Maqasid al-Shari'ah in Islamic Law Renewal: The Impact of New Normal Rules on Islamic Law Practices during the Covid-19 Pandemic

Asman,[1a] Tamrin Muchsin[b]
[ab]Institut Agama Islam Sultan Muhammad Syafiuddin Sambas

Abstract

The vast and multidimensional impact of the Covid-19 pandemic has forced all countries to establish policies to prevent the transmission of Covid-19, including Indonesia. Not a few countries are not ready to make decisions to find new, more effective ways to prevent Covid-19. In Islamic law, ijtihad is part of lawmaking in the implementation of worship and muamalah, which solves problems that arise and mitigates policy implementation. This article uses a normative juridical approach to the issue because it can showcase the benefit of Islamic law for humans. Moreover, it aims to generate ideas in the renewal of Islamic law, especially in the implementation of worship and muamalah (social transaction/relation) and inform the government to make decisions that intersect with Islamic law during the Covid-19 pandemic. The focus of this research is how does covid-19 affect the practice of Islamic law in worship and mu`amalah? This study finds that government policies and regulations are currently in line with Islamic law. The most critical considerations in determining the compatibility of government policies and rules with shari'a are maintaining the soul's safety, maintaining the continuity of religion through rukhshah, and maintaining the economy. Also, the Islamic rulings (fatwa) issued by ulama in response to government policies and rules are expected to guide worship and mu`amalah, build awareness and solidarity of Muslims, and relate to the people's economy today.

Introduction

It should be noted that Allah SWT as Shār'i '(who stipulates sharia) does not just create laws and regulations. However, these laws and regulations were made with a specific purpose. Ibn Qayyim al-Jauziyah, as quoted by Khairul Umam, stated that the purpose of Islamic law is for the benefit of Muslims in this world and the hereafter.[2] All of the Shari'a are fair, all of them contain mercy, and all contain wisdom. Any problem that deviates from justice, mercy, benefit, and wisdom is not a provision of the Shari'ah.

The purpose of establishing Islamic law or what is often known as Maqashid al-shari'ah is one of the essential concepts in Islamic law. Because of the importance of this *maqashid al-shari'ah*, legal theorists have made *maqashid al-shari'ah* something that should be understood by *mujtahid* who carry out *ijtihad*. The essence of the maqasid al-Sharia theory is realizing goodness while avoiding damage or taking good benefits and rejecting evil. The term which corresponds to the essence of *maqashid al-shari'ah* is maslahat because the establishment of law in Islam must lead to maslahat.

Meanwhile, the social changes that Muslims face in the modern era have raised several severe problems related to Islamic law. On the other hand, the methods developed by the reformers in answering these problems do not seem satisfactory. In research on legal reform in the Islamic world, it is concluded that the method generally developed by Islamic reformers in dealing with legal issues still rests on a disaggregated approach by exploiting the principles of *takhayyur* and *talfiq*.[3] So that it is a very urgent concern

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[2] Khairul Umam, *Ushul Fiqih* (Bandung: Pustaka Setia, 2011), 127.

[3] J.N.D. Anderson, *Law Reform in the Muslim World*, Terj. Imamuddin (London, University of London Press, 2006), 42.

for reformers of Islamic law thinkers to issue a current fatwa in the new normal era after the Covid-19 pandemic to get a solution, especially in terms of the benefit of humankind, formulate a systematic methodology that has strong Islamic roots if you want to produce comprehensive and consistent laws.[4]

Based on the above considerations, the study of the theory of maqashid al-shariah in the study of Islamic law is a necessity. Because research on the existence of maqashid al-shariah in this study uses a normative juridical approach to find out Islamic law stipulates in the implementation of worship and muamalah of humankind amid this Covid-19 pandemic outbreak. This short article will try to put forward the theory of *maqashid al-shari'ah* in a simple manner. Things that are considered necessary in the theory of *maqashid al-syariah* relating to the benefit of humans during the Covid-19 outbreak know the content of *maqashid al-syariah* in determining Islamic law and how to find out how scholars issue fatwas in the implementation of worship during the Covid-19 pandemic so that the concept of *maslahah* is following al-Shatibi's thinking in the renewal of Islamic law.

The essence of Maqashid Al-Shari'ah

Maqashid al-shari'ah consists of two words, *maqashid* and *shari'ah*. The word *maqashid* is a form of plural from *maqshad,* which means intent and purpose, while *shari'ah* has the meaning of Allah laws set for humans to be guided to achieve life's happiness in the world in the hereafter.[5] So thus, *maqashid al-shari'ah* means valuable content, which is the goal of the law enforcement because *maqashid al-shari'ah* are the goals to be achieved from a legal stipulation.

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[4] John L. Esposito, *Women in Muslim Family Law*, Terj. Fadli Hasim (Syracuse: Syracuse University Press, 2012), 101.

