*.

¹² Menteri Kesehatan RI, *Peraturan Menteri Kesehatan Republik Indonesia Nomor 9 Tahun 2020 Tentang Pedoman Pembatasan Sosial Berskala Besar Dalam Rangka Percepatan Penanganan Corona Virus Disease 2019 (Covid-19)*, Kementerian Kesehatan RI (2020), available at http://hukor.kemkes.go.id/uploads/produk_hukum/PMK_No_9_Th_2020_ttg_Pedoman_Pembatasan_Sosial_Berskala_Besar_Dalam_Penanganan_COVID-19.pdf.

for Large-Scale Social Restrictions to Accelerate the Handling of Covid-19.¹³

The enactment criteria of PSBB in an area are written in Government Regulation of the Republic of Indonesia No. 21 of 2020 Article 3, namely: the number of cases and/or the number of deaths due to disease increases and spreads significantly and rapidly to several regions; epidemiological links to similar events in other areas or countries.¹⁴ Article 4 states that PSBB includes, at least, school and workplace holidays, religious activities; and/or restrictions on activities in public places or facilities.¹⁵ That indicates that the restrictions on religious activities are part of government regulation. Additionally, those government rules and regulations are supported by the Circular Letter of the Minister of Religious Affairs of the Republic of Indonesia No. 15 of 2020 concerning guidelines for implementing religious activities in houses of worship to realize productive and safe communities Covid-19 during the pandemic.¹⁶

DKI Jakarta is the first area to implement PSBB on April 10, 2020, followed then by other areas including Surabaya,¹⁷ Sidoarjo,¹⁸ and Gresik¹⁹ in East Java.²⁰ Sidoarjo, as will be discussed in this

¹³ President of the Republic of Indonesia, *Peraturan Pemerintah Nomor 21 Tahun 2020 Tentang Pembatasan Sosial Berskala Besar Dalam Rangka Percepatan Penanganan Coronavirus Disease 2019/COVID-19*.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ministry of Religious Affairs of the Republic of Indonesia, "Panduan Penyelenggaraan Kegiatan Keagamaan Di Rumah Ibadah Dalam Mewujudkan Masyarakat Produktif Dan Aman Covid -19 Di Masa Pandemi," *Peraturan Menteri Agama Republik Indonesia* (2020), 1-4.

¹⁷ Mayor of Surabaya, *Peraturan Walikota Surabaya Nomor 16 Tahun 2020 Tentang Pedoman Pembatasan Sosial Berskala Besar Dalam Penanganan Corona Virus Disease 2019 (Covid-19) di Kota Surabaya*.

¹⁸ Regent of Sidoarjo, *Peraturan Bupati Sidoarjo Nomor 31 Tahun 2020 Tentang Pedoman Pelaksanaan Pembatasan Sosial Berskala Besar dalam Penanganan Wabah Corona Virus Disease 2019 Di Kabupaten Sidoarjo*.

¹⁹ Regent of Gresik, "Peraturan Bupati Gresik Nomor 12 Tahun 2020 Tentang Pelaksanaan Pembatasan Sosial Berskala Besar Dalam Penanganan Wabah Corona Virus Disease 2019 Di Kabupaten Gresik."

²⁰ Ministry of Health of the Republic of Indonesia, "Keputusan Menteri Kesehatan Republik Indonesia Nomor HK.01.07/MENKES/264/2020 Tentang Penetapan Pembatasan Sosial Berskala Besar di Wilayah Kota Surabaya,

study, is one of the regencies affected by Covid-19, so the PSBB is enforced. The PSBB made the Sidoarjo regency government implement regulations limiting its citizens' activities, including worship activities.

This article discusses the Sidoarjo regent's regulations for worship activities during the Covid-19 pandemic in Sidoarjo, which are analyzed with *maqāṣid al-shari'ah*. This research is essential because although there are studies on Covid-19 and *maqāṣid al-shari'ah*, no one has discussed the Regent's regulations on worship during the COVID-19 pandemic. Therefore, most of the research examined the ulama's fatwa on worship during the Covid-19 pandemic, which was then analyzed with *maqāṣid al-shari'ah*.²¹

The regulations in Sidoarjo were chosen as the object of research because Sidoarjo is one of the districts in East Java required to carry out PSBB. The spread of the Covid-19 is worse in Sidoarjo regency. On Thursday, July 15, 2021, as many as 13,509 Sidoarjo residents were infected by Covid-19, with 11,754 patients recovered and 647 people dead.²² The Deputy Regent of Sidoarjo, Nur Ahmad Syaifuddin was among people infected by Covid-19 and died on August 22, 2020.²³ Therefore, regulations were made regarding PSBB in Sidoarjo, including worship regulation during

Kabupaten Sidoarjo, dan Kabupaten Gresik, Provinsi Jawa Timur dalam Rangka Percepatan Penanganan Covid-19," 1-4.

