



Sadd Al-Dzari'ah's Analysis Reviewed in Covid 19 Cases by The Government in Indonesia

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ARTICLE INFO

Article history:

Received Sept 23, 2022
Revised Sept 30, 2022
Accepted Oct 14, 2022

Keywords:

Analysis;
Covid 19;
Government;
Sadd Al-Dzari'ah's.

ABSTRACT

The Covid-19 case, which has become a problem in the world and in Indonesia, is a common concern. In Indonesia, covid 19 cases with a percentage of 6.47 million, both confirmed cases, recovered cases, and deaths to active cases. Therefore, the purpose of this study is to find out the handling of Covid-19 by the Government in Indonesia, and to find out the concept of Sadd Al-Dzari'ah in the case of Covid 19 in Indonesia. The legal research method used is a type of normative juridical legal research by analyzing the *case approach* and the source of legal material used is the source of primary legal material studying the concept of Sadd Al-Dzari'ah and looking at data on covid 19 cases and skunder legal materials in the form of journals and other media related to this research. It is known that Indonesia has handled covid 19 cases as much as possible with various efforts, policies carried out by the government, which are ushered in making regulations and even forming teams etc. Then in the concept of Sadd Al-Dzari'ah is a concept born from the consideration of studies of legal considerations, especially for the benefit of the human ummah in line with the policies made by the government because it concerns the mashlahah of the human ummah.

ABSTRAK

Kasus Covid 19 yang menjadi permasalahan di dunia maupun di Indonesia menjadi satu perhatian Bersama. Di Indonesia casus covid 19 dengan persentase angka 6,47 jt. baik kasus konfirmasi, kasus sembuh, maupun kasus meninggal hingga kasus aktif. Maka dari itu tujuan penelitian ini ialah, untuk mengetahui penanganan covid 19 oleh Pemerintah di Indonesia, dan untuk mengetahui konsep Sadd Al-Dzari'ah dalam kasus Covid 19 di Indonesia. Adapun metode penelitian hukum yang digunakan ialah jenis penelitian hukum yuridis normative dengan menganalisis pendekatan *case approach* (pendekatan kasus) dan sumber bahan hukum yang digunakan ialah sumber bahan hukum primer mengkaji konsep Sadd Al-Dzari'ah dan melihat data kasus covid 19 dan bahan hukum skunder berupa jurnal dan media lainnya yang berkaitan dengan penelitian ini. Adapun diketahui bahwa Indonesia telah menangani kasus covid 19 dengan semaksimal mungkin dengan ragam upaya, kebijakan yang dilakukan pemerintah diantaranya membuat regulasi bahkan sampai membentuk Tim dll. Kemudian dalam konsep Sadd Al-Dzari'ah merupakan konsep yang lahir dari pertimbangan kajian-kajian terhadap pertimbangan hukum terutama untuk kemaslahatan ummat manusia sejalan dengan kebijakan yang dibuat oleh pemerintah karena menyangkut mashlahah ummat manusia.

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I. INTRODUCTION

In 2019 the world experienced a pandemic with an outbreak called corona virus dieses 19 (Covid 19)(Ahmad et al., 2020). At that time, various countries had a pandemic with covid 19. The victims were also in various countries(Campbell, 2020). The COVID-19 pandemic, also known as the coronavirus pandemic, is an ongoing global pandemic of coronavirus disease 2019 (COVID-19) caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)(Acter et al., 2020). The new virus was first identified from an outbreak in Wuhan, China, in December 2019.

Attempts to contain it there failed, allowing the virus to spread to other areas of China and then around the world. The World Health Organization (WHO) declared the outbreak a public health emergency of international concern on January 30, 2020 and a pandemic on March 11, 2020. As of October 17, 2021, the pandemic has caused more than 6.47m million confirmed cases and 158 rb deaths, making it one of the deadliest in history.

In the world from the picture above, the human mortality rate of covid 19 cases is very high. Likewise, in Indonesia, for example, the number of cases of covid 19 cases is also high, G. There were 6,462,655 confirmed cases. this means that this number is very high for people who have been confirmed with COVID-19. However, if you look at the data above, there are also recovered cases with 6,285,790. of course, from the number of confirmed covid 19 with a difference of 176,865. of course, the number of confirmed cases with recovered cases is also high. However, the problem from the data above is that there are still 158,361 meningeal cases in the world. This means that covid 19 cases of deaths in Indonesia are low compared to the confirmed rate. And the last at 18,504 is in active cases.