[5] Asafri Jaya, *Konsep Maqashid al-Syari'ah Menurut al-Syathibi* (Jakarta: Raja Grafindo Persada, 2016), 5.

Izzuddin ibn Abd al-Salam, as quoted by Khairul Umam, said that all legal *taklif* always aim for the benefit of servants (humans) in the life of the world and the hereafter. Allah does not need someone's worship because the servant's obedience and immorality do not affect the glory of Allah.[6] So, the target of legal benefits is none other than human interests.

According to Satria Efendi, maqashid al-shari'ah contains a general meaning and a special meaning. A general definition refers to what is meant by legal verses or legal hadiths, whether indicated by the meaning of the language of the objectives contained therein.[7] The general meaning is identical to the meaning of the term maqashid al-shari'ah (Allah's intention in bringing down the verse of law, or the intention of the Prophet in issuing legal hadith). Maqashid al-shari'ah among ushul fiqh scholars is also known as ash-shari'ah, which means secrets established by syara 'behind a law, namely in the form of benefit humankind, both in the world and hereafter.

Meanwhile, a specific definition is a substance or purpose to be achieved by a legal formula. Meanwhile, Wahbah al-Zuhaili defines *maqashid shari'ah* with the meanings and objectives maintained by syara in all of its laws or most of its laws or the ultimate goal of shari'ah and the secrets placed by syara' on each the law.[8]

The study of the theory of *maqashid al-shari'ah* in Islamic law is critical. The urgency is based on the following considerations:[9]

1. Islamic law is the law that comes from God's revelation and is intended for humankind. Therefore, he will always be faced with social change. In such a position, whether

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[6] Khairul Umam, *Ushul Fiqih,*125.

[7] Ahmad Imam Mawardi, *Fiqh Minoritas Fiqh Aqalliyât dan Evolusi Maqāṣid al- Syarīah Dari Konsep ke Pendekatan* (Yogyakarta: LKiS, 2010), 178.

[8] Wahbah al-Zuhaili, *Ushul al-Fiqh al-Islami* (Beirut: Dar al-Fikr, 1986), 1017.

[9] Asafri Jaya Bakri, *Konsep Maqāṣid al-Syarī"ahMenurut al-Shatibi* (Jakarta: Pt. Raja Grafindo Persada, 2016), 61.

Islamic law, whose primary source (al-Quran and Sunnah) was passed down in the past few centuries, can adapt to social change. The answer to this question can only be given after a study of various elements of Islamic law is conducted, and one of the most critical elements is the theory of *maqashid al-shari'ah*.

2. Judging from the historical aspect, the Prophet Muhammad SAW, his companions, and the generation of *mujtahid* have paid attention to this theory.

3. Knowledge of *maqashid al-shari'ah* is the key to the success of the mujtahid in its ijtihad because it is based on the objective of the law that every problem in mating between fellow humans can be returned. Abdul Wahhab Khallaf, an expert on ushul fiqh, stated that the shari'ah texts could not be understood correctly except by someone who knows *maqashid al-shari'ah* (legal objectives).[10] This opinion is in line with another jurisprudence expert, Wahbah al-Zuhaili, who said that knowledge of *maqashid al-shari'ah* is a *dharuri* (urgent) issue for *mujtahid* when understanding texts and making legal *istinbaths*, and for others in order to know secrets shari'ah secrets.[11]

Indeed, if you examine Allah's commands and prohibitions in the Quran and the commands and prohibitions of the Prophet Muhammad SAW in the Sunnah formulated in fiqh, all of them will be seen to have a specific purpose, and nothing is in vain. Maqashid shari'ah is a goal of God that substantially wants to benefit all humans in the life of the world and the hereafter.[12] All of them have a pearl of profound wisdom, namely as a blessing for humankind, as confirmed in several verses of

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[10] [10] Abd al-Wahab Khallaf, *Ilmu Ushul Al-Fiqh*, Ter. M. Ridho (Kairo: Maktabah al-Da'wah al- Islamiyah, 1968), 198.

[11] Wahbah al-Zuhaili, *Ushul al-Fiqh al-Islami,* 1017.

