



## **Politics and Islamic Laws in Indonesia: Case Study of Prayer Procedures During the Covid-19 Pandemic**

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### **Abstract**

Scholars have analyzed the increasing implementation of Islamic laws in Indonesia after the 1998 political reform. They have shown that traditional Islamic laws practiced in the past are being implemented again today, such as caning in Aceh, hijab for women in West Sumatra, and the obligation of Qur'anic literacy in South Sulawesi. Few scholars show otherwise about rational and accommodating laws in contemporary Islamic laws. By analyzing fatwas, circulars, and instructions issued by three prominent Islamic institutions in Indonesia regarding the procedures for praying during the Covid-19 pandemic, this article shows, as Jeremy Menchik (2014) pointed out, that Islamic laws are changeable and can be influenced by science and government and non-government institutions. The Muslim prayer procedures during the Covid-19 pandemic show that while Islamic authorities are still crucial in managing Muslim societies, their interpretation of Islamic laws is subject to change from time to time. The results of this study imply that Islamic institutions and government and non-government institutions can work together in managing contemporary Muslim societies utilizing progressive interpretations of sharia.

**Keywords:** Politics, Islamic laws, Covid-19, Islam, Indonesia

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## **Introduction**

The *Majelis Ulama Indonesia* (MUI, Indonesian Ulema Council), Muhammadiyah and Nahdlatul Ulama (NU) are three leading Islamic religious institutions in Indonesia. They have issued fatwas, circulars and instructions that change Islamic laws from closing rows of praying into distancing them in the procedures for carrying out congregational prayers in mosques during the Covid-19 pandemic.<sup>1</sup> The Islamic laws derived from the Quran and the hadith that oblige congregational prayers in mosques and to close rows in the prayers are changed. The basis for the obligation in congregational prayers is from the surah Al-Baqarah verse 43, which means, ‘And establish prayer, pay zakat and bow down with those who bow’ (QS. 2: 43). Meanwhile, a command to close rows in the congregational prayer is based on a hadith from Anas bin Malik that the Messenger of Allah said, “*Close your rows because it is part of the perfection of prayer*” (HR Bukhari No, 690 and HR Muslim no, 433).

However, when the Covid-19 pandemic began to develop in Indonesia in March 2020, the three Indonesian Islamic institutions radically changed their interpretations of the Islamic laws regarding the procedures of congregational prayers. Through MUI’s Fatwa No. 14 year 2020, circular letter of PP Muhammadiyah No. 02/EDR/I.0/E/2020 and no. 04/EDR/I.0//2020 and Circular letter of PBNU No. 3953/C.I.034/04/2020, congregational prayers are prohibited from being carried out in areas with a high spread of Covid-19 and must be

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<sup>1</sup> See Circular Letter PBNU No, 3953/C.I.034/04/2020 about NU’s protocol on Covid-19 Care; Circular Letter PP Muhammadiyah No, 02/EDR/I.0/E/2020 about guidance on ritual during Covid-19 pandemic and no. 04/EDR/I.0//2020 about guidance on Idulfitri prayer during Covid-19 pandemic as well as MUI Fatwa No. 14 Year 2020 about implementation of ritual during Covid-19 pandemic.

carried out with distanced rows in mosques in areas with a low spread of Covid-19. What prompted these three Indonesian Islamic organizations to change their interpretation of Islamic laws in the procedures of congregational prayers in mosques? What lessons can be drawn from this change about congregational prayer regarding the relationship between Islamic laws and politics in contemporary Muslim societies?

This article argues that many factors encourage changes in the interpretation of Islamic laws by religious institutions in Indonesia. The involvement of religious figures in government, such as the chairman of the Indonesian Ulema Council, who is the current vice president of Indonesia, government incentives for these Islamic institutions, and science are three main factors that can change many interpretations of Islamic law in Indonesia.

