

## Stay at Mosque: Congregational Worship, Covid-19 Pandemic and Islamic Living Law in West Sumatra

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### Abstract

The article explains people's argumentation in Minangkabau, who decided to continue worshipping at mosques during the COVID-19 pandemic. The data shown in this article were acquired through in-depth interviews with six sources: *ulama*, traditional-cultural figures, and mosque caretakers who continue to hold congregational prayers during the pandemic. The study found that the religious-cultural identity inherent in Minangkabau people serves as a driving factor for them to keep on praying in mosques during the pandemic. These congregational worshipping activities in mosques during the pandemic had subsequently become more widespread as the government had not monitored them. This condition indicates that government or state policy on Covid 19 pandemic is negotiable with the religious culture of the Minangkabau people. This article may have implications for studies concerning Islamic laws relating to worship in the socio-cultural context during health emergencies and new relations between the *ulama* (Islamic scholars), government, and traditional-cultural-religious figures.

**Keywords:** Mosque-Surau, COVID-19, Minangkabau, Ulama, *Urf*

### Introduction

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Mosques are the most essential structure in Islam's spirituality and belief system. Furthermore, due to its open characteristic, mosques also function as the Muslim community's center of activities since they are associated with the development of the communities that surround them.<sup>1</sup> That is why a mosque is considered a building containing the various principles of Islamic teachings. Accordingly, a mosque is not merely a physical place of worship, it is the center of all activities for the Muslim community.<sup>2</sup> According to Omer<sup>3</sup> mosques are of utmost importance as congregational worshiping practices and rituals are inherent in them. These practices align with humans' proclivity to convene, interact, and socialize through communal gatherings. Thus, according to Omer, mosques are venues where spiritual and social aspects meet as a development center for the Muslim community. Mosques are the way of life to developing the Muslim community. The Prophet Muhammad PBUH even promised in a hadith that young men whose heart is attached to the mosque shall enter paradise.

However, during the COVID-19 pandemic, Muslims are being urged to refrain from conducting congregational worship at mosques. The call for all Muslim communities to refrain from worshiping at mosques occurs in a number of countries hit by the COVID-19 pandemic. The appeal assumes that worshiping practices held in congregation at mosques, such as Friday and Tarawih (evening prayers during the month of Ramadhan) prayers, would make congregation members physically closer. Meanwhile, social

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<sup>1</sup> Spahic Omer, "Some Lessons from Prophet Muhammad (SAW) in Architecture: The Prophet's Mosque in Madinah," *Intellectual Discourse* 18, no. 1 (2010): 115–40.

<sup>2</sup> Robert Hillenbrand, *Islamic Architecture: Form, Function, and Meaning* (Edinburgh: Edinburgh University Press, 2013), 645. Also see: Mohamad Tajuddin Haji Mohamad Rasdi, *The Mosque as a Community Development Centre: Programme and Architectural Design Guidelines for Contemporary Muslim Societies* (UK: UTM Press, 1998).

<sup>3</sup> Spahic Omer, *Studies in the Islamic Built Environment* (Kuala Lumpur : IIUM Press, 2013).

distancing (also known as physical distancing) is designed to minimize human interactions when an individual is identified as having the tendency of spreading the disease but remains unidentified as a carrier of the virus.<sup>4</sup> Therefore, it is advised that individuals keep at least 6 feet of space between one another.<sup>5</sup> Such physical distancing is enforced on account of the ability of COVID-19 to be transmitted through respiratory droplets, which makes one's level of proximity potentially communicable.<sup>6</sup> Social distancing and physical distancing of people congregating in mosques can thus help prevent and reduce the transmission of COVID-19. Consequently, the ban of worshipping at mosques is actually not to prohibit the practice of worship, but to prohibit people from congregating. The prohibition applies throughout all countries with Muslim-majority and Muslim-minority population.<sup>7</sup>

As a Muslim-majority country, the prohibition on worshipping at mosques during the COVID-19 pandemic in Indonesia is based on a fatwa issued by the Indonesian *Ulema* Council (*Majelis Ulama Indonesia* – MUI). In the MUI fatwa number 14/2020 on Guideline for Worship under

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<sup>4</sup> Stanley M Lemon, et al., *Ethical and Legal Considerations in Mitigating Pandemic Disease: Workshop Summary* (Washington D.C: National Academies Press, 2007).

<sup>5</sup> Centers for Disease Control and Prevention, *Public Health Recommendations after Travel-Associated COVID-19 Exposure* (Atlanta, GA : Centers for Disease Control and Prevention, 2020).

<sup>6</sup> A. Wilder-Smith and D.O. Freedman, "Isolation, Quarantine, Social Distancing and Community Containment: Pivotal Role For Old-Style Public Health Measures in The Novel Coronavirus (2019- Ncov) Outbreak", *Journal of Travel Medicine*, 27:2 (2020), 1-4.

<sup>7</sup> Sorvar Alam, COVID-19: Countries Ban Friday Prayers, Muslims at Home <<https://www.aa.com.tr/en/asia-pacific/covid-19-countries-ban-friday-prayers-muslims-at-home/1781948>> [last accessed 20 May 2020]. See also: WHO, Safe Ramadan Practices in The Context of The COVID-19: Interim Guidance. <<http://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/technical-guidance/2020/safe-ramadan-practices-in-the-context-of-the-covid-19-interim-guidance,-15-april-2020>> [last accessed 20 May 2020].

COVID-19 Outbreak Conditions, MUI explains that Muslims should replace Friday prayers by performing Zuhr (noon prayers) at home, and not conduct five daily prayers, Tarawih, and Eid prayers in congregation at mosques or other public venues given that the area has a high potential COVID-19 transmission. Under the condition of uncontrolled COVID-19 transmission in an area that is life threatening, the Muslim community are prohibited from conducting Friday prayers or worshiping activities involving numerous people such as congregational five daily prayers, Tarawih, and Eid prayers at mosques or other public venues, as well as attend public Quranic study sessions (*pengajian*) and gatherings for religious learning (*majelis taklim*).<sup>8</sup> While in fact, as a Muslim-majority population, the position of the mosque for Muslim communities in Indonesia is most crucial. Almost every village has a mosque built independently by its community.

West Sumatra is one of Indonesia's provinces with the largest number of COVID-19 patients. Based on the COVID-19 Monitoring Data of West Sumatra Province, there were 408 COVID-19 positive cases and 735 people under observation at the time of the study.<sup>9</sup> Meanwhile, according to data from Statistics Indonesia (BPS, 2019), the population of West Sumatra is 5.441.197. The majority of the population are Muslims and of Minangkabau ethnicity, which is known as a religious ethnicity.<sup>10</sup> Their religiosity is reflected in their customary philosophy, which

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<sup>8</sup> Indonesian Ulema Council, Fatwa No. 14/2020 on Guideline for Worship under COVID-19 Outbreak Conditions] <<https://mui.or.id/berita/27674/fatwa-penyelenggaraan-ibadah-dalam-situasi-terjadi-wabah-covid-19/>> [last accessed 20 May 2020].

<sup>9</sup> COVID-19 Monitoring Data of West Sumatra <<https://corona.sumbarprov.go.id>> [last accessed 20 May 2020].