²¹ One of them is conducted by Hudzaifah, Ramzi, and Abd Hannan. Hudzaifah Achmad Qotadah, "Covid-19: Tinjauan Maqasid Al-Shariah Terhadap Penangguhan Pelaksanaan Ibadah Shalat di Tempat Ibadah (Hifdz Al-Nafs Lebih Utama dari Hifdz Al-Din?)," *SALAM: Jurnal Sosial dan Budaya Syar-i*, Vol. 7, No. 7 (2020), 659-672; Ramzi Bendebka, Amar Fettane, and Ibrahim Shogar, "Preventive Medicine and Maqasid Al-Shari'ah: The Case of Covid-19," *Revelation and Science*, Vol. 10, No. 01 (2020), 1-12; Abd Hannan and Wafi Muhaimin, "Teologi Kemaslahatan Social-Phsyical Distancing dalam Penanggulangan Covid-19," *KURIOSITAS Media Komunikasi Sosial dan Keagamaan*, Vol. 13, No. 1 (2020), 78-102.

²² Agustina Suminar, "Pemkab Sidoarjo Siapkan Tempat Isolasi Pasien Covid-19 Di Setiap Desa," *Suarasurabaya.net* (Sidoarjo, July 15, 2021), available at <https://www.suarasurabaya.net/kelanakota/2021/pemkab-sidoarjo-siapkan-tempat-isolasi-pasien-covid-19-di-setiap-des/>.

²³ Fitria Madia, "Positif COVID-19, Wabup Sidoarjo Meninggal Usai Beberapa Jam Dirawat," *IDN Times* (Sidoarjo, August 22, 2020), <https://jatim.idntimes.com/news/jatim/fitria-madia/positif-covid-19-wabup-sidoarjo-meninggal-usai-beberapa-jam-dirawat/full>.

the Covid-19 pandemic. The Regent's rules have changed several times. Some restrictions are looser than in other PSBB-affected cities (Surabaya and Gresik), so the Majelis Ulama Indonesia (MUI) board of East Java appreciates the Sidoarjo Regent's regulation on worshipping in mosques during the Covid-19 pandemic. MUI considers that closing mosques makes it difficult for residents to find places of prayer, especially for travellers. Sidoarjo gives leeway to open mosques by implementing health protocols.²⁴

Worship during the Covid-19 Pandemic from the Perspective of *Maqāṣid al-Shari'ah*

Linguistically, *maqāṣid al-shari'ah* consists of two words "*maqāṣid*" and "*al-shari'ah*." The term *maqāṣid* comes from Arabic word, the plural form of the word *maqṣad*, which means intention, goal, principle, intention, goal, and end goal. *Maqāṣid* is an alternative statement for benefit. The word *al-shari'ah* means the road to the water source, and it can also be categorized as a way toward the primary source of life.²⁵ *Shari'ah* is the rule of Allah to His servants in the form of religion preached to them.²⁶ *Al-shari'ah* means the laws of God set for humans to be appointed to achieve happiness in the world and hereafter. *Maqāṣid al-shari'ah* means the purpose and secrets of *al-shari'ah* having set on each of His law. *Maqāṣid al-shari'ah* is the goal to be achieved from a legal establishment.²⁷

Maqāṣid al-shari'ah provides security guarantees for five things: religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), mind (*ḥifẓ al-aql*), lineage (*ḥifẓ*

²⁴ MUI East Java, "Analisis dan Evaluasi Penerapan Kebijakan Pembatasan Sosial Berskala Besar (PSBB) di Jawa Timur Terkait Dengan Kegiatan di Rumah Ibadah Muslim" (2020), 1-16.

²⁵ Nur Lailatul Musyafa'ah, "Pemilihan Umum Kepala Daerah Serentak Perspektif Maqāṣid Al-Syari'ah," *Al-Daulab: Jurnal Hukum dan Perundangan Islam*, Vol. 6, No. 2 (2016), 383-384; <http://nasional.kompas.com/read/2014/10/02/21435921/Batalkan.Pilkada.Tak.Langsung.Presid>.

²⁶ Zakaria Syafei, "Tracing Maqasid Al-Shari'ah in the Fatwas of Indonesian Council of Ulama (MUI)," *Journal of Indonesian Islam*, Vol. 11, No. 01 (2017), 96.

²⁷ Sandy Rizki Febriadi, "Aplikasi Maqashid Syariah dalam Bidang Perbankan Syariah," *Amvaluna: Jurnal Ekonomi dan Keuangan Syariah*, Vol. 1, No. 2 (2017), 234.

al-nasl), and property (*ḥifẓ al-māl*).²⁸ These five things is also called as *al-darūriyyāt al-khams* (five essentials of human well-being).²⁹ Furthermore, universal good (*al-maqāṣid al-kullīyah* or *al-maqāṣid al-‘āmmah*) is oriented toward maximizing humankind’s benefit. This universal benefit considers the socio-anthropological reality of humanity in the face of the Covid-19 pandemic to solve the interests of humanity as a whole.³⁰

As the five elements of *maqāṣid al-sharī‘ah*, guarding the soul means preserving the rights to survival; protecting the reason/mind means guarding human reason and guarding it from various dissenters; guarding the lineage is to maintain human diversity, to form a generation of human beings who are physically strong, talented, hearty, characterful, and religious; guarding the property/wealth is to develop their property lawfully and try to avoid the nature of persecution and injustice.³¹