This change in the interpretation of Islamic laws has far-reaching implications. Studies on the development of Islamic laws in Indonesia often show the demands for implementing Islamic laws deemed as traditional or past practices of Muslim societies at national and local levels after decentralization in 2001. Very few studies on Islamic law have focused on the content of Islamic laws that can change from time to time. By analyzing the content of Islamic laws in fatwas, circulars and instructions enacted by the three Indonesian Islamic institutions during the Covid-19 pandemic on performing congregational prayers, this article shows that contents of Islamic laws can change because of science and recommendation from government and non-government institutions.

## **Islamic Laws**

Islamic laws are often regarded as guiding laws that apply to traditional Islamic societies and are often considered irrational. For example, the implementation of Islamic laws such as Jilbab (veil) for Muslim women is deemed as taking the women away from criminality. It is also regarded as having originated in the Middle Ages such as Halal food. It is a collection of interpretations of Islamic jurists at that time. The Islamic laws were then undeveloped, while the governments in the Islamic communities have developed different laws for managing Islamic society (Menchik, 2014).<sup>2</sup>

Fadel (2017) explains that there is a tendency for scholars to ignore Islamic laws as a product of the state, and instead point out that Islamic laws are developed to oppose the state, an explanation that Fadel rejects. He argues that while that is partly true, the explanation risks giving the impression that law and politics are disconnected from the Islamic world's history and away from the social and political realities of Muslim societies.<sup>3</sup>

Menchik (2014) further illustrates that Islamic laws, which are considered backward, are exacerbated by the Islamic justice system, which was arbitrary in enforcing the law, as shown by some scholars. Islamic courts were often regarded as unprocedural and irrational. The Islamic

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<sup>2</sup> Jeremy Menchik, "The Co-Evolution of Sacred and Secular: Islamic Law and Family Planning in Indonesia," *South East Asia Research* 22, no. 3 (2014): 359–78, <https://doi.org/10.5367/sear.2014.0220>.

<sup>3</sup> Mohammad Fadel, "Islamic Law Reform: Between Reinterpretation and Democracy," *Yearbook of Islamic and Middle Eastern Law Online*, Koninklijke Brill Nv, Leiden, 18, no. 6 (2017), [https://doi.org/DOI.63/22112987\\_01801005](https://doi.org/DOI.63/22112987_01801005).

judicial system, called the qadi system, failed to protect individual rights, property rights, and legal rationality.<sup>4</sup>

The study on Islamic law changed after the 1979 Islamic revolution in Iran (Menchik, 2014). The Iranian revolution spurred the rise of the Islamic movement politically. Islamic political parties were established to promote Islamic laws in the Islamic state and political activists have encouraged Islamic religious values to be implemented in everyday life so that Islamic laws have become a new topic in the study of politics and Islam.

Menchik (2014) again points out that with the implementation of Islamic laws in modern Muslim-majority countries such as Egypt, Islamic laws are being debated and reinterpreted in accordance with the modern contexts, rational and contemporary society, unlike previously described that Islamic laws were associated with the medieval societies.

Mahmood (2005) also shows that the values of patience, modesty in dress, and honesty as part of Islamic religious ethics in daily life have changed the face of public sphere in Muslim countries. Menchik (2014) points out that although this movement has not changed political institutions in most Muslim-majority countries, the rights of individual Muslims in these countries have been penetrated by contemporary religious values in various aspects of their lives.<sup>5</sup>

Peletz (2002) illustrates that Islamic courts, which were previously called pre-modern and irrational, have instead become an important part in shaping Muslim civil society that is modern, plural, and responsive to

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<sup>4</sup> Menchik, "The Co-Evolution of Sacred and Secular: Islamic Law and Family Planning in Indonesia."