<sup>10</sup> Lukito Yulia Nurliani and Iskandar Hakimullah Arif, "Architecture of Surau and Its Role in Minang- kabau Society: the Case of Surau Lubuak Bauak Nagari Batipuah Baruah, West Sumatra", *MATEC Web of Conferences*, 280 (2019),1-10. See also: Gregory M. Simon, "Conviction without Being Convinced: Maintaining Islamic Certainty in Minangkabau, Indonesia", *The Dynamics of Belief and Experience. Ethos*, 40:3 (2012), 237-257.

is renowned in the adage custom is based on sharia (religion), sharia is based on the Quran (*adat bersendi syara' (agama), syara' bersendi Kitabullah (Al-Qur'an)*).<sup>11</sup> This is a philosophy of life held in minangkabau society, making Islamic teachings the only foundation or guideline for behavior patterns in living. Accordingly, mosques or *Surau* (place for worship) is extremely vital to the people of Minangkabau in the social and cultural contexts. Mosques serve as a place to learn matters of religion in an informal manner. Mosques also function as a symbol of independence for Minangkabau youths who have just stepped into adulthood. Hence, mosques are not just a place to worship as usual like praying or reciting the Quran, mosques also function as a centrum of religious education and character education for the people of Minangkabau. A mosque can be identified as an institution that develops Islamic religious scholarship and social independence.<sup>12</sup>

The ban on congregational worship at mosques during the COVID-19 pandemic to the Minangkabau people, particularly when conducting worshiping activities in the holy month of Ramadhan, has resulted in polemic and conflict. Some mosques had ignored the prohibition

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<sup>11</sup> Taufik Abdullah, *Adat and Islam: An Examination of Conflict in Minangkabau* (London: Routledge, 2010), 143-160. See also: Ramayulis, "Traktat Marapalam 'Adat Basandi Syara- Syara Basandi Kitabullah' (Diktum Karamat Konsensus Pemuka Adat dengan Pemuka Agama dalam Memadukan Adat dan Islam di Minangkabau - Sumatera Barat). ["Custom based on Sharia - Sharia based on the Qur'an" (The Sacred Dictum of Consensus between Customary Figures and Religious Figures in Combining Tradition and Islam in Minangkabau - West Sumatera)] *Teologia*, 5:1 (2011); Jeffrey Hadler, *Sengketa Tiada Putus: Matriarkat, Reformisme Agama, dan Kolonialisme di Minangkabau* [Never Ending Conflict: Matriarchy, Religious Reform, and Colonialism in Minangkabau]. (Jakarta: Freedom Institute, 2010).

<sup>12</sup> Lukito Yulia Nurliani and Iskandar Hakimullah Arif, "Architecture of Surau...." See also: Jemmy Harto, "Surau as Education Institutions of Muslim In Minangkabau (Study The Role Sheikh Burhanuddin Ulakan In Building Education System Of Surau In Minangkabau 1100-1111 AH)" *Tawazun*, 9:1 (2016), 71-94.

and continued to hold congregational worship at the mosque during the COVID-19 pandemic. Based on the aforementioned background in the context of the COVID-19 pandemic, it is crucial that we identify the actors' perspectives and the relevant factors that drive worshipping activities to stay at mosque during the COVID-19 pandemic. Accordingly, we propose the following problem statement in the article: *How the perspective of 'Uruf on worshipping in mosques in West Sumatra during the Covid-19 period?*

This qualitative study employs field data to find correlations among actors and factors resulting in staying at mosques during the COVID-19 pandemic. The research was carried out during the pandemic, which made it difficult to gather all the data by going to the field or study locations. The data were collected through in-depth interviews with six selected informants as actors representing the study matter. For some actors, data were collected by conducting interviews on the field and adhering to WHO's safety and health procedures. However, some of the data were collected by conducting repeated interviews via telephone or video meetings.

There were six research informants from various regencies throughout West Sumatra. They were chosen as informants in the study not only because of their representativeness,<sup>13</sup> but also on account of their feasibility and availability of access.<sup>14</sup> The researcher is interested in selecting informants based on the two qualifications due to the COVID-19 pandemic state of emergency. The informants are Buya Gusrizal Gazahar (Chair of MUI West Sumatra residing in Bukit Tinggi), Ustad Zulkifli Zakaria (an influential *ulema* in West Sumatra residing in Padang Pariaman), M. Sayuti Datuk Rajo Penghulu (General chair of the West Sumatra

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<sup>13</sup> H Russell Bernard, *Research Methods in Anthropology: Qualitative and Quantitative Approaches* (Walnut Creek: Lanham Rowman & Littlefield, 2018).

<sup>14</sup> Jane Stokes, *How to do Media and Cultural Studies* (London: Sage Publication, 2019).

Minangkabau wide Association of Village Adat Councils (*Lembaga Kerapatan Adat Alam Minangkabau Sumatera Barat – LKAAM*) residing in Padang), Duski Samad (Chair of the West Sumatra Council of Mosques residing in Padang), Muhammad Husni (Caretaker of Baitussalam Mosque, Nagari Balimbing, Tanah Datar Regency), and Kudri Jasar (Caretaker of Baitul Muhaimin Mosque in Padang).

The research began by examining the phenomenon of mosques in West Sumatra that continue to practice congregational worship. Representative informants who were feasible and accessible to contact were subsequently selected. The interviews started by asking general questions to identify the informant's understanding of the subject matter, such as *"What is your opinion on people who are still worshipping in congregation at mosques during the COVID-19 pandemic?"* Different specific questions were then addressed to every informant representing a diverse group. For instance, the mosque caretaker asked a specific question: *"What do you feel, think or experience when worshipping at mosques during the COVID-19 pandemic?"* A particular question addressed to *ulema*, for example, is *"What do you feel, think or experience when your fatwa to continue worship at home during the COVID-19 pandemic is not followed by the community?"* Such questions were subsequently followed by other more appropriate questions developed based on the responses given by the informants.

Although the questions may have developed, the focus remained on the problem statement proposed in the study. The informants responded using the Minangkabau language. Accordingly, some of these words or sentences in the Minangkabau language are presented in the article as they are to avoid any deviation from the authentic meaning inherent in them. The collected data were then categorized based on the correlation of meanings contained in the responses the informants provided to the questions. The data categorization process was accordingly assessed using relevant literary sources. Subsequently, the data were presented in an interpretative and descriptive manner.

### **The Concept of Mosque in Islam and the Concept of Surau in Minangkabau Culture**

As a concept, a mosque has numerous perspectives which lead to various ways of understanding it. According to Rasdi,<sup>15</sup> the concept of mosques as a religious architecture is one of the main issue in defining mosques. Based on this perspective, the mosque as a building is observed from its architectural value as a work of art representing varying human civilizations in every region. According to Serageldin,<sup>16</sup> aside from the household, the mosque is smallest Islamic social institution in social life. In this social perspective, the mosque is the key to the community's religious life or the center of activities for the Muslim community. Another broader perspective concerning the mosque is referred in the saying of Prophet Muhammad PBUH, "*Wherever you pray, that place is a mosque*".<sup>17</sup> This particular perspective uses the etymological approach as mosque (*masjid*) in Arabic is a *masdar* (noun of place) that can be defined as a place to bow low or prostrate to God.

However, what Prophet Muhammad stated can be understood as a way to avoid turning mosques into overly glorified physical structures. Thus, according to Hillenbrand,<sup>18</sup> a mosque which is defined as a place of prostration does not need to be a physical structure bearing certain qualifications such as a particular dimension of length and width, type of rooftop or dome, and so on. A mosque can even be roofless and with neither enclosures nor various liturgical accessories. This perspective emphasizes that mosques, as a physical

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<sup>15</sup> Mohamad Tajuddin Haji Mohamad Rasdi, *Rethinking Islamic Architecture* (Petaling Jaya: Strategic Information and Research Development Centre, 2010).