The maintenance of *maqāṣid al-sharī‘ah* is into three levels of needs, namely *darūriyyāt* (primary), *ḥājīyyāt* (secondary), and *taḥsīniyyāt* (tertiary).³² Firstly, the *maṣlahah darūriyyāt* or primary benefits are related to both the world and the hereafter.³³ If such a *maṣlahah* is neglected, it will disrupt and create chaos in the order of human life. Secondly, the *maṣlahah ḥājīyyāt* or secondary benefits, is necessary to relieve difficulties in life. If this is neglected, it will not impede human life but cause hardship and trouble. For example, leniency allows travellers to shorten (*qasr*) prayers, and the sick may be allowed not to fast. Thirdly, *maṣlahah taḥsīniyyāt* or tertiary benefits serve as a compliment in one’s life, such as

²⁸ Makrum et al., “Medical Risk Products: Certification by Majelis Ulama Indonesia,” *Economic Annals-XXI*, Vol. 188, No. 3-4 (2021), 109.

²⁹ Asfa Widiyanto, “Religion and Covid-19 in the Era of Post-Truth: The Case of Indonesia,” *International Journal of Islamic Thought*, Vol. 18, No. 2 (2020), 8.

³⁰ A. Zaenurrosyid, Hidayatussholihah, and Ghofar Shidiq, “Typologies of the Fiqh Conception in the Covid-19 Pandemic Era (Exploration on Religious Views and Attitudes of Kyai-in Mosques of North Coast of Java),” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, Vol. 5, No. 2 (2021), 1093.

³¹ Fahmi Assultoni, “Analisis Masalah Terhadap Konsep Kafa’ah Dalam Tradisi Perkawinan Di Kalangan Pesantren Pamekasan,” *Al-Hukama’: The Indonesian Journal of Islamic Family Law*, Vol. 08, No. 01 (2018), 38-39.

³² Makrum et al., “Medical Risk Products,” 109.

³³ Zaenurrosyid, Hidayatussholihah, and Shidiq, “Typologies of the Fiqh Conception,” 1093.

wearing presentable clothes in prayers and wearing fragrances when going to the mosque. Yet, if this is ignored, it will not interfere with people's lives.³⁴

The purpose of *shari'ah* (*maqāsid al-shari'ah*) is to achieve *maṣlahah* in this world and the hereafter.³⁵ Therefore, Islamic law highly values and pays attention to the needs of human life.

Maintaining religion and maintaining the soul are all important principles in *maqāsid al-shari'ah* related to Covid-19. During the Covid-19 period, people are encouraged to worship at home to minimize the spread of Covid-19. Worship in *maqāsid al-shari'ah* is part of *ḥifẓ al-dīn* while maintaining health is part of *ḥifẓ al-nafs*.³⁶

In essence, *maqāsid al-shari'ah* has a dimension of worship (divinity) which is to be attained through the supra-rational (*ta'abbudī*) dimension, as well as a human dimension, reached rationally (*ta'aqqulī*). In the context of the human dimension, the implementation of the principles of *ḥifẓ al-nafs* becomes the guiding framework for worshipping in that the acts of worship, which is a practice of the *ḥifẓ al-dīn* (protection of religion) principle is to a large extent determined by the *ḥifẓ al-nafs* (protection of life) principle. Extrapolating from this, the logic of Islamic religious norms places a high priority on protecting life, which in turn may supersede and shape the nature of worship.

In ensuring the safety of human life during the Covid-19 pandemic, the application of the *ḥifẓ al-nafs* principle, which represents the government's health protocol policy, can be described as follows: First, shortening the period of the encounter between humans. Second, keeping a safe distance between individuals and not making direct physical contact. Third, wearing

³⁴ 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 dan Pranata Sosial*, Vol. 16, No. 2 (2021), 428-429.

³⁵ Sigit Riyanto and Fajri Matahati Muhammadin, "The Urgency to Incorporate the Islamic Concept of Rights into the International Human Rights Law Course in Indonesian Law Schools," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial*, Vol. 14, No. 1 (2019), 190; Nabilatul Faiza and Nur lailatul Musyafaah, "Penjualan Tuak di Paciran Lamongan Perspektif Hukum Pidana Islam," *Al-Jinayah: Jurnal Hukum Pidana Islam*, Vol. 6, No. 2 (2020), 310.

³⁶ Amin Al-Astewani, "To Open or Close? COVID-19, Mosques and the Role of Religious Authority within the British Muslim Community: A Socio-Legal Analysis," *Religions*, Vol. 12, No. 1 (2021), 22.

a mask. Fourth, maintaining hygiene for the individuals as well as the surrounding environment. Fifth, sustaining and strengthening mental and physical health. It is according to the decree of the fatwa of the Indonesian Ulema Council (Majlis Ulama Indonesia/MUI) Number 31 of 2020.³⁷

There were social changes during the Covid-19 crisis, from the people's obedience to the new rules and laws introduced by the government, to the fear of Covid-19 has also contributed to the social change. In *maqāṣid al-sharī'ah*, the people still need to follow the SOPs and regulations to ensure *ḥifẓ al-nafs* (the preservation of life) over any other *maqāṣid al-sharī'ah* namely *ḥifẓ al-dīn* (the preservation of religion) through religious activities, *ḥifẓ al-'aql* (the preservation of intellect) through education, *ḥifẓ al-nasl* (the preservation of lineage) through family relationships, and *ḥifẓ al-māl* (the preservation of wealth) through employment and incomes.³⁸