[12] Ahmad Muhtadi Anshor, and Muhammad Ngizzul Muttaqin. "Kebijakan Pemerintah Indonesia dalam Pencegahan Penyebaran Corona Virus Disease 2019 (Covid-19) Perspektif Maqashid Syari'ah." *Al-Istinbath: Jurnal Hukum Islam* 5.2 (2020): 165. 10.29240/jhi.v5i2.1946

the Koran, including in Sura al-Anbiya'/ 21: 107, about the purpose of the Prophet Muhammad being sent:

$$وَمَآ أَرْسَلْنَٰكَ إِلَّا رَحْمَةً لِّلْعَٰلَمِينَ ١٠٧$$

"And we do not send you, but to (be) a mercy for the universe" (Surah al-Anbiya'/ 21: 107).[13]

Mercy for all nature in the above verse is defined as the benefit of the people. Meanwhile, maslahat can be interpreted as something good in simple terms and can be accepted by common sense. It is accepted that reason means that reason can know and understand the motive behind the stipulation of law, namely because it contains benefits for humans, whether God explains it for its reasons or using rationalization. Allah's orders for *dhikr* and prayer are explained by Allah himself, as contained in the following verse:

$$ٱلَّذِينَ ءَامَنُوا۟ وَتَطْمَئِنُّ قُلُوبُهُم بِذِكْرِ ٱللَّهِ أَلَا بِذِكْرِ ٱللَّهِ تَطْمَئِنُّ ٱلْقُلُوبُ$$

"(That is) those who believe and their hearts are at ease by remembering Allah. Remember, only by remembering Allah will the heart be at ease) (Surah al-Ra'd / 13: 28).[14]

$$ٱتْلُ مَآ أُوحِيَ إِلَيْكَ مِنَ ٱلْكِتَٰبِ وَأَقِمِ ٱلصَّلَوٰةَ إِنَّ ٱلصَّلَوٰةَ تَنْهَىٰ عَنِ$$
$$ٱلْفَحْشَآءِ وَٱلْمُنكَرِ وَلَذِكْرُ ٱللَّهِ أَكْبَرُ وَٱللَّهُ يَعْلَمُ مَا تَصْنَعُونَ$$

"Read what has been revealed to you, namely the Holy Book (al-Quran), and establish prayers. Indeed, prayer prevents (actions) heinous and evil. Moreover, remembering Allah (prayer) is greater (its priority than

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[13] Depertemen Agama RI, Al-Quran dan Terjemah (Bandung: CV Penerbit Diponegoro, 2006), 331.

[14] Depertemen Agama RI, Al-Quran dan Terjemah, 252.

other worship). And Allah knows what you are doing"
(Surah al-'Ankabut / 29: 45).[15]

Indeed, some legal rules are not directly explained by
the shari'ah, and it is difficult for reason to rationalize
them, such as the determination of the time for the midday
prayer, which starts after the sun's slide. Even so, it does
not mean that the law's stipulation is aimless; it is just that
perhaps rationalization cannot be reached by reason.

The content of maqashid al-shari'ah can be known by
referring to the expression of al-Syathibi, a reformer figure
of ushul fiqh who lived in the 8th century Hijrah, in his
book *Al-Muwafaqat fi Ushul al-Syari'ah.* There he said that
the Shari'a was established for the benefit of humankind
in this world and the hereafter.[16] The benefit itself is
divided into three needs, namely *dharuriyat* (primary),
hajiyat (secondary), and *tahsiniat* (tertiary).[17] So, the
Shari'ah is made to realize individual and congregational
happiness, maintain rules and enliven the world with all
the means that will convey it to the noble levels of
perfection, goodness, culture, and civilization because
Islamic preaching is a blessing for all humanity.

From the above understanding, it can be said that the
main discussion in *maqashid al-shari'ah* is wisdom, and
illat is stipulated by law. In the study of ushul fiqh, wisdom
is different from illat. Illat is a particular characteristic that
is clear and can be known objectively (*zahir*), and has a
standard (*mundhabit*), and is following legal provisions
(*munasib*) whose existence is what determines the
existence of law. At the same time, wisdom becomes the

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[15] Depertemen Agama RI, Al-Quran dan Terjemah, 401.

[16] Al-Syathibi, *Al-Muwafaqat fi Ushul al-Syari'ah* (Riyadh: Maktabah al-Riyadh al-Haditsah, tth.

[17] Nirmalasanti Anindya Pramesi dan Nazarudin Nazarudin. "IMPLEMENTASI MAQASHID SYARI'AH DALAM MENGHADAPI WABAH COVID-19." *Medina-Te: Jurnal Studi Islam* 16.1 (2020): 8.

goal or purpose of implementing the law in the form of benefit to humans.[18]

Maslahat, in general, can be achieved in two ways:[19]

1. Creating benefits, goodness, and pleasure for humans is called *jalb al-manafi'*. These benefits can be felt directly at that time or indirectly in the future.
2. Avoid or prevent damage and badness, which is often termed *dar' al-mafasid.*

As for what is used as a benchmark to determine the good and evil (benefits and *mafsadah*) of something done is a basic need for human life, the demands for human life are graded, namely primary, secondary and tertiary needs.