<sup>16</sup> Ismail Serageldin, *Faith and the Environment: An Inquiry into Islamic Principles and the Built Environment of Muslims in Space for Freedom: the Search for Architectural Excellence in Muslims Societies* (London: Butterworth Architecture, 1989).

<sup>17</sup> Robert Hillenbrand, "*Islamic Architecture....*"

<sup>18</sup> *Ibid.* p. 645

building where Muslim communities worship, have a flexible feature that is in line with the social cultural concept of the different local Muslim communities. Accordingly, the most important element of a mosque is not its physical structure, so that mosques are not excessively glorified, but the activities of Muslim communities carried out in it. Mosques reflect solidarity in which every congregation member mutually interacts, supports, and competes with one another in acts of worship and good deeds.<sup>19</sup>

The activities of Muslim communities in mosques, in the context of mutual support and competition in acts of worship and good deeds with fellow Muslims, are considered as the substantial existence of mosques. The context of maintaining mosques to thrive and prosper can be referred to the word of Allah SWT: *“It is not for the polytheists to maintain the mosques of Allah [while] witnessing against themselves with disbelief. [For] those, their deeds have become worthless, and in the Fire they will abide eternally. (QS. 9:17) The mosques of Allah are only to be maintained by those who believe in Allah and the Last Day and establish prayer and give zakah and do not fear except Allah, for it is expected that those will be of the [rightly] guided. (QS. 9:18)”* (At-Taubah: 17-18).

According to Omer,<sup>20</sup> the key to understanding mosques is in the word enlivening. To enliven a mosque may be construed as constructing or renovating and maintaining that mosque, preserving the mosque structure as a dignified place of worship, visit the mosque for devotion, worship, and other life activities. Mosques are, thus, the expression of mutual responsibility that Muslim communities carry.<sup>21</sup> This shows the substantial role that mosques hold as a center of Muslim communal civilizations.

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<sup>19</sup> Hisham Mortada, *Traditional Islamic Principles of Built Environment* (London: Routledge, 2011).

<sup>20</sup> Spahic Omer, *Some Lessons.....*

<sup>21</sup> Spahic Omer, *Studies in the Islamic.....*

Muslim communal civilizations began from the building of mosques, since in its subsequent development mosques serve as the primary institution for educational activities. In the past, mosques had madrasahs (schools) in them or mosques functioned as madrasahs (schools), instead of schools (madrasahs) having mosques in them. This indicates that mosques serve as the center of civilization for local Muslim communities. A mosque even had thousands of students. In fact, the establishment of Al-Azhar University in Egypt began with the initiation of a mosque which had subsequently become the largest university in the Islamic world.<sup>22</sup> As of current, several mosques in Indonesia still maintain their role as an education center, particularly for religious education. Technically speaking, the process of implementing religious education is conducted through Quran Education Centers (*Taman Pendidikan Al-Quran* – TPA/TPQ), specifically providing Quran literacy to children at an early age.

To the people of Minangkabau in West Sumatra, mosques have an extraordinary meaning as a center of religiosity. In addition to mosque or masjid, Minangkabau people in West Sumatra are also familiar with the building called *Surau*. In terms of physical appearance, mosques are larger than *suraus*. Whereas function-wise, due to its larger dimension, mosques accommodate large-scale worshiping activities such as Friday prayers, Tarawih prayers during the evenings of the holy month of Ramadhan, or Eid prayers during Eid al-Fitr or Eid al-Adha. Such differences have consequently positioned mosques as a form of Grand *Surau*, which is now commonly known as *Masjid Jami'* (congregational mosque). According to Sibai<sup>23</sup> the word *Jami'* is a derivative of the verb *jama'*, which means to congregate.

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<sup>22</sup> Hesham al-Awadi, *Life Of Imam Bukhari* <<https://muslimcentral.com/series/hesham-al-awadi-life-of-imam-bukhari/>> [last accessed 23 May 2020].

<sup>23</sup> Mohamed Makki Sibai, *Mosque Libraries* (New York: Mansell Publishing Limited, 1987).

Despite having similar function as a place of communal worship for Muslim communities in Minangkabau, mosques and *suraus* possess differing social cultural meanings. In the socio-cultural perspective, since it is smaller in size, a *surau* is commonly owned by a kin (*kaum*) as the religious identity of the *Rumah Gadang* (big house) that accommodates a *kaum* in the Minangkabau ethnicity. *Surau* is not merely a physical building of worship, it is also a material manifestation of the juxtaposition between custom and religion (Islam) in the Minangkabau community. Initially, *surau* is a structure used as a place to gather or place to rest for adult Minangkabau men and accommodation for elderly men. This is a practice of Minangkabau custom which adheres to the matrilineal system. Consequently, men who have become adults are no longer provided a room in the *Rumah Gadang*, which is a place for the extended family of the clan to reside in. The introduction of Islam into West Sumatra had led to *surau* no longer functioning merely as a place to sleep for adult Minangkabau men, but as a place of worship and for seeking religious (Islamic) knowledge.<sup>24</sup>

According to Harto,<sup>25</sup> the first *surau* was built in Ulakan, Padang Pariaman by Sheikh Burhanuddin Ulakan (died 1691) in the 17<sup>th</sup> century with the name *Surau Tanjung Medan Ulakan*. *Suraus* then developed into education centers for Islamic teachings in the context of wider Minangkabau culture. As a consequence, according to Minangkabau custom, a village (*nagari*) cannot be established unless it has a *surau* or mosque.<sup>26</sup> *Suraus* subsequently developed into centers for tradition Islamic education in Minangkabau with every *surau* having

<sup>24</sup> Azyumardi Azra, *Surau: Pendidikan Islam Tradisional dalam Transisi dan Modernisasi* [Surau: Traditional Islamic Education in Transition and Modernization] (Jakarta: Pusat Pengkajian Islam dan Masyarakat (PPIM) UIN Syarif Hidayatullah Jakarta, 2017).

<sup>25</sup> Jemmy Harto, "Surau As Education ....."

<sup>26</sup> Hamka, *Ayahku: Riwayat Hidup Dr. H. Abdul Karim Amrullah dan Perjuangan Kaum Agama di Sumatera* [My Father: The Biography of Dr. H. Abdul Karim Amrullah and the Struggle of Religious People in Sumatra] (Shah Alam: Pustaka Dini, 2010).

specialized Islamic knowledge. According to Azra, Surau Kamang was well known for its competence in Arabic linguistics, Surau Kotogadang in its scholarship of Mantiq-Ma'ani (logics and philosophy), Surau Sumanik in Tafsir (exegesis) and Faraid (Islamic inheritance jurisprudence); Surau Talang and Surau Talago in Nahwu (Arabic grammar); Surau Koto Tuo in Tafsir (exegesis).<sup>27</sup>

Both mosques and *suraus* hold a pivotal role in Minangkabau culture in building the religious character of the Minangkabau community. Therefore, as a region with a Muslim-majority population, mosques are considered by the Minangkabau people as a center of Muslim community independence and center of education for children.<sup>28</sup> According to the Minangkabau custom, mosques are even considered as a training place for Minangkabau boys to live more independently. In some regions in West Sumatra, boys who have become teenagers are compelled to sleep in mosques. According to classical Minangkabau custom, it is a disgrace for a young teenage boy who has not experienced sleeping in a mosque.