Sidoarjo Regent's Regulation on Religious Activities during the Covid-19 Pandemic

Restrictions on religious activities in houses of worship in East Java are based on the Regulation of the Governor of East Java Number 18 of 2020 concerning Guidelines for Large-Scale Social Restrictions in Handling Corona Virus Disease 2019 (Covid-19), which is described in Article 11 and Article 12. The article explains that during the implementation of the PSBB, a temporary suspension of religious activities in houses of worship and/or in certain places was carried out. During that time, religious activities were carried out in their respective homes.³⁹

Sidoarjo Regency followed the Governor's Regulation with the existence of Regent Regulation Number 31 of 2020 concerning

³⁷ Moh Dahlan et al., "The Islamic Principle of Hifẓ Al-Nafs (Protection of Life) and COVID-19 in Indonesia: A Case Study of Nurul Iman Mosque of Bengkulu City," *Heliyon*, Vol. 7, No. 7 (2021), 2.

³⁸ Muhammad Safwan Bin Harun et al., "Social Change in the Time of Covid-19: A Phenomenal Study in Malaysia from the Perspective of Maqasid Al-Sharī'ah," *Islamic Thought and Civilization (ITC)*, Vol. 11, No. 2 (2021), 194.

³⁹ Governor of East Java, *Peraturan Gubernur Jawa Timur Nomor 18 Tahun 2020 Tentang Pedoman Pembatasan Sosial Berskala Besar dalam Penanganan Corona Virus Disease 2019 (Covid-19) di Provinsi Jawa Timur*.

Guidelines for the Implementation of Large-Scale Social Restrictions in Handling the Covid-2019 outbreak in Sidoarjo Regency. In the Fourth Part of the Restrictions on Religious Activities in Houses of Worship, Article 11 explains that during the implementation of the PSBB, a temporary suspension of religious activities in houses of worship and/or in certain places is carried out.⁴⁰ (1) During the implementation of the PSBB, a temporary suspension of religious activities in places of worship and/or certain places was carried out; (2) Excluded from the provisions referred to in paragraph (1), namely the implementation of *rawātib* prayers, can be carried out in congregations by residents/communities around the mosque while still paying attention to health protocols; (3) Religious activities are carried out in their respective homes during the temporary suspension of religious activities in houses of worship and/or certain places, as referred to in paragraph (1); (4) Religious advisors/teachers can conduct religious guidance activities virtually; (5) During the temporary suspension of religious activities in houses of worship and/or in certain places, as referred to in paragraph (1), worship time marking activities such as the call to prayer, bells, and/or other time markers are carried out as usual.

Based on the regulation, it is known that worship activities in places of worship are temporarily suspended. Worship activities are carried out in their respective homes, except *rawātib* prayers are allowed in mosques by complying with health protocols. Recitation and learning that are usually carried out in mosques are carried out virtually.

Although there is a temporary suspension of religious activities in houses of worship, article 12 explains that places of worship must be maintained and cleaned: (1) During the implementation of the PSBB, the person in charge of the house of worship must: a. provide education or understanding to their respective pilgrims to continue to carry out religious activities at home; b. prevent the spread of Corona Virus Disease (COVID-19) in places of worship, and c. maintain the security of places of worship. (2) Efforts to prevent the spread of Corona Virus Disease (COVID 19) in

⁴⁰ Regent of Sidoarjo, *Peraturan Bupati Sidoarjo Nomor 31 Tahun 2020 Tentang Pedoman Pelaksanaan Pembatasan Sosial Berskala Besar Dalam Penanganan Wabah Corona Virus Disease 2019 Di Kabupaten Sidoarjo*.

houses of worship, as referred to in paragraph (1) point b, are carried out periodically by a. cleaning houses of worship and the surrounding environment; b. disinfecting the floors, walls, and utensils inside the places of worship; and c. closing entry for unauthorized parties.⁴¹

Based on Article 12, it is known that although there is no activity in the mosque, the mosque must still be cleaned. It is done to stop the spread of the Covid-19 virus.

On April 27, 2020, the Regent Regulation was replaced with Sidoarjo Regent Regulation Number 32 of 2020 concerning Amendments to Regent Regulation Number 31 of 2020 concerning Guidelines for the Implementation of Large-Scale Social Restrictions in Handling the 2019 Corona Virus Disease Outbreak in Sidoarjo Regency. Article 11 states that during the implementation of the PSBB, a temporary suspension of religious activities in houses of worship and/or in certain places is carried out. However, it is allowed to carry out congregational prayers by residents/communities around the mosque while still paying attention to health protocols. In addition, residents are allowed to carry out other religious/worship activities based on laws and regulations and fatwas or views of official religious institutions recognized by the government, including a Joint Proclamation between Forpimda Sidoarjo, MUI Leaders, Religious Organizations, FKUB and Sidoarjo Regency Community Leaders.⁴²

On June 10, 2020, the Regent of Sidoarjo issued Sidoarjo Regent Regulation Number 44 of 2020 concerning the Implementation of Community Lifestyle during the Transition Period Towards a Healthy, Disciplined, and Productive Society during the Corona Virus Disease 2019 Pandemic in Sidoarjo Regency. In the second part of religious activities, it is explained in Article 12 that houses of worship can hold religious activities in the RW area/environment where there are no confirmed positive Covid-19 patients.⁴³

⁴¹ Ibid., 9.