<sup>5</sup> Saba Mahmood, *The Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005).

democracy and dynamic in Malaysia. He points out that Islamic courts are urban, part of an industrial society, and highly bureaucratized. According to Peletz, Islamic courts are part of modern institutions, and Islamic laws are part of modernity.<sup>6</sup>

Menchik (2014) explains that the latest studies on Islamic laws show that Islamic laws are attempts to respond to contemporary issues in Muslim-majority countries, not as Islamic traditions that are unchangeable or residues from the past.<sup>7</sup> Hefner (2011) points out that demands for Islamic laws are derived from a desire to discuss and resolve contemporary problems in Islamic society such as corruption, crime, economic injustice, and poor governance.<sup>8</sup> Kendhammer (2013) shows that social and political movements in Muslim societies today always associate the implementation of Islamic laws with emerging concerns about inappropriate policies, taking advantage of public disillusionment with weak and ineffective governments. Islamic laws can force political and religious leaders to provide benefits to society in a democratic political system.<sup>9</sup> Salim (2015) demonstrates that Islamic laws are products of transnational and local politics in West Sumatra, Indonesia. These studies show that Islamic laws are modern and are responses to the problems in the contemporary Islamic society.<sup>10</sup>

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<sup>6</sup> Michael Peletz, *Islamic Modern: Religious Courts and Cultural Politics in Malaysia* (Princeton: Princeton University Press, 2002).

<sup>7</sup> Menchik, "The Co-Evolution of Sacred and Secular: Islamic Law and Family Planning in Indonesia."

<sup>8</sup> Robert W. Hefner, *Civil Islam: Muslims and Democratization in Indonesia* (Princeton University Press, 2011).

<sup>9</sup> Brandon Kendhammer, "The Shari'a Controversy in North Nigeria and The Politics of Islamic Law in New and Uncertain Democracies," *Comparative Politics* 43, no. 3 (2013).

<sup>10</sup> Delmus Puneri Salim, *The Transnational and The Local in the Politics of Islam in West Sumatra* (London: Springer, 2015).

This article is in line with Jeremy Menchik's (2014) argument, which shows that the contents of Islamic laws are contemporary and products of modernity. The content of modern, rational, and responsive Islamic laws that religious institutions determine can be influenced by science and governmental and non-governmental institutions in Muslim societies.<sup>11</sup>

A case study on Islamic laws in Indonesia regarding the procedures for performing congregational prayers during the Covid-19 pandemic shows that Islamic laws issued by religious institutions can be influenced by science and government and non-government institutions, as this article shows.

### **Politics and Islamic Laws in Indonesia**

The study on politics and Islamic laws in Indonesia is very important as Indonesia is a country with the largest Muslim population in the world and is a democratic country. Also, Indonesia has three mainstream Islamic institutions that have an essential role in the development of Islamic laws in the country, namely the Indonesian Ulema Council (MUI), Muhammadiyah, and Nahdlatul Ulama (NU).

The Indonesian Ulema Council was formed in 1975 by Suharto's New Order government in Jakarta. It is a melting pot for Islamic leaders from many Islamic organizations such as Muhammadiyah, NU, and other Indonesian Islamic organizations. Initially, the MUI was used by the government to control these Islamic figures and to succeed in governmental programs related to the Muslim community. Since the end of the New Order regime, MUI has become more autonomous and tried to represent all

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<sup>11</sup> Menchik, "The Co-Evolution of Sacred and Secular: Islamic Law and Family Planning in Indonesia."

Indonesian Muslims in providing interpretations of Islamic laws to the government and the Indonesian Muslim community (Menchik, 2014).<sup>12</sup>

Muhammadiyah was founded in Kauman Village, Yogyakarta, in 1912 by KH Ahmad Dahlan, who was an employee of the Sultanate of Kraton Yogyakarta. Muhammadiyah is the most significant modernist Islamic movement in Indonesia, which carries out Islamic reform through Islamic education, the first to combine Islamic and general lessons in Indonesia. In establishing Islamic laws, Muhammadiyah carries out rational interpretation and Islamic laws that are issued directly from the sources of Islamic laws and to the example given by the Prophet Muhammad, without going through the authority of traditional Islamic institutions. Members of Muhammadiyah organizations are structured more in urban areas. The members of Muhammadiyah reached 24 million people (Alvara Research Center, 2017).<sup>13</sup>