The socio-cultural-religious perspectives of mosques or *suraus* in the life of Minangkabau community are introduced to emphasize the essential position that mosques or *suraus* have in the heart of the Minangkabau people in West Sumatra. Such perspective is accordingly employed to explain the position that mosques (*surau*) hold during the COVID-19 pandemic in West Sumatra. According to the Advisory Notice (*Maklumat dan Tausiyah*) of MUI West Sumatra No. 005/MUI-SB/IV/2020<sup>29</sup>

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<sup>27</sup> Azyumardi Azra, *Surau: Pendidikan Islam .....*

<sup>28</sup> Jemmy Harto, "Surau As Education ....." See also: Lukito Yulia Nurliani and Iskandar Hakimullah, Arif, "Architecture of Surau..."; Ciptro Handrianto, "The Roles Of Matrilineal System Towards Integrating Religious And Cultural Values In Minangkabau Community", *Jurnal Ilmiah Peuradeun*, 5:3 (2017), 373-386.

<sup>29</sup> Advisory Notice (*Maklumat dan Tausiyah*) of MUI West Sumatra No. 005/MUI-SB/IV/2020 <<http://muisumbar.or.id/baca-343-antisipasi-penyebaran-covid19-mui-sumbar-terbitkan-maklumat-dan-tausiyah-terkait-sholat-jumat-.html>> [last accessed 22 May 2020].

Muslims are to perform worship at home during the COVID-19 pandemic. The Governor also delivered similar call of West Sumatra through the Gubernatorial Instruction No. 360/391/BPBD-2020.<sup>30</sup> While in reality, some mosques still continued to hold congregational worship such as Friday prayers and Tarawih prayers during the holy month of Ramadhan during the COVID-19 pandemic.

### ***Surau* as the Religious Cultural Identity of Minangkabau Community**

Custom and religion (Islam) in Minangkabau culture is reflected in the philosophical adage known as *petata petitih*. One very popular *petatah petitih* used to demonstrate the integration between custom and religion (Islam) is Custom is based on Sharia – Sharia is based on the Quran (*Adat Bersendi Syara-Syara Bersendi Kitabullah* – ABS-SBK).<sup>31</sup> This describes the gradual introduction of Islamic teachings in the Minangkabau custom and culture. As the Minangkabau people began to consider providing their descendants with Islamic education that is not too distant from their culture, *suraus* have consequently become a religious artifact to the Minangkabau community.<sup>32</sup>

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<sup>30</sup> West Sumatra Gubernatorial Instruction No. 360/391/BPBD-2020 <[https://www.hukumonline.com/pusatdata/detail/lt5e9d4e4c1fb d0/node/lt49c9c54b1313a/instruksi-gubernur-sumatera-barat-no-360\\_051\\_covid-19-sbr\\_iv-2020-tahun-2020-pemberlakuan-pembatasan-sosial-berskala-besar-di-wilayah-provinsi-sumatera-barat](https://www.hukumonline.com/pusatdata/detail/lt5e9d4e4c1fb d0/node/lt49c9c54b1313a/instruksi-gubernur-sumatera-barat-no-360_051_covid-19-sbr_iv-2020-tahun-2020-pemberlakuan-pembatasan-sosial-berskala-besar-di-wilayah-provinsi-sumatera-barat)> [last accessed 22 May 2020].

<sup>31</sup> Musyair Zainuddin, *Minangkabau dan Adatnya : Adat Bersendi Syarak, Syarak Bersendi Kitabullah*. [Minangkabau and Its Customs: Custom based on Sharia, Sharia based on the Quran] (Yogyakarta: Ombak, 2013). See also: Taufik Abdullah, *Adat and Islam.....* and Jeffrey Hadler, *Sengketa Tiada Putus.....* [Never-ending Conflict....]

<sup>32</sup> Muhammad Radjab, "Village Childhood (The Autobiography of a Minangkabau Child)". In Susan Rodgers (ed.), *Telling Lives, Telling History. Autobiography and Historical Imagination in Modern Indonesia* (London: University of California Press, 1995), 149–324

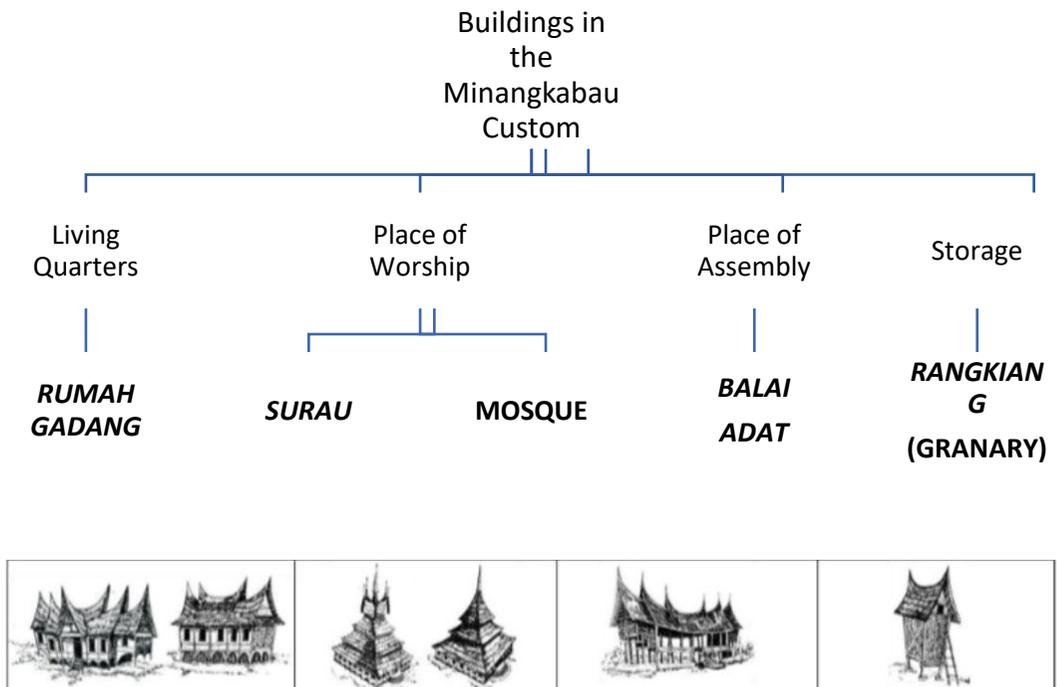
Meanwhile, physically speaking, the integration between Islam and culture can be observed in the traditional *Rumah Gadang* compound which is always accompanied by a *surau*. *Rumah Gadang* is a grand structure with a distinctive Minangkabau architecture of curved roof tips that rise up depicting two buffalo horns commonly called *Bagonjong*.<sup>33</sup> *Rumah Gadang* functions as a place of residence and gathering of a clan in the Minangkabau ethnicity. By adhering to the matrilineal customary system, every *Rumah Gadang* is led by a woman known as *Bundo Kanduang*.

In every *Rumah Gadang* compound, aside from a building that functions as a granary for storing the yields of the clan members' harvest, there is also a *surau* that functions as a place of worship and religious learning for Minangkabau children and teenagers in a clan or a *kampung (nagari)*. In its entirety, according to Lukito and Iskandar,<sup>34</sup> an illustration of traditional buildings found in the compound is as follows:

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<sup>33</sup> Bambang Setia Budi and Arif Sarwo Wibowo, "A Typological Study of Historical Mosques in West Sumatra, Indonesia", *Journal of Asian Architecture and Building Engineering*, 17:1 (2018), 1-8.

<sup>34</sup> Lukito Yulia Nurliani and Iskandar Hakimullah Arif, "Architecture of Surau....."