⁴² Regent of Sidoarjo, *Peraturan Bupati Sidoarjo Nomor 32 Tahun 2020 Tentang Perubahan Atas Peraturan Bupati Nomor 31 Tahun 2020 Tentang Pedoman Pelaksanaan Pembatasan Sosial Berskala Besar Dalam Penanganan Wabah Corona Virus Disease 2019 Di Kabupaten Sidoarjo*, 2020, 7.

⁴³ Regent of Sidoarjo, *Peraturan Bupati Sidoarjo Nomor 44 Tahun 2020 Tentang Pelaksanaan Pola Hidup Masyarakat Pada Masa Transisi Menuju Masyarakat Yang*

Article 12

- (1) Places of worship can hold religious activities in the RW area/ environment where there are no confirmed positive Covid-19 patients.
- (2) The obligations of the administrator and/or person in charge of a house of worship that organizes religious activities are as follows:
 - a. prepare officers to carry out and supervise the implementation of health protocols in the area of places of worship;
 - b. conduct periodic cleaning and disinfection in the area of the house of worship;
 - c. limiting the number of doors/lanes in and out of places of worship to facilitate the implementation and supervision of health protocols;
 - d. providing hand washing facilities/soap/hand sanitizer at the entrance and exit of the places of worship;
 - e. checking body temperature at the entrance for all users of places of worship. If it is found that users of places of worship with temperatures above 37.5°C (2 inspections with a distance of 5 minutes) are not allowed to enter the area of places of worship
 - f. implement distancing by placing special marks on the floor /chairs, at least a distance of 1 (one) meter;
 - g. adjust the number of congregations/users of places of worship who gather at the same time to facilitate social distancing restrictions;
 - h. shortening the time for the implementation of worship without prejudice to the provisions for the perfection of worship;
 - i. installing an appeal for the implementation of health protocols in the area of places of worship in easily visible places;
 - j. willing to make a statement of readiness to implement predetermined health protocols; and
 - k. Enforce special health protocols for congregations of guests who come from outside the environment of places of worship.
- (3) People who will carry out worship in places of worship must comply with the following provisions:

Sehat, Disiplin, Dan Produktif Di Tengah Pandemi Corona Virus Disease 2019 di Kabupaten Sidoarjo.”

- a. the congregation is in good health;
 - b. use a mask/face mask since leaving the house and while in the area of the place of worship;
 - c. maintain hand hygiene by frequently washing hands using clean running water and soap or hand sanitizer;
 - d. avoid physical contacts, such as shaking hands or hugging;
 - e. maintain a safe distance (physical distancing) between congregations of at least 1 (one) meter;
 - f. avoid staying for a long time in a place of worship or gathering around the place of worship; and
 - g. be concerned about implementing health protocols in places of worship following the provisions.
- (4) If the local transmission is found in a place of worship, the administrator is obliged to temporarily close until the implementation of sterilization is declared sufficient, following health protocols.⁴⁴

The regulation is strengthened again in the regulation of the Regent of Sidoarjo Number 58 of 2020.⁴⁵ Both of these regulations are looser and more detailed than the previous regulations. In this regulation, it is explained that residents are freer to carry out activities in places of worship on the condition that no residents are affected by Covid-19 and activities are carried out in compliance with established health protocols. In addition, it explained in detail the obligations of the manager of the house of worship and the requirements for residents who carry out worship in the mosque.

Based on the regulations issued by the Regent of Sidoarjo regarding religious activities during the Covid-19 pandemic, it is known that there are four regulations. The regulation has undergone several changes to adjust to the situation and conditions that occur in the community. The rules are explained in the following table:

⁴⁴ Ibid., 8.

⁴⁵ O Anlar MY Ağargün H Kara, "Peraturan Bupati Sidoarjo Nomor 58 Tahun 2020 Tentang Pelaksanaan Pola Hidup Masyarakat Pada Masa Transisi Menuju Masyarakat Yang Sehat, Disiplin, Dan Produktif Di Tengah Pandemi Corona Virus Disease 2019 di Kabupaten Sidoarjo," *Paper Knowledge: Toward a Media History of Documents*, Vol. 7, No. 2 (2014), 8.

Table 1. Sidoarjo Regent's Regulation regarding religious activities during the Covid-19 pandemic