Finding Islamic Law through *Maqashid Al-Syari'ah*

According to historical studies, Imam al-Haramain al-Juwaini can be the first ushul expert to emphasize the importance of understanding *maqashid al-shari'ah* in establishing Islamic law. He expressly states that a person cannot be said to enact laws in Islam until he truly understands the purpose of Allah to issue His commands and prohibitions.

In principle, Al-Juwaini divides the objectives of tasyri 'into three types, namely *dharuriyat, hajiyat,* and *mukramat.* Al-Juwaini's thought was developed by his student, al-Ghazali, who explained the meaning of the shari'ah about the discussion of *al-munasabat al-maslahiyat in qiyas*.[20] Maslahat, according to al-Ghazali, can be achieved by maintaining the five basic needs of

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[18] Ahmad al-Raisuni, *Nadariyât al-Maqāṣid Inda al-Imâm al-Shâthibi.* Terj Khoirul Anam (Beirut: Muassasah al-Jami'ah, 2012), 116.

[19] Abd. Qadir bin Hirzi Allah, *Dawâbit I'tibâr al-Maqâsid fî Mahâl al-Ijtihâd wa atharuhâ al-Fiqhiy.* Terj. Moh Gufron (Riyâd: Maktabah al-Rushd, 2007), 86.

[20] Abd al-Malik ibn Yusuf al-Juwaini, *al-Burhan fi Ushul al-Fiqh* (Kairo: Dar al-Ansar, 1400 H), 295.

humans in life, namely maintaining religion, soul, mind, descent, and property.[21]

The following Islamic legal thinker and theorist who specifically discussed maqashid al-shari'ah was Izzuddin ibn Abd al-Salam from the Syafi'iyah school of thought. He emphasized and elaborated the concept of maslahat essentially in the form of rejecting *mafsadat* and benefiting.[22] According to him, *taklif* must lead to the realization of the benefit of humankind, both in this world and in the hereafter. Based on this explanation, it can be said that Izzuddin ibn Abd al-Salam has tried to develop the concept of *maslahat* which is the core of the discussion of *maqashid al-shari'ah.*

The discussion of *maqashid al-shari'ah* systematically and was carried out by al-Syathibi in his very famous book *al-Muwafaqat.* There he expressly states that the purpose of Allah establishing His laws is for the realization of the benefits of human life, both in this world and in the hereafter.[23] Therefore, the legal taklif should lead to the realization of the objectives of the law.

Wahbah al-Zuhaili explained in his book stipulating the terms of maqashid al-shari'ah. According to him, something new can be said to be maqashid al-shari'ah if it fulfills the following four conditions, namely:[24]

1. It must be permanent, meaning that the intended meanings must be specific or strongly suspected to be close to certainty.
2. It must be clear so that the fuqaha will not differ in determining this meaning. For example, they are maintaining offspring, which is the goal of marriage.
3. It must be measurable, meaning that the meaning must have precise dimensions or boundaries beyond doubt.

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[21] Al-Ghazali, *Al-Mustashfa min Ilm al-Ushul* (Beirut: Dar al-Fikr, tth), 251.

[22] Amir Mu'alim dan Yusdani, *Konfigurasi Pemikiran Hukum Islam* (Yogyakarta, UII Press, 2011), 51.

[23] Imam Syathibi, *al-Muwafaqât fî Ushûl al-Syarî'ah*, Juz I, 36-37.

[24] Wahbah al-Zuhaili, *Ushul al-Fiqh al-Islami,* 1019.

Like guarding the mind, which is the goal of prohibition of khamr, and the measure set is drunkenness.

4. Generally applicable, meaning that the meaning will not be different due to differences in time and place. Such as the nature of Islam and the ability to provide a living as a requirement for kafa'ah in marriage according to the Maliki school of thought.

Furthermore, al-Syathibi explained in his description of the maqashid al-shari'ah that the objectives of the shari'ah, in general, are divided into two groups, namely the objectives of the shari'ah according to the formulator (syari') and the objectives of shari'ah according to the practitioner (*mukallaf*). *Maqashid al-shari'ah* in the context of *maqashid al-syari* 'includes four things, namely:[25]

1. The main goal of the Shari'a is the benefit of humankind in this world and the hereafter.
2. Sharia is something that must be understood.
3. Sharia is *taklifi* law that must be implemented.
4. The purpose of the Shari'a is to bring people always under the auspices of the las.

The four aspects above are interrelated and related to Allah as the maker of shari'ah (syari'). Allah cannot possibly establish His shari'ah except for the benefit of His servants, both in this world and in the hereafter. This goal will be realized if there is a legal *taklif,* and the legal *taklif* can only be implemented if previously understood and understood by humans. Therefore, all goals will be achieved if humans in their daily behavior are always in the path of law and do not do something according to their desires.