The presence of *surau* in every *kampung (nagari)* as a place of worship for the residents of a clan of Minangkabau ethnicity explains two things. *First*, the presence of a *surau* established in every *kampung (nagari)* is an indication that the Minangkabau community is a religious ethnicity. *Second*, the presence of a *surau* built in every *kampung (nagari)* serves as a customary artifact that is inseparable from religion (Islam). Such perspective positions the *surau* as a point of convergence for two identities that Minangkabau people maintain, as a community that strongly upholds custom and religion. As a result, *surau* became a religious cultural identity of Minangkabau people in West Sumatra. According to M. Sayuti Datuk Rajo Penghulu (General Chair of the West

Sumatra Minangkabau wide Association of Village Adat Councils/LKAAM), keeping people away from mosques may erode the religious culture of Minangkabau people in West Sumatra.

*The Minang are devoted to their custom and religion. So, for the Minang, if their custom and religion are offended, they surely will not tolerate that. The Minang are not to be meddled with when their religion and custom are being harassed. The integration of custom and sharia is a unique thing and it can turn into power of the people/race. The people are strong because of their local wisdom, like in West Sumatra. Mosques (surau) are a center for developing the Minangkabau people's religious identity. So, if the Minang community is requested to worship at home during the COVID-19 pandemic, this may erode the religious identity of the Minang community. In matters of religion, the government have over-intervened.<sup>35</sup>*

As a religious cultural identity of the Minangkabau people in West Sumatra, *surau*s or worship activities in *surau*s may become a center of conflict when their existence or activities conducted in them are debated. The conflict emerged because *surau* is no longer seen as a place of worship, instead it has transformed into the community's religious identity. According to Werbner,<sup>36</sup> discussions about religious identity can indeed refer to a specific point of view since it is constant proximity with differences. Religious identity refers to discourses on limitation, correlations and differences on the one hand, while encompassing and inclusive on the other—and strong forces that are considered to oppose, counter, and preserve these differences and unity.

Thus, religious identity can explain or legitimize conflict between (inter) and within (intra) religious or non-religious groups. The issue of religious identity may emerge when people feel threatened by the existence of differences,

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<sup>35</sup> Interview M. Sayuti Datuk Rajo Penghulu, Padang, 7 May 2020.

<sup>36</sup> Pnina Werbner, "Religious Identity". In Chandra Talpade Mohanty and Margaret Wetherell (Ed). *The Sage Handbook of Identities* (Boston: Sage Publications, 2013), 233-257.

prohibitions, intimidations, or interventions. Accordingly, religious identity functions as a social system to preserve customs and culture that are inherent in daily practices. Theoretically speaking, this explains why the people of Minangkabau in West Sumatra chose to continue worshipping at mosques and *suraus* during the COVID-19 pandemic, despite the prohibition on worshipping at mosques being implemented by MUI and the government.

According to Duski Samad (Chair of the West Sumatra Council of Mosques), as a religious cultural identity, the people of Minangkabau still opt to worship at mosques (*suraus*) during the COVID-19 pandemic. To the Minangkabau people, their religious space is not subject to prohibition. Forbidding people to worship at mosques (*suraus*) is pointless as people will still continue to worship at mosques (*suraus*).

*We cannot forbid them because even if they were prohibited they would continue to worship at mosques. People don't want their worship space being prohibited, they still worship at mosques by following the COVID-19 health protocol. That's why I allow some flexibility for people to worship at mosques, but they should obtain a permit from the Department of Health first and it should be in line with health procedures. Although the Health Office would not issue permit for worshipping at mosques, many people still perform their worship at mosques. This is called religious identity, additionally, people going to traditional markets is not prohibited it's uncontrolled. Why should going to mosques be prohibited while going to traditional markets is allowed?*<sup>37</sup>

The Minangkabau people's behavior in West Sumatra to continue worshipping at mosques during the COVID-19 pandemic while the entire world calls on everyone to stay at home which is due to drive of their religious cultural identity has become public discourse as it concerns truth that is considered intrinsic and fundamental. Such religious cultural identity is considered

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<sup>37</sup> Interview Duski Samad, Padang, 11 May 2020.

mysterious as it is able to trigger communal solidarity, consolidation of identity, and source of fervor to mobilize power from religiosity itself. According to Werbner,<sup>38</sup> this indicates a boundary between worship as a hallowed, personal, and divine practice as a sacred transcendental individual or communal experience and worship as something profane and worldly. In this case, the COVID-19 pandemic can be considered as a worldly phenomenon, not a divine one.

Nevertheless, such religious fervor may stand in contrast to other groups of the same religion (Islam) due to the fact that the boundary between religion and custom in Minangkabau is vague, obscure, and difficult to identify or difficult to be integrated in practice for dealing with the COVID-19 pandemic in West Sumatra. According to religious experts, the prohibition on worshipping at mosques in disease-infected regions during the COVID-19 pandemic is implemented based on the consideration of *maqâshid al-syarî'ah*. According to al-Syâthibî<sup>39</sup> the content of *maqâshid al-syarî'ah* refers to human benefits. In this case, al-Syâthibî classified *mashlahah* into three levels, namely *dlarûriyyât* (primary safety/interest), *hâjjiyyât* (secondary safety/interest) and *tahsîniyyât* (tertiary safety/interest). Moreover, al-Syâthibî also categorized *dlarûriyyât* into five main safety or interest points, namely: safety of religious belief, physical safety, freedom of thought and expression, safety of family and descendants, and safety of material wealth.

This assumes that Islamic jurisprudence (sharia) is not established for the sake of the law itself, but it is aimed for the sake of extensive human safety, interest, and benefit instead.<sup>40</sup> According to Buya Gusrizal Gazahar (Chair of

<sup>38</sup> Pnina Werbner, *Religious Identity.....*

<sup>39</sup> Abu Ishaq al-Syâthibî, *al-Muwâfaqât fi Ushuli al-Syarî'ah*, (Beirut: Dâr al- Kutub al-Ilmiyah, Juz II, 2003). See also: Fakhr al-Dîn al-Râzi, *al-Mahshul fi Ilmi Ushul al-Fiqh*, (Beirut: Dâr al-Kutub, Juz II, 1999), 281-282.

<sup>40</sup> Fathi Daryni, *al-Manâhij al-Ushuliyyah fi Ijtihâd bi al-Ra'yi fi al-Tasyri'*, (Damsyik: Dâr al-Kitâb al-Hadîts, 1975), 28.

MUI West Sumatra), the state of the COVID-19 pandemic is categorized as *ad-darurat al-muttaqab*, a predictable state of emergency. Therefore, people are under conditions of *uzur syar'i* (religiously reasonable excuse). Given the *uzur syar'i*, people are allowed to refrain from conducting worship at mosques. However, in certain regions worshipping at mosques simply cannot be implemented.

*The condition when entering ad-dharar murtaqab category, a predictable state of emergency. So, the current condition is included as rejecting something before it happens because it is predictable. To summarize, the Muslim community currently has uzur syar'i to neglect Friday prayers in congregation at mosques. So, they are allowed to join or to not pray in congregation at mosques. That's the first law, it is included in the category of rukhsah (concession-Researcher).<sup>41</sup>*

The sharia perspective above was presented by MUI after conducting various studies and meetings with the government. However, in the perspective of Minangkabau custom, MUI's fatwa prohibiting people to worship at mosques during the COVID-19 pandemic did not go through customary procedures. According to M. Sayuti Datuk Rajo Penghulu, in Minangkabau *alim ulama* (clerics) is an institution positioned below the *Ninik Mamak* (customary leaders).