Number	Date	Religious Activities
Sidoarjo Regent Regulation Number 31 of 2020 concerning Guidelines for the Implementation of Large-Scale Social Restrictions in Handling the 2019 Corona Virus Disease Outbreak in Sidoarjo Regency	April 24, 2020	A temporary suspension of religious activities in houses of worship and/or in certain places is carried out
Sidoarjo Regent Regulation Number 32 of 2020 concerning Amendments to Regent Regulation Number 31 of 2020 concerning Guidelines for the Implementation of Large-Scale Social Restrictions in Handling the 2019 Corona Virus Disease Outbreak in Sidoarjo Regency	April 27, 2022	A temporary suspension of religious activities in houses of worship and/or in certain places is carried out. However, it is allowed to carry out congregational prayers by residents/communities around the mosque while still paying attention to health protocols
Sidoarjo Regent Regulation Number 44 of 2020 concerning the Implementation of Community Lifestyle during the Transition Period Towards a Healthy, Disciplined, and Productive Society during the Corona Virus Disease 2019 Pandemic in Sidoarjo Regency	June 10, 2020	Houses of worship can hold religious activities in the RW area/environment where there are no confirmed positive Covid-19 patients
Sidoarjo Regent Regulation Number 58 of 2020 concerning the Implementation of Community Lifestyle during the Transition Period Towards a Healthy, Disciplined, and Productive Society during the Corona Virus Disease 2019 Pandemic in Sidoarjo Regency	June 15, 2020	houses of worship can hold religious activities in the RW area/environment where there are no confirmed positive Covid-19 patients

***Maqāṣid al-Sharī'ah* Analysis of Sidoarjo Regent's Regulations on Worship during the Covid-19 Pandemic**

During the Covid-19 pandemic, the Regent of Sidoarjo issued four regulations related to handling Covid-19, including worship activities. The first regulation, Sidoarjo Regent Regulation Number 31 of 2020, explains that religious activities are limited to home only and dismissed in houses of worship except for *rawātib* prayers. The regulation was amended by the second regulation, Sidoarjo regent regulation Number 32 of 2020, which allows carrying out religious activities in mosques by implementing health protocols. In the Regent's regulation of Sidoarjo number 44 and 58 of 2020, it is explained that religious activities are allowed to be carried out in places of worship if, in the RW environment, there are no residents affected by the Covid-19 virus. If residents are confirmed to have the Covid-19 virus, religious activities in places of worship must be stopped.

In the study of Islamic law, government regulations must be made based on benefits. Changes in the law are natural as long as they contain benefits, as is the rule of *lā yunkaru taghayyur al-aḥkām bi taghayyur al-aẓmān* (it cannot be denied that legal rulings change because times change). Suppose it is related to the Sidoarjo regent's regulation on handling COvid-19 related to religious activities. In that case, it is known that the regulation is carried out to prevent the spread of the Covid-19 virus. It is done to maintain the health of Sidoarjo residents so as not to contract the Covid-19 virus.

Covid-19 is a virus that appeared in 2019. Its deadly spread has caused the government to be careful in dealing with the spread of this virus. At the beginning of its appearance, there was no definite treatment to cure patients from this virus. Therefore, the government carries out PSBB with the concept of all activities from home, including worship. So, at the beginning of facing this virus, activities in houses of worship were stopped. Mosques are prohibited from performing congregational prayers, both five-time prayers and Friday prayers. Although there is no activity in the mosque, the regulation requires the manager always to clean the mosque and spray disinfectant.

The Regent's regulation dated was amended by regent regulation number 31 of 2020, dated April 27, 2020. This regulation

began to allow residents to worship in mosques by implementing strict health protocols. On June 10, 2020, the government implemented a looser regulation that residents around places of worship can carry out worship and learning activities in mosques without residents being affected by the Covid-19 virus. In addition, this regulation details what mosque managers and residents who want to worship in mosques must do.

From the perspective of *maqāṣid al-sharī'ah*, there are five basic principles in applying Islamic law. The five basics are to preserve religion, soul, mind, lineage and property. The government regulation of the Sidoarjo patent on religious activities in houses of worship is closely related to maintaining religion and the soul.

Hifẓ al-dīn (maintaining religion) is a general rule (*kullī*). To maintain religion is to apply religious laws and teachings properly and to reject things contrary to Allah Almighty's religion, such as obscurity, heresy and so on. Therefore, *hifẓ al-dīn* is the most important *darūriyyāt* among the five *darūriyyāt*.

When associated with the regulations of the Regent of Sidoarjo, the elements of *hifẓ al-dīn* are visible in the regulations. Although the regulation mentions the cessation of religious activities in mosques, residents can still worship from home. The government does not prohibit its citizens from worshipping, only requiring them to worship at home. So this regulation does not prevent its citizens from carrying out worship but only prohibits worship in mosques due to emergency conditions. It is, as a rule, "*al-darūrat tubīḥ al-maḥẓūrāt*" (emergencies permit the unlawful).⁴⁶

Based on these rules, the government can make regulations that temporarily stop religious activities in mosques due to an emergency, namely the Covid-19 pandemic.

The regulations of the Regent of Sidoarjo changed according to the emergency in his area. In this principle of *hifẓ al-dīn* (guarding religion), the government gave gradual leeway to implementing worship in mosques. In regulation number 32 of 2020, the government began to allow its citizens to pray *rawātib* and congregational prayers for residents living around the mosque by implementing health protocols. However, this activity is limited in terms of prayer. Other activities such as recitation and learning

⁴⁶ <https://www.muis.gov.sg/officeofthemufti/Fatwa/Fatwa-Covid-19-English>.

are still carried out virtually. This regulation signifies a dynamic process in lawmaking. According to Islamic law, the law adapts to the situation and conditions.