From the data above, it shows that the number of covid 19 in deaths is not higher than the number of recovered cases. Because the covid 19 problem is a common problem, namely between citizens and the Indonesian government. Especially in this case, the mandate of the Indonesian constituency of the 1945 Constitution states:

Article 28 H

Everyone has the right to live a prosperous life born and mentally, to live, and to have a good and healthy living environment and the right to obtain health services(Organization, 2019).

Article 28 letter h above is chapter XA on Human Rights. This basic rule states that the indonesian people have the right to a prosperous life and a good living environment and obtain health benefits. Of course, this is the basis for overcoming covid 19. This means that the existence of the government is present as the implementer of the mandate of the 1945 constitution as the Indonesian constitution. To implement article 28 of the 1945 constitution, especially health problems(Ramadhani & Anggraeni, 2022).

This health problem in overcoming covid 19 is not only the authority of the central government, but local governments participate in overcoming covid 19 as stipulated in the policies carried out by the government to overcome covid 19. In this case, it is in line with the concept of Sadd Al-Dzari'ah which has studies of legal considerations, especially for the benefit of the human ummah. Sadd al-dzari'ahis one of the methods of legal decision-making (istinbath al-hukum) in Islam.

Each deed contains two sides, firstly the intermediary who encourages to do something, and secondly the purpose for which the deed is concluded, good or bad. The deed that intermediaries and the path to something is called Dzari'at. The dzari'ah contains two meanings, namely the forbidden, called sadd al- dzari'ah, which is required to be carried out called fath al- dzari'ah. Therefore, the author sees a good problem to be studied, especially by analyzing covid 19 cases with the concept of Sadd Al-Dzari'ah, so the title of the study was born, namely "Analysis of Sadd Al-Dzari'ah Reviewed in Covid 19 Cases by the Government in Indonesia"

II. RESEARCH METHODS

In this study using normative juridical types of research. It is said to be normative juridical because there are legal norm problems that need to be studied against the problems in making a policy on the covid 19 problem. So what is being studied is from the aspect of policies that need to be analyzed to find out in the implementation of covi 19 in Indonesia(Utomo et al., 2020). Then look at the concept of Sadd Al-Dzari'ah, whether this concept can be said to be in line with the handling of covid 19 considering the large number of humans who died during the covid 19 period (Raharjo, 2010).

Then in this study, the next method is related to the approach used in this study, namely the case *aprouch* approach or the case approach that has been described by the statistics of the Ministry of Health(Abdi, 2021). Then the *comparative approach* is a comparative approach by looking at the concepts of Sadd Al-Dzari'ah whether they are in line or not with the policies made by the government in overcoming covid 19.

Then the source of legal material used in this study is the source of primary data legal material consisting of forms of policies made by the government in overcoming Covid-19 and the methods contained in the concept of Sadd Al-Dzari'ah. Then the source of legal material skunder in the form of journals and other references.

III. RESULT AND DISCUSS

Forms of covid 19 handling by the Government in Indonesia

Percentage of Covid 19 Cases in Indonesia

As is known, the percentage of covid 19 cases is 6.47 million , which means that this figure is very high for people who have been confirmed with COVID-19. However, if you look at the data above, there are also recovered cases with 6,285,790. of course, from the number of confirmed covid 19 with a difference of 176,865. of course, the number of confirmed cases with recovered cases is also high. However, the problem from the data above is that there are still 158,361 meningial cases in the world. This means that covid 19 cases of deaths in Indonesia are low compared to the confirmed rate. And the last at 158 rb is in active cases.

As if referring to dating per province in Indonesia:

Community transmission is at level 1, with a daily positivity rate of 0.51% and a positivity rate per week of 0.64%, the incidence rate of cases is 2.80/100,000 residents per week. The total number of deaths nationwide stood at 142,889, with an incidence rate of 0.13/100,000 residents per week. Community transmission indicators persist at the level. The percentage of bed use (%BOR) continues to decline. The percentage of COVID-intensive BOR in Indonesia as of October 14 was 8.6%, while the percentage of 0 2000 4000 6000 8000 10000 12000 0 50000 100000 150000 200000 250000 300000 350000 Number of Deaths Weekly Data Number (7 Days) June 28, 2020 - October 14, 2021 Java-Bali Sumatra Sumatra Kalimantan Sulawesi Nusa Tenggara-Maluku-Papua Number of Deaths Chart 1. Weekly Cases and Deaths in Indonesia.

Cumulatively nationally as of October 14, 2021, there were 4,233,014 confirmed cases. Community transmission is at level 1, with a daily positivity rate of 0.51% and a positivity rate per week of 0.64%, the incidence rate of cases is 2.80/100,000 residents per week. The total number of deaths

nationwide stood at 142,889, with an incidence rate of 0.13/100,000 residents per week. Community transmission indicators hold at level 1. • The percentage of bed use (%BOR) continues to decline. The percentage of COVID-intensive BOR in Indonesia as of October 14 was 8.6%, while the percentage of COVID isolation BOR was 4.3%. The entire province is still at an adequate level.