Maslahat as the substance of *maqashid al-shari'ah* can be divided according to its review. When viewed from

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[25] Imam Syathibi, *al-Muwafaqât fî Ushûl al-Syarî'ah*, 70.

the aspect of its influence on human life, *maslahat* can be divided into three levels:[26]

1. *Maslahat kulliyat*, which is a universal *maslahat* whose goodness and benefits return to many people. For example, they are defending the country from enemy attacks and protecting the hadith from attempts at forgery.
2. *Hajiyat*, namely secondary *maslahat*, which humans need to make life easier and eliminate difficulties and difficulties. If he does not exist, there will be difficulties and difficulties whose implications are not to destroy life.
3. *Tahsiniyat*, namely *maslahat*, is the demand of muru'ah (morals), intended for goodness and glory. If it does not exist, it will not damage or complicate human life. This *tahsiniyat maslahat* is needed as a tertiary need to improve the quality of human life.

The second type is *maslahat* which is seen from its scope, associated with the community (congregation) or individuals (individuals). It is divided into two categories, namely:[27]

1. *Maslahat kulliyat*, which is a universal *maslahat* whose goodness and benefits return to many people. For example, they are defending the country from enemy attacks and protecting the hadith from attempts at forgery.
2. *Maslahat juz'iyah*, namely *maslahat* that is partial or individual, such as various forms of *mu'amalah*.

The third type is *maslahat* which is seen from the level of the arguments that support it. *Maslahat,* in this case, is divided into three, namely:[28]

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[26] Hasbi Umar, "Relevansi Metode Kajian hukum Islam Klasik Dalam Pembaharuan hukum Islam Masa Kini", dalam jurnal *Innovatio*, Vol. 6, No. 12, Edisi Juli-desember (2017): 318.

[27] Abd. Qadir bin Hirzi Allah, *Dawâbit I'tibâr alMaqâsid fi Mahâl al-Ijtihâd Kwa atharuhâ al-Fiqhiy.* Trek. Moh Toriquddin (Riyâd: Maktabah al-Rushd, 2007), 85.

[28] Wahbah al-Zuhaili, *Ushul al-Fiqh al-Islami,* 1023.

1. *Maslahat,* that is *qath'i* is believed to bring benefits because it is supported by arguments that are no longer possible to judge, which are indicated by quite many arguments carried out through inductive research reason can easily understand the existence of the *maslahat.*
2. *Maslahat* is *zhanni* in nature, namely *maslahat,* which is decided by reason, or maslahat indicated by the *zhanni* argument of syara '.
3. *Maslahat,* which is *wahmiyah* in nature, namely *maslahat* or imagined goodness, will be achieved, even though if we think deeply, what will emerge is *madharat* and *mafsadat.*

The division of *maslahat,* as stated by Wahbah al-Zuhaili above, seems to be intended to confirm which *maslahat* can be taken and which *maslahat* must be prioritized among the many *maslahat* that exist. *Maslahat dharuriyat* must take precedence over *maslahat hajiyat*, and *maslahat hajiyat* must take precedence over maslahat tahsiniyat.[29]

Likewise, *maslahat* that is *kulliyat,* must be prioritized over *maslahat* that is juz'iyat in nature. Finally, the *maslahat qath'iyah* must take precedence over the *maslahat zhanniyah* and *wahmiyah.* Paying attention to the content and distribution of *maqashid al-shari'ah* as stated above, it can be said that *maslahat* which is God's goal in His *tasyri'i,* absolutely must be realized because worldly and *ukhrawi* safety and welfare will not be possible without the realization of the *maslahat,* especially *maslahat* which is *dharuriyat* in nature.

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[29] Ahmad Imam Mawardi, *Fiqh Minoritas Fiqh Aqalliyât dan Evolusi Maqāṣid al-Syarīah Dari Konsep ke Pendekatan,* 127.

The aim of *Maqashid Al-Shari'ah* in Determining Islamic Law

Concerning how to find out the wisdom and purpose of establishing the law, there are at least three ways that scholars have taken before al-Syathibi, namely:[30]

1. Ulama argues that *maqashid al-shari'ah* is something abstract, so it cannot be known except through the guidance of Allah in the form of a clear pronunciation of *zahir*. This clue does not require in-depth research, which is likely to cause conflict with language will. Zahiriyah scholars adopted this method.

2. Ulama who do not attach importance to the zahir pronunciation approach to find out maqashid al-shari'ah. They are divided into two groups:[31]

   a. A group of scholars argues that *maqashid al-shari'ah* is found not in the form of zahir pronunciation and not from what is understood from the *zahir* pronunciation of it. However, *maqashid al-shari'ah* is another thing behind the zahir pronunciation contained in all aspects of shari'ah so that no one can hold on to the zahir pronunciation, which allows him to obtain *maqashid al-shari'ah.* This group is called the *Bathiniyah* group.

   b. A group of scholars argues that *maqashid al-shari'ah* must be associated with pronunciation definitions. This group is called the Muta'ammiqin fi al-Qiyas group. This means that the zahir pronunciation does not have to contain absolute indications. If there is a conflict between the zahir pronunciation with reasoning, the reasoning is the reasoning that takes

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[30] Umar Sulaiman al-Asyqar, *al-Mudhkhal ila al-syari'ah wa al-Fiqh al-Islami.* Terj. Ibnu Halim (AlArdan: Dar al-Nafais, 2005), 14.