Legal changes occurred in the last two regulations, which have a more detailed concept than the previous two. The Regent's regulations number 44 and 58 of 2020 stated that religious activities in mosques are allowed as long as no residents around the mosque are affected by Covid-19. If anyone is affected by Covid-19, activities in mosques must be temporarily suspended. It indicates that residents are free to carry out their worship as long as they are healthy and can properly implement health protocols. Thus, the regulations of the Regent of Sidoarjo have fulfilled the principle of *hifẓ al-dīn*.

The temporary closure of mosques caused residents to worship in their homes, such as prayer Friday, Eid al-Fitr and Eid al-Adha. Thus, it can be understood that while Muslims work or carry out prayers, the *hifẓ al-dīn* will still be carried out even if the implementation of Friday prayers or congregational prayer legitimate in mosques must be temporarily suspended.

The ability to pray in the house is like the Ḥadīth:

عن ابن عباس -رضي الله عنهما- عن النبي -صلى الله عليه وسلم- قال: «من سمع النداء فلم يأتيه؛ فلا صلاة له إلا من عذر. صحيح - [رواه ابن ماجه]

Ibn 'Abbās (may Allah be pleased with him) reported that the Prophet (may Allah's peace and blessings be upon him) said: "Whoever hears the prayer call and does not attend the congregational prayer, then his prayer is not valid (deficient), except if he has an excuse." [Ibn Majah]⁴⁷

From the Ḥadīth above, in principle, a person must perform prayer services in the congregation if he has heard the call to prayer. However, if there is a certain *'udhr* (barrier), he is given an exception or *rukhsah* (waiver) not to do it in the congregation. Pandemic Covid-19 is a threat to human life and soul. It is certainly mandatory for mankind to stay away from the plague as a form of *dar' al-mafāsīd awlā min jalb al-maṣāliḥ* (repelling harm comes in priority over achieving benefits) and *idbā ta'arāḍa maṣadatan*

⁴⁷ <https://hadeethenc.com/en/browse/hadith/11288>.

rū'ya a'zamuhumā dararan bi irtikāb akhaffihimā (the greater harm should be prevented by forbearing the lesser).⁴⁸

In addition to *ḥifẓ al-dīn*, the principle in *maqāṣid al-sharī'ah* is *ḥifẓ al-nafs*. The general concept of *ḥifẓ al-nafs* is the maintenance of life or soul which is the second most important principle in order after the principle of *ḥifẓ al-dīn* (guarding religion). For example, Islam forbids the act of killing both oneself and other human beings. Islam prescribes the punishment of *qisās*, *diyyat*, and *kaffārah* for those who have committed murder either intentionally or unintentionally.

To the regulations of the Regent of Sidoarjo, prayers at home are part of *ḥifẓ al-nafs* (guarding the soul). In the first regulation, Sidoarjo Regent's Regulation Number 31 of 2020, prayers at home are recommended to prevent the spread of Covid 19. However, mosques must be routinely cleaned and sprayed with disinfectant. The cleansing and spraying of disinfectants in mosques are part of the principle of preserving the soul. With this spraying, the mosque always becomes clean and can kill the virus so that it does not spread to humans. It is done to maintain the health and lives of the community from this deadly virus.

In the Sidoarjo regent regulation number 32 of 2022, activities in place of worship began to be allowed for residents around the place of worship. These activities are limited to *rawātib* prayers and congregational prayers and implementing health protocols, namely maintaining distance, wearing masks and washing hands with soap. It is recommended by WHO to break the spread of the Covid-19 virus, and someone must implement the health protocol.

From the perspective of *maqāṣid al-sharī'ah*, this regulation contains *maṣlahat ḥifẓ al-dīn* and *ḥifẓ al-nafs*. A person may worship even by wearing a mask and keeping a distance due to emergencies. Handwashing is one part of the pillars of wudu that is done before prayer, and scholars do not mind washing hands before prayer. But praying with masks and social distancing is unusual for Muslims. There is an opinion that when praying, a person is forbidden to cover his nose because he is the part of the

⁴⁸ Bin Harun et al., "Social Change in the Time of Covid-19," 207; Qotadah, "Covid-19: Tinjauan Maqasid Al-Shariah."

limb that must touch the place of prostration.⁴⁹ The issue of wearing masks, and health protocols for Muslims, especially in places of worship in mosques, is a must to maintain the establishment of *maqāṣid al-shari'ah* as decreed by the MUI and instructed by the government as *uli al-amr*.⁵⁰

In congregational prayers, worshippers are destroyed to close their ranks by keeping a distance.⁵¹ However, during the Covid-19 pandemic, a Muslim must wear a mask during congregational prayers and maintain distance. In this regard, the cleric's fatwa allows prayers by wearing masks and keeping their distance. It had to be done because of the emergency and the elimination of *al-darūrah* (dangerous).

Prayer using health protocols prevents the spread of the Covid-19 virus, according to the principle of maintaining the soul. The Health Protocol is considered effective in preventing the transmission of the Covid-19 virus. In addition, the *ta'mīr* (manager) of the mosque always maintains the mosque's cleanliness by regularly cleaning it with disinfectants.

In the Sidoarjo regent's regulations Number 44 and 58 of 2020, activities in houses of worship began to be relaxed and all residents were allowed to carry out religious activities in places of worship as long as in the RW environment, no residents contracted the Covid-19 virus. In addition, the Regent's regulations also detail things done during the mosque's implementation of worship activities.