Definition of Policy

In general, policies or policies are used to show the behavior of an actor, for example an official, a group, or a certain institution to solve the problem at hand. There are basically many explanations with limitations or understandings of policy. (Lubis, 2007)

According to Noeng Muhadjir, policy is an effort to solve social problems for the benefit of the community on the principle of justice and community welfare.

Then Monahan and Hengst as quoted by Shafaruddin that policy (policy) is etymologically derived in Greek, namely "Polis" which means city (city). (Hoogerwerf, 1978)

This opinion explains the policy referring to the ways in which all parts of government direct to manage their activities. In this case, the policy is concerned with the idea of organizational regulation and is a formal pattern that the government or institutions equally accept so that with it they seek to pursue their goals.

While according to Weihrich and Koontz quoted from Amin priatna that policy is a heart-cleansing tool or encouraging expectations, initiative tetatp within limitations. Freedom depends on policy and vice versa will reflect the position and power in the organization.

Thus, based on some of the opinions mentioned above, it can be implied that policy is as a series of concepts and principles that become the outline of the basis of the problem that becomes a plan in the implementation of a job, leadership and way of acting, a statement of ideals, principles, or intentions in solving problems as a guideline line for management in an effort to achieve goals or objectives. In other words, as a guideline for action for decision making.

A society is characterized among other things by its problems. Some of these problems have long existed in society, some have only emerged. The emergence of problems in society is due to the presence of certain events (events) and affects people differently. To get and solve exactly a problem turns out not so simple. A problem may be solvable, but another problem will also arise.

Forms of Government Policy in overcoming Covid 19

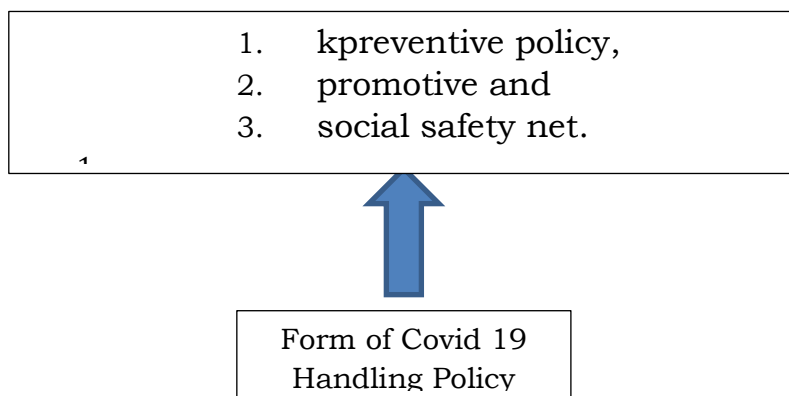


Figure 1. Forms of Government Policy in overcoming Covid 19

Map The concept of the policy above is a form of policy carried out by the government in overcoming covid 19, while this policy among these preventive policies is a habit that is preventive in nature in the form of recommendations to wear masks not to go to home without need, crowds or many other preventive policies that have been made by the government, then there is a so-called promotive

policy, namely introducing that this virus is dangerous by providing information to the people of Indonesia about the dangers of this disease. (Ikmal, 2021)

Then provide a series of health services to the community in the form of vaccines for free or provide masks gratis. and social safety nets. In addition, the government is also trying to ease the community's economy due to the COVID19 pandemic with the establishment of the Family Hope Program, Non-Cash Food B, Pre-Employment Card, Electricity Subsidy Assistance. The government also budgeted allocation funds and provided credit relief for informal sector workers and MSME actors.

The JPS program during the COVID-19 pandemic is a program designed to help the poor affected the impact of the COVID-19 pandemic and carried out through the stages of rescue and recovery towards normal conditions. The concept of JPS was introduced by capitalist groups at the time of the economic transition in Eastern European countries in the 1900s. (Hidayati, 2020)

In addition to policy measures to strengthen the health sector, the authority is also concerned about efforts to overcome the impact of the economic downturn by launching various stimuli. The policy targets are also very broad, ranging from households, corporations, MSMEs, and even local governments, and targeting various economic sectors. Various institutions such as the IMF, World Bank, ASEAN also called for the importance of international cooperation to overcome the impact of the pandemic. Policy responses to overcome the impact of COVID-19 in general can be grouped into four categories: fiscal, monetary, macroprudential, and emergency liquidity policies.