*In Minangkabau you have the Ninik Mamak and Alim Ulama. If there is a religious issue in Minangkabau, it is deliberated in a mosque. This was just announced that worshipping at mosques is prohibited, but Ninik Mamak was not invited to deliberate. Custom wise, Alim Ulama is below Ninik Mamak, but MUI is not. Alim Ulama is an institutional part of Ninik Mamak. Every nagari in West Sumatra has its alim ulama. That's why the fatwa to worship at home during the pandemic is ineffective (as it did not go through the customary process-Researcher). People should be asked to follow the COVID-19 protocol, please ninik mamak and the*

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<sup>41</sup> Interview Buya Gusrizal Gazahar, Bukit Tinggi, 9 May 2020.

*people pray at mosques. I myself pray at the mosque everyday during the COVID-19 pandemic.*<sup>42</sup>

In the Minangkabau custom, there are three elements of leadership in the community that are commonly known with the term *Tungku Tigo Sajarangan*, which consists of *Ninik Mamak* (customary leaders), *Alim Ulama* (clerics), and *Cadiak Pandai* (intellectuals). Each of them holds different tasks and responsibilities, yet they are inseparable in order to ensure the system runs properly. Every Minangkabau group of kin/clan is headed by a *Mamak*, commonly called *Ninik Mamak*. *Ninik Mamak* functions as *Kapai Tampek Batanyo*, *Ka Pulang tampek babarit* (A place to ask when leaving, a place to give information when returning), this means that *Ninik Mamak* is a person who people ask things to and give news/information for the clan members, hence a *Ninik Mamak* understands the conditions of his clan members.<sup>43</sup>

The three elements are customary provision that serve as a basis in the implementation of social, cultural, and religious life among the people of Minangkabau in West Sumatra.<sup>44</sup> In practice, the element of *alim ulama* consists of religious leaders who are very devoted to religious life and worship at mosques or *suraus* existing in every kampong (*nagari*), such as ustads who manage Islamic liturgy in a mosque or *surau*. These *alim ulama* in kampongs understand the religious culture and customs of the local community.

According to Muhammad Husni (Caretaker of Baitussalam Mosque, Nagari Balimbing, Tanah Datar Regency), people in his kampong consider those who do not

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<sup>42</sup> Interview M. Sayuti Datuk Rajo Penghulu, Padang, 7 May 2020.

<sup>43</sup> M S Dt Rajo Penghulu, *Bahasa Orang Cerdik Pandai Minangkabau* [The Language of Minangkabau Intellectuals] (Padang: Angkasa Raya, 1991), 45.

<sup>44</sup> Malau Hasbullah., etal, "The Implementation of Customary Values on the Administration of Governance: a Study on the Village Governance Based on Local Wisdom at Nagari Kapau, Agam Regency of West Sumatra, Indonesia", *Russian Journal of Agricultural and Socio-Economic Sciences*, 98:2 (2020), 49-58

conduct congregational Friday prayers at the mosque as strangers. This is because congregational prayer at the mosque has become a religious cultural identity of the Minangkabau people. He said forbidding people from going to the mosque is as demanding as telling them to go there.

*The Minang, particularly those living in kampongs, if they don't conduct congregational Friday prayers at the mosque, will be viewed differently by the community. Friday prayers at the mosque has become a religious characteristic or identity for the Minang, it's difficult to ban. Even more so because none of the residents in this kampung is COVID-19 positive. When there is a newcomer, they are obligated to report to the nagari for 14 days of self isolation. That is why as a caretaker of the mosque I made an announcement that those wanting to conduct Friday prayers but are ill or a newcomer, should not carry out congregational Friday prayers at the mosque. Especially, mosques in kampongs were generally constructed and funded by the community. The mosque is not a government institution, so it cannot be steered or directed towards one thing. Prohibiting people from going to mosques is as demanding as telling them to go to mosques.*<sup>45</sup>

As a religious community, being a Minang or Minangkabau person is being a Muslim. According to Benda-Beckmann,<sup>46</sup> the process of becoming a Minang or becoming a Minangkabau is filled with extended contestations and tensions between custom and Islam until they ultimately result in the Minangkabau identity. To the people of Minangkabau, Islam provides a solid basis not only in terms of cultural identity but also in terms of faith. During the COVID-19 pandemic, such faith emerged as a nonnegotiable *aqidah* (creed). According to Kudri Jasar, (Caretaker of Baitul Muhaimin Mosque in Balai Gadang Sub-District, Koto Tangah District, Padang Municipality), he continued congregational worship at the

<sup>45</sup> Interview Muhammad Husni, Batusangkar, 10 May 2020.

<sup>46</sup> F von Benda-Beckmann and K von Benda-Beckmann, "Identity in Dispute: Law, Religion, and Identity in Minangkabau", *Asian Ethnicity* 13:4, (2012), 341-358.

mosque during the COVID-19 pandemic because it refers to his belief and *aqidah*.

*This is my belief and aqidah. The law of man can be obeyed if it does not oppose God's law and the Messenger's law. So, the currently applicable law, which is for Muslims to worship at home is in opposition with God's law and the Messenger's law. In a hadith qudsi (sayings of the Prophet Muhammad as revealed to him by Allah directly-Researcher) it is stated 'I shall exact punishment for the inhabitants of earth'. COVID-19 is God's punishment. But there are three things that can avoid God's punishment (COVID-19) which are, People who constantly attend/enliven mosques-My house. People who repent and aware of their mistakes. People who continuously maintain silaturahmi. Because I continue to perform worship at the mosque during the pandemic, I was even threatened of being taken by the police and military. While Allah's threat to people who forbid going to mosques are more severe. So, the three mosques, which I am the caretaker of, continue to conduct congregational worship. That is why our mosques' congregations are more crowded because the other mosques are closed. People who want to pray in congregation go to our mosques.<sup>47</sup>*

Such conviction enables the people of Minangkabau to maintain their commitment to the truth they believe in, although some of the other Minangkabau people disagree with them. According to Simon<sup>48</sup>, who conducted a study on conviction and Islam in Minangkabau, the Minangkabau people as individuals are able to maintain Islam as a self-conviction as a subjective area. This explains that such conviction is a subjective opinion that does not represent the religious cultural identity of the Minangkabau people. However, according to Simon<sup>49</sup>, the subjectivity may come together in the act of congregational prayers. Hence, prayers play a vital role in establishing the

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<sup>47</sup> Interview Kudri Jasar, Padang, 12 May 2020.

<sup>48</sup> Gregory M. Simon, "Conviction without....".

<sup>49</sup> Gregory M. Simon, *Caged in on the Outside: Moral Subjectivity, Selfhood, and Islam in Minangkabau, Indonesia* (Honolulu: University of Hawai'i Press, 2014).

moral subjectivity of the Minangkabau community. As a result, these various subjective convictions subsequently unite with other subjectivities in congregational prayers. This ultimately raises communal awareness, or even mobilizes an identity based on those subjective convictions. This may occur and emerge on account of the identity being previously hidden, suppressed, or neglected by a dominant group.<sup>50</sup>

### **Worship in the Time of Pandemic: Perspective of ‘Urf**

In Islamic law, every act of worship always has its own guideline. The guideline may differ and change due to changing eras or the advent of new occurrences or events that have never happened before. Accordingly, one of the sources of Islamic law, aside from the Quran and Sunnah, is *ijtihad* (independent reasoning) of *Ulemas*. According to Al-Kandari and Dashti,<sup>51</sup> *ijtihad* includes fatwas or the opinions of *Ulemas* concerning new occurrences/events. The opinions they present are based on their understanding of the Quran and Sunnah as the sources of Islamic law. Fatwas can subsequently be used to guide the Muslim community in their conducts and behaviors, including acts of worship. Under entirely novel or unprecedented conditions, many people would typically like to know how Islamic law regulates their conducts or behaviors when facing such situations. According to Islamic law, such regulation is issued through *ijtihad* in the form of fatwa by *Ulemas*. A fatwa will determine whether what a person does is *haram* (forbidden), *halal* (permissible), *mubah* (allowed), or *makruh* (disapproved but not unlawful).