Places of worship have standard operating procedures (SOPs) by 1) preparing supervisory officers in the area of places of worship; 2) carrying out cleaning and disinfection; 3) limiting the number of doors/paths in and out of places of worship; 4) providing hand washing/soap/hand sanitiser facilities at the entrance and exit of places of worship; 5) checking body temperature for all users of houses of worship, giving signs on the floor/chairs, a minimum distance 1 (one) meter; 6) regulate the number of congregations/users of places of worship who gather at the same time, shorten the time for the implementation of

⁴⁹ Muthalib et al., "Changes in Congregational Prayer Practices," 439.

⁵⁰ Zaenurrosyid, Hidayatussholihah, and Shidiq, "Typologies of the Fiqh Conception," 1093.

⁵¹ Muthalib et al., "Changes in Congregational Prayer Practices," 437.

worship; 7) post an appeal for the implementation of health protocols; 8) make a statement of readiness to implement predetermined health protocols; 9) and enforce the implementation of health protocols specifically for guest congregations who come from outside the places of worship environment.

People who will carry out worship in houses of worship must comply with the following provisions: in good health; wearing a mask; maintaining hand hygiene; avoiding physical contact; maintaining a safe distance (physical distancing) between congregations of at least 1 (one) meter; avoid staying in houses of worship for a long time, and care about the implementation of health protocols in places of worship is according to the provisions.

Sidoarjo Regent Regulation Number 44 and 58 of 2020 is an improvement from the previous regulation. That regulation is based on benefits and adjusts the situation and conditions of spreading the Covid-19 virus in the Sidoarjo regency. In making these regulations, the Sidoarjo regency government is based on the regulations of the Governor of East Java and the central government in calming the spread of the Covid-19 virus. In addition, the Sidoarjo government also listened to the aspirations of residents and religious leaders related to worship activities during the Covid-19 pandemic.

From the perspective of *ḥifẓ al-dīn* and *ḥifẓ al-nafs*, this regulation provides freedom for residents to carry out activities in mosques but is still restricted to residents on the condition that no residents are exposed to covid-19. In maintaining soul (*ḥifẓ al-nafs*), some procedures must be adhered to by mosque managers (*ta'mir*) and residents who worship in mosques. These strict procedures are carried out so residents can worship peacefully and avoid spreading the Covid-19 virus in the community. However, for places where there are residents exposed to the Covid-19, they must also obey the regulations to stop worship activities in mosques temporarily. It is according to the word of God in al-Taghābun [64]: 16, “So fear Allah as much as you can listen and obey and spend [in the way of Allah]; it is better for your selves. And whoever is protected from the stinginess of his soul—it is those who will be successful.”

From the verse, it can be understood that carrying out worship must be adjusted to ability. Maintaining life (*ḥifẓ al-nafs*) is an essential prerequisite in *ḥifẓ al-din* (maintaining religion). Religion has an important role in stemming the spread of the Covid-19 outbreak. Saving humanity is a top priority during an alarming and uncertain situation like today.⁵² However, humans can still carry out their worship by using existing SOPs as a form of *rukhsah* in worship.

Conclusion

During the Covid-19 pandemic, the Regent of Sidoarjo issued four regulations related to handling Covid-19, including worship activities. The first regulation, Sidoarjo Regent Regulation Number 31 of 2020, explains that religious activities are limited to home only and dismissed in houses of worship except for *rawātib* prayers. The regulation was amended by the second regulation, Sidoarjo regent regulation Number 32 of 2020, which allows carrying out religious activities in mosques by implementing health protocols. In the Regent's regulation of Sidoarjo number 44 and 58 of 2020, it is explained that religious activities are allowed to be carried out in houses of worship if, in the RW environment, there are no residents affected by the Covid-19. If residents are confirmed to have the Covid-19, religious activities in houses of worship must be stopped.

From the perspective of *maqāsid al-shari'ah*, the Sidoarjo regent's regulations relating to religious activities contain *masalah ḥifẓ al-din* (guarding religion) and *ḥifẓ al-nafs* (guarding the soul). The pandemic's beginning did not prevent residents from worshipping even at home to maintain the health of residents from contracting the Covid-19 virus. In the following regulation, residents can congregate in mosques, but other religious activities are carried out online. In addition, residents who go to the mosque must comply with health protocols. The regulation was revised to the Regent's regulation that gives residents the freedom to carry out activities in mosques, either congregational prayers or recitations and others, as long as no residents are exposed to the Covid-19 virus.

⁵² Qotadah, "Covid-19: Tinjauan Maqasid Al-Shariah."

The changes of regulation are according to *lā yunkaru taghayyur al-aḥkām bi taghayyur al-aẓmān* (it cannot be denied that legal rulings change because times change) and “*al-ḍarūrah tubīḥ al-maḥẓūrāt*” (emergencies permit the unlawful). The regulation of the Regent of Sidoarjo relating to religious activities is carried out to maintain mutual benefit, namely *ḥifẓ al-dīn* and *ḥifẓ al-naḥs*. The government kept its citizens able to worship during the pandemic and protected the health of citizens from exposure to the Covid-19 virus.

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