Fiscal policy to overcome COVID-19 has different characteristics

compared to at the time of the GFC. Fiscal stimulus during the 2008/2009 GFC was more focused on public investment and unemployment insurance. Meanwhile, in the COVID-19 crisis, the government prioritizes assistance to the labor and household sectors in the form of job retention schemes, unemployment insurance, direct cash payments, and tax relaxation. The government also provided assistance to the affected health sector and businesses. It even provides financial support to local governments to provide health facilities for their citizens. Pressure on financial markets and the economy has also received an aggressive response from monetary authorities.

Policy is directed at maintaining price stability, ensuring the running of financial markets, and ensuring the effectiveness of monetary policy transmission. The measures include cutting interest rates, purchasing securities, intervening in the money market, preventing capital flows, and establishing swap arrangements. The policy of reducing interest rates was carried out quite aggressively after the outbreak of COVID-19. Accommodative monetary policy has eased financial market fluctuations and built market participants' confidence.

The stock price index has increased and capital flows have begun to re-enter the emerging market. The statements of various central banks that are ready to carry out further policies, further add to the confidence of the market. Support to corporations and MSMEs is also expected to prevent bankruptcy and suppress terminations.

The concept of Sadd Al-Dzari'ah in the case of Covid 19 in Indonesia

Understanding Sadd Al-Dzari'ah

Sadd al-dzari'ah comes from two words (phrases/idhofah), namely sadd and dzari'ah. The word sadd means, It means to close the flaws, and to close the damage, and also means to prevent or forbid. Whereas the word dzari'ah linguistically means, the path that leads to something, *hissically* or *ma'nawi* (good or bad). The meaning of *lughawi* is a neutral connotation without giving results to deeds. (Suhartini, 2012)

This understanding is what Ibn Qayyim raised, that is, anything that is the intermediary and the way to something. So, according to him, the limitation of the notion of dzari'ah is aimed at the recommended. Meanwhile, Syatibi says that dzari'ah means, Indeed, the essence of the dzari'ah rule is that he who connects something maslahat to mafsadat. That is, a person does a job that is basically allowed because it contains a benefit, but the goal he is about to achieve ends in a sense of happiness. (Ash-Shiddieqy, 1990)

Furthermore, Badran gives the following definition of dzari'ah, What conveys to something forbidden that contains damage. Whereas Qarafi interprets sadd dzari'ah as Dzari'ah means intermediary or means to something. The point is to Prevent and restrain the paths that seem to be lawful, but can plunge into illegitimate matters, in order to erode the cause of monasticism and intoxication, or to prevent the occurrence of illegitimate things from happening.

As for Ibn 'Assyria interprets dzari'ah with, Called Sadd dzara'i because it has become a designation to prevent intermediaries/means to damage. Wahbah Zuhaili wanted a neutral definition, for which he chose the definition put forward by Ibn Qayyim. He defines sadd dzari'ah as "Forbidding and rejecting everything that can be a means to the monastic, to prevent corruption and harm. (Munawaroh, 2018)

The legal basis of Surah Al-An'am verse 108

That is to say: And do not curse the offerings they worship besides Allah, for they will later curse God by going beyond the limit without knowledge.

Surah An-Nur verse 31 And let them not beat their feet so that the jewels they hide may be known. And repent ye all to God, O people of faith that you may be fortunate.

Sadd Al-Dzari'ah's Concept in Overcoming Covid 19

Sadd adz-dzari'ah is one of the methods of legal decision-making (*istinbath al-hukm*) in Islam. However, some scholars have placed it in a series of syara' postulates that are not agreed upon by the scholars, there are fiqhiyyah rules that can be used as the basis of sadd dzari'ah as a method of istinbath law and as a guide (postulate), namely: "Rejecting ugliness (mafsadah) takes precedence over achieving good" (maslahah).

Sadd adz-dzari'ah can also be leaned on these two rules, because in sadd adz-dzari'ah there is an element of mafsadah that must be avoided as well, belief in a matter that will bring damage. Ibn Qayyim, said that,:

"when God forbids a thing, then God will forbid and prevent all the ways and intermediaries that can lead to it. This is to strengthen and affirm the ban. But if God allows all these ways and intermediaries, of course this is contrary to the established prohibition".

Dzar'ah is grouped by looking at several sides, including by looking at the consequences (impacts) it causes, Ibn Qayyim divides Dzari'ah into four kinds, namely:

- a. An act that is indeed basically bound to bring and cause damage (mafsadah).
- b. An act that is basically allowed (mustahab), but is deliberately used as an intermediary for something bad deeds to happen that is destructive (mafsadah).
- c. An act that is basically permissible but unintentional to cause a ugliness (mafsadah), and in general the ugliness still occurs even if it is unintentional, of which the ugliness is greater in consequence than the good (maslahah) achieved.
- d. An act that is basically allowed but can sometimes cause ugliness (mafsadah).