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<sup>50</sup> Stuart Hall and Paul Du Gay, *Questions of Cultural Identity* (London: Sage, Publications, 2013).

<sup>51</sup> Ali A. Al Kandari, and Ali A. Dashti, “Fatwa and the Internet: A Study of the Influence of Muslim Religious Scholars on Internet Diffusion in Saudi Arabia”, *Prometheus*, 32:2 (2014), 127-144. See also: Carool Cersten, *The Fatwa as An Islamic Legal Instrument : Concept, Historical Role, Contemporary Relevance* (Berlin: Gerlach Press, 2019).

In Indonesia, the Indonesian *Ulema* Council (*Majelis Ulama Indonesia* – MUI) holds the authority in issuing fatwas. Fatwa is an opinion of Islamic law issued by a *mufti* (Muslim legal expert with the authority to give rulings on religious issues). According to Islamic law, fatwa is a part of the development and adaptation of Islamic law to new situations or changes.<sup>52</sup> Accordingly, Mudzhar<sup>53</sup> states that fatwas issued by MUI are generally specific cases brought about by new conditions or replying to the government or society's response of the new conditions. This is why fatwas issued by MUI always tend to be dynamic despite the contents being static. Moreover, numerous people may obey the fatwas MUI issued, but some others may not. According to Jamaa,<sup>54</sup> regardless of the fatwas being obeyed or otherwise, MUI has positively contributed to the transformation of contemporary Islamic law in Indonesia. MUI's fatwas, as one of the elements of Islamic law in Indonesia, have contributed in the development of contemporary Islamic law in Indonesia.

The COVID-19 pandemic is an unprecedented event, not only for Indonesia but the entire world as well. According to Djalante,<sup>55</sup> MUI issued fatwa No. 14/2020 to address the COVID-19 pandemic in Indonesia. The fatwa provides explanations on worshiping guidelines under COVID-19 pandemic conditions with the purpose of safety

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<sup>52</sup> Nico J.G. Kaptein, *The Voice of the 'Ulama': Fatwas and Religious Authority in Indonesia* (Singapore: Institute of Southeast Asian Studies, 2004).

<sup>53</sup> Muhammad Atho Mudzhar, "Pengaruh Faktor Sosial Budaya Terhadap Pemikiran Hukum Islam". [The Influence of Social Cultural Factors on Thoughts of Islamic Law] In Cik Hasan Basri (Ed.), *Hukum Islam dalam Tatanan Masyarakat Indonesia* [Islamic Law in the Indonesian Social System] (Jakarta: Logos Wacana Ilmu, 1998), 3.

<sup>54</sup> La Jamaa, "Fatwas of the Indonesian council of *Ulama* and Its contributions to the Development of contemporary Islamic Law in Indonesia", *Indonesian Journal of Islam and Muslim Societies*, 8:1 (2018), 29-56.

<sup>55</sup> Riyanti Djalante, et al., "Review And Analysis Of Current Responses To COVID-19 In Indonesia: Period Of January To March 2020", *Progress in Disaster Science*, 6, (2020), 1-9.

and prevention of disease transmission among the Muslim community. In West Sumatra, some of the Muslims consequently closed off their mosques from worshipping activities and replace them by worshipping at home, but some others continue to conduct congregational worship at mosques. Nevertheless, technically speaking, a fundamental question emerged among the community, what is the legal ruling on congregational prayers at mosques during the COVID-19 pandemic?

According to Buya Gusrizal Gazahar, during the COVID-19 pandemic the legal ruling on congregational worship at mosques, particularly Friday prayers, is *mubah* (allowed), from the initial ruling of *wajib* (obligatory). This implies that due to the existing state of emergency Muslims are not obligated to (*wajib*) conduct Friday prayers, but they are allowed to (*mubah*).

*There is no concept of prohibiting worship at mosques during the pandemic. There is a fatwa concerning guidance for conducting worship under COVID-19 outbreak conditions. We started by looking at how we can infer a legal ruling (istinbat) regarding the occurrence. This is a contemporary issue, included in fiqh nawazil (contemporary issues jurisprudence-Researcher). Discussing fiqh nawazil must undergo at least four stages, no less. First, tasawur (Islamic 'worldview'-Researcher) of the problem description. Second, bayanun (explication-Researcher) which explains dalil (proof-Researcher) relating to the issue. Third, istinbat which summarizes (the issue-Researcher), and fourth, ifta or issuing the fatwa. Going through the tasawur and bayanun stages, the West Sumatra condition is included as a state of emergency. The condition is analyzed from the number of people infected by the disease, the rapid transmission of the disease, unprepared preventive measures, limited health personnel and hospitals. Hence, the situation can be considered as ad-dharar murtaqab, highly disturbing emergency.<sup>56</sup>*

However, according to Buya Gusrizal Gazahar, the legal ruling is aligned with the conditions in each of the

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<sup>56</sup> Interview Buya Gusrizal Gazahar, Bukit Tinggi, 9 May 2020.

region or the conditions of the people on the field. The *mubah* ruling of worshiping at mosques during the COVID-19 pandemic may change due to differing and changing conditions on the field. Therefore, according to Buya Gusrizal Gazahar, in order to implement this legal ruling, *maqasid hukum* (legal objective) is employed.

*The maqasid hukum is to break the chain of COVID-19 outbreak. Hence, worshiping at mosques is prohibited because there is a broader legal objective to protect people's life. MUI issues fatwas, but their execution is in the hands of judges or rulers. With the four stages completed, the legal objective of calling to refrain from being in mosques (or prohibition on going to mosques for regions hit by the COVID-19 outbreak-Researcher) to break the chain of COVID-19. The fatwa is not a government order, it is based on those 4 stages, this is the current solution before medication is available. So, breaking the disease transmission chain is the purpose of the ruling.*<sup>57</sup>

A different perspective was conveyed by Ustad Zulkifli Zakaria. The influential *ulema* from Padang Pariaman argues that worshiping at mosques during the COVID-19 pandemic can be categorized as *haram* (forbidden) for not adhering to *Ulil Amri* (the government) and *Ulemas*.

*Under a state of emergency like we are currently in, I think we should obey Ulil Amri (the government-Researcher) as stated in Surat An-Nisa verse 59. The government has issued a decision, MUI has issued a fatwa. Both have issued a similar opinion for people to remain at home. As a result, congregational worship at home has become wajib (obligatory) for now, on account of obeying the government. The consideration is obedience to ulil amri. Therefore, if there is someone conducting congregational prayer during the COVID-19 pandemic at a mosque, it can be categorized as haram (forbidden). The prayer is still valid, but the conduct is haram. It is a form of disobedience since COVID-19 has a characteristic, which is the difficulty to identify who the carriers are.*<sup>58</sup>

<sup>57</sup> Interview Buya Gusrizal Gazahar, Bukit Tinggi, 9 May 2020.

<sup>58</sup> Interview Ustad Zulkifli Zakaria, Padang Pariaman, 12 May 2020.

Despite having a different perspective concerning the law on congregational prayers in mosques during the COVID-19 pandemic, both of these influential *Ulemas* in West Sumatra agree that MUI or *Ulemas* merely have the authority of issuing fatwas based on new situations or a requesting party. Implementation or violation of fatwas issued by MUI, however, falls under the government's authority. According to Buya Gusrizal Gazahar, as the Chair of MUI West Sumatra, during a pandemic like this, the government's commitment in preventing the spread of the disease is most required.