[31] Yusuf al-Qardhawi, *Fiqh Maqashid Syari'ah Moderasi Islam Antara Aliran Tekstual dan Aliran Liberal,* judul asli: *Darasat fi Fiqh Maqashid al-syari'ah (Baina almaqashid al-Kulliyat wa al-Nusush al-juz'iyyat).* Terj. Erif Munandar Risawanto, (Cet. I; Jakarta: Pustaka al-Kautsar, 2007), 16-17.

precedence, whether it is based on having to protect maslahat or not.[32]

3. Ulama combines two approaches (zahir pronunciation and consideration of meaning/illat) in a form that does not destroy the meaning of zahir pronunciation and does not destroy the meaning/illat content shari'ah continues to run harmoniously without contradiction. This group is called the *Rasikhin* group.[33]

In Asafri's view, to understand this maqashid al-shari'ah, al-Syathibi seems to be included in the third group (rasikhin), which combines two approaches: *zahir* pronunciation and consideration of meaning or illat. This can be seen from the three ways put forward by al-Syathibi to understand *maqashid al-shari'ah*, namely:[34]

1. Analyze the pronunciation of commands and prohibitions.
2. Conduct an *illat* study of commands and prohibitions.
3. Analysis of the silence of shari'ah in the provision of law.

The first method is to analyze the pronunciation of commands and prohibitions in the Quran and hadith clearly before they are linked to other problems. This means returning to the essential meaning of orders and prohibitions. Order must be understood as wanting something that is ordered to be realized, and the prohibition requires that something that is prohibited is avoided and shunned.[35] This first method is directed at

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[32] Ratnasari dan Rida Hesti, Sharia Maqashid Urgency In Management of Handling Covid-19 Pandemic in Indonesia (November 29, 2020). INTERNATIONAL JOURNAL OF MULTI SCIENCE VOL 1 NO 7TH, NOVEMBER 2020 E ISSN 2722-2985, Available at SSRN: https://ssrn.com/abstract=3739212

[33] Asafri Jaya Bakri, *Konsep Maqāṣid al-Syarī"ahMenurut al-Shatibi*, 89.

[34] Ahmad Raisuni, *Naẓariyyah al-Maqaṣid 'Inda al-Imam asy-Syaṭibi. Terj. Amanah Al-Qisti* (Cet 4; Riyadh: Ad-Dar al'Alamiyyah li al-Kuttab al-Islamiyyah, 1995), 18.

[35] M. Amin Abdullah. "Mendialogkan Nalar Agama dan Sains Modern di Tengah Pandemi Covid-19." *Maarif* 15.1 (2020): 19. https://doi.org/10.47651/mrf.v15i1.75

understanding verses and hadiths relating to religious matters.

The second way is by analyzing the legal *illat* contained in the Quran or hadith as it is known that illat is written and some are not written. If the *illat* is written, then it must follow what is written, and if the *illat* is not written, then it must be *tawaquf* (not making a decision).

The imperative of *tawaquf* is based on two considerations. First, it may not expand to what has been determined by the text. Expanding what has been determined by the *nash* without knowing the meaning of the law is the same as establishing law without argument. Second, it is not allowed to expand the scope of what has been determined by the text, but this is possible if the purpose of the law can be known. The essence of these two considerations is that in the case of *muamala,* it is permissible to expand if the extension may know the objective of the law.

The third way is by looking at the shari'ah (shari'ah maker) in the syari'atan of a law. The silence of shari'ah can contain two possibilities, namely permissibility, and prohibition. In matters related to *muamalah,* the silence of shari'ah contains permissibility, and in matters of worship, the silence of shari'ah contains prohibition.[36] From Shari'ah silence, the purpose of the law will be known.