As for things that can be done to avoid mafsadah by carrying out health protocols such as, First, replacing Friday Prayers with Dzuhur Prayers at home. Friday prayers are an obligation for Muslims, fardhu 'ain for baligh men, sensible, healthy (not sick or unobstructed udzur), muqim (not on the way). However, when there is a Covid-19 outbreak, which is transmitted very quickly when there is a crowd of people, then that obligation becomes illegal, if you are sick.

As the Hadith of the Prophet saw:

That is to say: "Let not the sick mix with the healthy"

(HR. Bukhari Muslim).

Second, leave friday prayers many times.

Hadith of the Prophet saw:

that is to say: "Whoever leaves the Friday Prayer three times without udzur, he is undoubtedly classified as a munafiq".

So if you leave the Friday Prayers with disdain and without udzur, then it is illegitimate. However, the outbreak of the Covid-19 outbreak, this situation is included in the Udzur category. Some of the udzurs that allowed not to pray friday included: heavy rains that could wet his clothes and cause pain, fears of life safety, self-respect and the safety of his property.

Third, the prayer line is 1 meter apart, ulama Madzhab Hanafi, Maliki, Shafi'i and Hambali stated that the taswiyah shufuf law is mustahab (not mandatory), so leaving the neatness of the shaf (prayer line) does not cancel the prayer. So carrying out congregational prayers with a distance of 1 meter is still valid for prayers. Because maintaining safety and health is a goal that should not be ignored in Islam.

Fourth, closing the mosque to migrants, hadith of the Prophet saw: "If you hear the news of the outbreak of the plague of tha'un in a region, you shall not enter it. And if you are in it, then you shall not get out of it. (HR. Bukhari and Muslims). This hadith is the handle of citizens and even the government in deciding the Lockdown or PSBB (Large-Scale Social Restrictions) policy for areas classified as the Covid-19 Red Zone. Wearing a mask during imam Nawawi's prayers in al-Majmu' states makruh wears litsam (masks) on the postulate that "The Messenger of Allah saw forbids a person to pray by covering his mouth". (HR, Abu Dawud). The situation of the Covid-19 pandemic, which is transmitted through the mouth and nose, while it is not certain, whether the place of prostration has been sterile from the virus, is allowed to wear a mask because of the emergency.

Because the principle of the fiqhiyah rule of rejecting madharat takes precedence over taking advantage. However, it is preferable not to wear a mask, but to bring your own prayers from home. Moreover, if it can be ascertained that the place of prostration has been sterile, then it is not recommended to wear a mask. Then use a Hand Sanitizer made from the active ingredient of alcohol which in the ulama states that the legal alcohol is unclean, including fragrances. Imam Asy Shaukani was one of those who declared not to be unclean. The MUI fatwa of 2009 states that in principle the law of alcohol depends on the process of making it.

If it is made or produced from unclean materials, then the law is illegitimate to use, especially during prayers. If it is made of a material that is not unclean, then it can be used. On that basis, it is okay to use hand sanitizers, especially if it is difficult to find water to wash away Health protocols are one way to control Covid-19 which is in accordance with the Islamic concept of Saddu Dzari'ah is to prevent everything that is the way to damage. Therefore, if there is a good deed that will cause damage, then the good deed should be prevented from causing damage.

IV. CONCLUSION

The form of handling covid 19 by the Government in Indonesia in the results of the analysis that the government since the emergence of covid 19 has carried out various kinds of policies, including policies found preventive, promotive and social safety net policies. Preventive policies such as urging people to wear masks, making advertisements in the form of appeals to maintain distance, not to leave the house without necessities, etc. The most obvious promotive policies such as doing vaccinations for free, wearing masks etc. Then the last policy is in the form of social security from the pre-economic aspect with various kinds of policies so that the economy rises.

Konsep Sadd Al-Dzari'ah in the case of Covid 19 is to prevent everything that is the way to damage. This means that the legal considerations used are related to the benefit of the human ummah, such as for example As for things that can be done to avoid mafsadah by carrying out health protocols such as, replacing Friday Prayers with Dzuhur Prayers at home due to plague conditions, then prayers are distanced, . Then prohibiting congregational prayers for migrants, these are all legal considerations in the case of covid-19 which has passed when there is a Covid-19 outbreak whose transmission is very fast when there is a crowd of people, then that obligation becomes legally illegitimate, if you are sick.

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