*MUI demands the commitment of the central and regional governments. If they are not committed, then the fatwa will mean nothing. Policy makers (the government-Researcher) must establish policies not to bring people who are sick and healthy together in the community. MUI has the authority to issue fatwas, the government has the authority to execute them. If there are people who still worship at mosques, that's no longer a matter for MUI, that's a government matter. The state should prevent that.*<sup>59</sup>

According to Ustadz Zulkifli Zakaria, MUI only issued a fatwa prohibiting people from worshipping at mosques during the COVID-19 pandemic, but it has no authority to take measures against those who continue to worship at mosques. He also believes that the government is incapable of preventing people from worshipping at mosques in congregation. Additionally, MUI *Ulemas* in support of worshipping at home during the COVID-19 pandemic have been ridiculed by the public as governmental *Ulemas*.

*MUI issues fatwas, the government regulates. The problem in West Sumatra is that the government is incapable of or lack sufficient power in controlling the community, so despite the availability of fatwa by MUI, there are still those who worship at mosques in congregation. Ulemas and umara (government-Researcher) have not functioned well, because umara's ability in controlling the community is still lacking. Ulemas only issue fatwas but do not have any rights to take measures on the ground. As a result, there*

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<sup>59</sup> Interview Buya Gusrizal Gazahar, Bukit Tinggi, 9 May 2020.

*are people who insisted and there are also ustads who keep going to mosques. Ulemas or ustads who forbid (people from worshipping at mosques-Researchere) are considered as Ulemas and ustads of the government.*<sup>60</sup>

MUI does indeed maintain a role as an institution that issues fatwas and advices, both to the government and Muslim community on issues relating to religion (Islam) in particular, and on all matters confronted by the nation in general. As a country with the largest Muslim population, fatwas issued by MUI surely have significant influence on the religious practice of Muslims in Indonesia. Nevertheless, in every fatwa MUI issued, there is no directive whether Muslims in Indonesia should or should not obligatorily obey the fatwa. According to Hosen,<sup>61</sup> Muslims are certainly under no obligation to follow a particular Islamic legal school of thought or fatwa. Muslims have the freedom to adopt fatwas they think are appropriate for them. This is based on the principle of shared benefit or public interest (*al-maslaha al-ámmah*). Accordingly, every Muslim is entitled to choose which fatwa is best based on the one that provides the most significant benefit for the individual and the community.

Nonetheless, during the COVID-19 pandemic, MUI's fatwa on guidance for worship during the pandemic has an impact on social arrangements, not on individual religious practices. Based on this perspective, the government is a determining actor in implementing the fatwa, particularly in organizing the public to keep worshipping at home instead of mosques. Consequently, MUI's fatwa can only be considered as a legal opinion about conducting worship during the COVID-19 pandemic. Once worshipping activities are conducted in public spaces such as congregational prayers at mosques, they fall under the government's authority to regulate them.

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<sup>60</sup> Interview Ustad Zulkifli Zakaria, Padang Pariaman, 12 May 2020.

<sup>61</sup> Nadirsyah Hosen, "Behind the Scenes: Fatwas of Majelis Ulama Indonesia (1975–1998)", *Journal of Islamic Studies* 15:2 (2004), 147–179.

In the context of Islamic law, society has a basis of action called *uruf*. *Uruf* is recognized as one of the foundations that give space to do something good according to society according their habits. The characteristics of pliable sharia can be accommodated through this basis of *uruf*. The habits of a particular community, both in behaviour and in carrying out activities in society in general, are named *uruf* because they have been considered good, accepted by their reasoning, and then become something that is needed so that paying attention to habits is part of a good thing. Al-Mansi formulated customs as something inherent in the collective memory of society, judged both by reason, accepted by human instincts, and related to the pattern of its life. The recognition of customs in Islamic law is reflected in one of the popular rules, *al-'Ādah Muhakkamah* (custom is the basis for the establishment of laws). Of course, the acceptance of this tradition as long as it does not contradict the text.<sup>62</sup>

Referring directly to the Quranic verses can be used as a legal basis. It is explicitly outlined:

*Be gracious, enjoin what is right, and turn away from those who act ignorantly.*<sup>63</sup>

There are at least four arguments that can be presented regarding the urgency of custom as a legal argument, namely (1) sharia considers the law of causality and also a habit. (2) the existence of a standard in sharia shows that sharia promotes custom, otherwise it will be a standard. (3) the community will feel the real benefit only by considering the traditions that live in the community (4) the habit of showing the level of the community's ability to obey a provision of the law.<sup>64</sup>

People who steadfastly maintain congregational prayers in the Mosque adhere to the traditions that are

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<sup>62</sup> M. Qasim al-Mansi, *Taghayyur al-'Uruf wa Atharuhu fi Ikhtilaf al-Ahkam fi al-Syari'ah al-Islamiyyah*, (kairo: Dar al-Sala, 2010), 16.

<sup>63</sup> Quran, 7: 199

<sup>64</sup> Jamal al-Banna, *Nahwa Fiqh Jadid*, (Kairo: Dar al-Fikr al-Islamiy, 2008), III: 291-292

coordinated by Islamic law. In this case, the community prioritizes *uruf* more than the fatwas of scholars and government rules that even though they contain *masalahah*, must be set aside in order to maintain the religious identity of the community.

### **Conclusion**

Fatwa of the Indonesian *Ulema* Council No. 14/2020 on Guideline for Worship under COVID-19 Outbreak Conditions stipulates that it is permissible to replace Friday prayers with Zhur (noon prayers) at home, as well as avoid congregational five daily prayers, Tarawih prayers, and Eid prayers at mosques or other public venues given that the related area has a high COVID-19 transmission potential. Based on the said fatwa, MUI West Sumatra issued a notice for the people of Minangkabau to conduct congregational worship at home to break the chain of COVID-19 transmission. However, the people of Minangkabau in West Sumatra continue to perform congregational worship activities such as Friday prayers and Tarawih prayers during the holy month of Ramadhan at mosques.

In terms of actors' perspectives, the condition involves interrelations between *Ulemas*, the government, customary figures, and mosque caretakers in several areas that continue to conduct congregational worship at mosques. In terms of underlying factors, the condition was a result of the Minangkabau community's strong religious cultural identity and the inadequate monitoring of public activities during the COVID-19 pandemic or the lack of the government's ability in upholding WHO's standard in preventing COVID-19 transmission.

This phenomenon suggests that fatwas issued by *Ulemas* and policies made by the government, as observed during the COVID-19 pandemic, will undergo a negotiation or adaptation process when faced with a solid religious cultural identity, like that maintained by the Minangkabau community as shown in the study. It also indicates a shift of the classical polemic between custom and sharia in the

Minangkabau culture into a new relationship between fellow religious authorities and the government on the one hand and customary leaders on the other, along with the authority of common folks on another different side.

In the perspective of Islamic law, society takes precedence over *uruf* over *maslahah*. Surau has become an identity, and the habit of surau has been understood and known for a long time, is an indispensable part of people's lives. For the people, being separated from surau makes them feel that they are not Minang people. Of course, this is *uruf sahiih*, because custom builds obedience to religion.

Therefore, the research may specifically have implications on studies concerning Islamic laws relating to worship in the socio-cultural context during public health emergencies. In general, the study may also have impacts on grand theories of sociology of religion, anthropology of religion, or Islamic studies in the future. How is a community's religious cultural identity leveraged as a force to oppose fatwas of *Ulemas* and government policies instead? This would be a very intriguing topic of future study as it emphasizes the community's religious cultural identity as a new entity that is autonomous and maintains its own authority.

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