The collection of the Koran that occurred after the Prophet Muhammad SAW died was an example of Shari'ah silence. At the time of the Prophet Muhammad, there was no urgent factor to record the Qoran. However, after some time, there was an urgent factor to record the Koran. In this case, the silence of the Prophet Muhammad SAW can

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[36] Sudirman dan Muhammad Rusdi Rasyid. "Resolusi Maqasid Syariah Terhadap Penanggulangan Virus Covid-19." *TASAMUH: Jurnal Studi Islam* 12.2 (2020): 279. https://doi.org/10.47945/tasamuh.v12i2.249

be understood that bookkeeping is permissible or justified.[37]

If you look at the objectives of *maqashid al-shari'ah* as mentioned above, it can be concluded that the first goal is more directed at the aspect of worship, the second goal is on the aspect of *muamalah*, and the third goal on both. In *mua'amalah* with the environment, humans as the caliph of God on Earth must pay attention to the ethical guidelines of the Koran, namely through two aspects, namely the protective dimension (*min jihhah al-'adam*/guarding) and the development dimension (*min jihhah al wujud*/development)[38]

These methods combine ways of knowing *maqashid al-shari'ah* through the pronunciation approach and the meaning approach. This combination is deemed very important to maintain a religious identity and respond to legal developments that arise as a result of social changes. In determining the law of matters related to the public benefit, collective ijtihad takes precedence over individual ijtihad because collective ijtihad has a stronger foundation and reference than individual fatwas.

Implementation of Maqashid Al-Syariah in Worship and Muamalah during the Covid-19 Pandemic in Indonesia.

After looking at the *maqashid al-Syariah* study above, in the discussion of this heading, the author explores its relevance to the new normal after the Covid-19 pandemic in determining Islamic law for the benefit of humankind, especially Muslims in Indonesia who are affected by the

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[37] Waryani fajar Riyanto, ,Pertingkatan Kebutuhan Dalam *Maqasid Asy-Syari'ah,* Dalam *Jurnal Hukum Islam* (JHI), Volume 8, Nomor 1, Juni (2010): 58.

[38] Yono. "Sikap Manusia Beriman Menghadapi Covid 19." *Mizan: Journal of Islamic Law* 4.1 (2020): 127. https://doi.org/10.32507/mizan.v4i1.616

Covid-19 pandemic. Very threatening and deadly to humans directly.

The new normal is a change in behavior or a new lifestyle that must be done to continue to carry out everyday activities during a pandemic. This was done to prevent the ongoing transmission of the COVID-19 outbreak. The new normal COVID-19 pandemic must be undertaken to break the chain of spreading COVID-19 in the community, especially in the workplace, because interaction and gathering of people are risk factors that must be anticipated as a medium for transmitting this virus. The business world and workers have an essential role in breaking the chain of transmission of the virus because of the large number of working population, mobility, and interaction of the people.

In living the new realities, especially in the current new norms, especially those related to religious matters, what we will use as a guideline is the principles of Islamic law rather than syara laws' which designate cases directly. *Ijtihad ulama* will always be needed at all times, especially in implementing Islamic legal principles. That is why our scholars claim that there is no Sharia without *ijtihad*. Both are like two sides of a coin.

The following is the author's analysis of the ulama's ijtihad or issuing fatwas for the discussion of Islamic law. With this, the authors share several points for the benefit of humans as a consideration after the new normal after the Covid-19 pandemic in determining the law. Changes in Worship and Muamalah Practices in the new normal era after the Covid-19 pandemic are divided into four points as follows:

1. Obedience to government takes precedence over individual obedience.
   a. The government is obliged to regulate society in order to avoid things that can threaten the whole nation. For example, the government issued a Presidential

Decree of the Republic of Indonesia number 12 of 2020 regarding the determination of non-natural disasters to spread the coronavirus disease 2019 (COVID-19).

b. The community must submit and fully obey the government in realizing the public benefit. For example, by implementing 3M, washing hands, wearing masks, and keeping a distance. The goal is to stop the spread of COVID-19.

c. Collective awareness is needed to avoid Covid-19. For example, you protect your family from the spread of the coronavirus in your family and community.

d. Muslims must be willing to sacrifice the ego of worship for the sake of achieving a more significant benefit. In this case, to prevent the transmission of the covid-19 virus in places of worship, the government, through the Minister of Religious Affairs, issued a Circular Letter Number 15 of 2020 concerning Guidelines for the Implementation of Religious Activities in Houses of Worship in Creating a Productive and Safe Society for COVID in the Pandemic Period

e. To realize this, all forms of worship that are carried out in the congregation must be avoided for the sake of a more general and more significant benefit. Following Circular No. 13 of 2021 concerning Restrictions on the Implementation of Religious Activities in Houses of Worship

f. The implementation of the Eid prayer must be abolished for the common good. For example, with the Circular Letter of the Minister of Religion Number 07 of 2021 concerning Guidelines for implementing Eid Prayers of 1442 Hijriyah/2021 during the Covid Pandemic.

2. Adherence to health protocols takes precedence over individual concerns.

a. Regarding the Improvement of Discipline and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 concerning

Improvement of Discipline and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019. Based on a health analysis, the government establishes a rigorous health protocol, for example, with the Presidential Instruction of the Republic of Indonesia Number 6 of 2020.

b. Wearing masks, not shaking hands, and restrictions in certain areas. For example, we comply with Circular Number 9 of 2021 concerning Provisions for the Establishment of the Command Post for Handling Corona Virus Disease 2019 (Covid-19), and with this circular, we avoid community activities in the village in order to avoid the spread of Covid-19.

c. The habit of shaking hands must be abandoned as a method of avoiding the cause of Covid-19, also is death;

d. Studies in consideration of social fiqh that prioritizes the public interest over individual interests. In this case, the Indonesian Ulema Council (MUI) invites all Muslims in the country to strive and contribute together, according to their respective competencies in dealing with COVID-19, as stipulated in the MUI Fatwa Number 14 of 2020.

3. We are prioritizing the public interest over the reliability of worship.

a. Congregational prayer, as usual, is noble, but prayer during the Covid-19 period is avoided in advance, especially for the benefit of the benefit. The Indonesian Ulema Council (MUI) issued a fatwa Number 14 of 2020 regarding the implementation of worship amid the Covid-19 outbreak. The fatwa explains that in conditions of uncontrolled spread of Covid-19 in a life-threatening area, it is not permissible to hold worship activities that involve large numbers of people and is believed to be a medium for the spread of Covid-19, such as congregational prayers five times a day or curative, Tarawih prayers and Eid in mosques or other public

place, as well as attending public recitations and taklim assemblies.

b. The ability of Muslims to carry out this cannot be separated from the understanding of social jurisprudence, which is one of the considerations for changing the form of obedience to other obedience.

c. We are carrying out prayers with loose rows due to pandemic conditions to avoid contracting the coronavirus to benefit the common good in performing prayers at the mosque in the congregation.

4. We are prioritizing contextual meaning above textual understanding.

   a. The new life order, which is a necessity, requires adaptation that is not for a moment. All aspects of life in each country must change the usual order to become unusual; small examples such as shaking hands are widespread in formal and non-formal events, but when the world is declared to be in a COVID-19 pandemic, shaking hands must be abolished. So that new habits began to emerge slowly. This is called the New Normal, in terms of the fiqhiyah rules of al-muhaafadhatu 'alalqadiimish shaalih, al-akhdzu bil-jadiidil ashlah (maintaining good old traditions and making new, better things). This rule also always shows that Islamic law is always dynamic and suitable for all humankind.

   b. The occurrence of the Covid-19 Pandemic is a test for all nations in the world, so it requires tremendous energy in handling it and putting aside other interests. With the transmission method that is relatively fast and dangerous, many worship services require study in practice. The study of policy is also known in Islamic law, tasharruful imam' alarra'iyyah manutun bil mashlahah, which means the leader's policy must be based on the benefit of the people. This is where the flexibility of Islamic law is increasingly visible, and the rules of fiqhiyah become popular among Muslims, especially academics.

c. The flexibility of Islamic law is reflected in the conversations of the Prophet Muhammad with the Companions of Muadz when he was sent to be a Judge in Yemen. Mu'adh's companions were asked about how when he encountered legal problems, he replied with the guidance of the Qur'an, if not found in the Qur'an, look for it in the Sunnah the Prophet and when no evidence is found in the Sunnah, then by ijtihad. Several texts in the Qur'an and hadith studies of fiqh must be read contextually to realize the benefit of the aims and objectives of these religious texts; Among the contextual readings, for example, the word dharar means an act that endangers oneself, while dhirar is an act that harms others; In other contexts, dharar means an act that can harm others, while dhirar discusses damage with other damage, whether intentional or not.

After looking at the objectives of *maqashid al-shari'ah* as mentioned above, it can be concluded that the first goal is more directed at the aspect of worship, the second goal on the aspect of muamalah, and the third goal on both. This combination is considered very important to maintain religious identity and respond to developments in Islamic law that arise due to social changes that can change at any time.

Conclusion

Maqashid al-shari'ah is an essential aspect of the development of Islamic law. This is also the answer that Islamic law can and is very likely to adapt to social changes that occur in society. *Maqashid al-Shari'ah* is wisdom and illat determined by law. If you look at the objectives of maqashid al-shari'ah as mentioned above, it appears that the first goal is more directed to the aspect of worship, the second goal is the *muamalah* aspect, and the third goal is both. These methods combine ways to know *maqashid al-*

shari'ah through a pronunciation approach and a meaning approach.

The change in Worship and Muamalah practice in the new normal era after the Covid-19 pandemic is divided into four points. Namely, obedience to the government is prioritized for individual obedience, adherence to health protocols is prioritized for individual dignity, prioritizes public interest over worship practices, and Prioritizes meaning. This combination is considered very important to maintain religious identity and respond to legal developments that arise as a result of social change. Contextual over textual understanding.

Conflict of Interest: The authors declare that they have no conflict of interest.

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