Nadlatul Ulama (NU) was formed in 1926 in East Java to promote traditionalist Islam in accordance with the authority of classical Islamic scholarship. As one of the largest and the most influential Muslim institutions in the world, NU has around 60 million members.<sup>14</sup> In contrast to Muhammadiyah, NU is structured hierarchically around charismatic ulama, and its members are rooted in a network of pesantren, the traditional Islamic schools.

This article uses the document analysis method of fatwas, circulars and instructions relating to the procedures for performing prayers during the Covid-19 pandemic in Indonesia from these three religious

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<sup>12</sup> Menchik.

<sup>13</sup> "Indonesia Middle Class Muslim: Religiosity and Consumerism" (Alvara Research Centre, 2017).

<sup>14</sup> Mohammad Sobary, *NU Dan Keindonesian* (Jakarta: Gramedia Pustaka Utama, 2013).



institutions. The article aims to explain changes in the interpretation of Islamic laws from the obligation to pray in congregation and be carried out in closed rows to a ban on congregational prayers in areas with a high spread of Covid-19. This study also analyses the implementation of congregational prayers with distanced rows in areas with low Covid-19 spread. An understanding of science about virus outbreaks that can spread widely to many people and an understanding of the recommendations of government and non-government institutions in preventing the spread of the Covid-19 has made these three Islamic organizations to change the contents of Islamic laws during the Covid-19 pandemic in Indonesia.

The fatwas, circulars, and instructions from MUI, Muhammadiyah, and NU at the beginning of the spread of Covid-19 became the primary research data sources. Fatwa is an answer to a question or request regarding the principles of religious teachings that is asked to a religious expert or religious institutions, and circulars and instructions are written letters containing official notifications addressed to certain parties within an agency, institution or organization.

This article focuses on fatwas, circulars, and instructions regarding procedures for performing prayers during the Covid-19 Pandemic which prohibit congregational prayers in mosques in areas with a high spread of the Covid-19 and with distanced rows in areas with a low spread of the Covid-19. The prohibition of praying in congregation in the mosque requires the implementation of congregational prayers with family at home or carried out individually. Distanced rows in congregational prayers require worshipers to stand one meter away from other worshipers in mosques. While these fatwas, circulars, and instructions do not bind upon

Indonesian Muslims as the state laws, they infer individual Indonesian Muslims must oblige their production of laws without giving an option for individual Muslims to choose for themselves or to have their own interpretations on procedures of congregational prayers. Based on these fatwas, circulars and instructions, Muslims have no right whether to perform or not to perform religious practices in accordance with the human rights stated in the International Bill of Human Rights in 1948. For those Islamic organizations, religion is not a private matter.

Fatwas, circulars, and instructions from the beginning of the spread of Covid-19 in 2020 were collected from each institution, online media news, and other sources. Of these three Indonesian Islamic institutions during the Covid-19 pandemic from 2020 to mid-2022, approximately 30 fatwas, circulars, and instructions were issued. This article focuses on early fatwas, circulars, and instructions related to the prohibition of praying in congregation and with distanced rows from these three Indonesian Islamic organizations.

This article is further divided into three sections which show changes in Islamic laws regarding the procedures of prayers. The first part details the procedures for carrying out congregational prayers issued by Islamic institutions that existed before the Covid-19 pandemic. The second part shows how the Indonesian government, through several ministries, has issued regulations regarding restrictions on activities during the Covid-19 pandemic. The third part describes fatwas, circulars, and instructions regarding the prohibition of congregational prayers in areas with high Covid-19 spread and with distanced rows in areas with low Covid-19 spread which were influenced by science and recommendations of government and non-government agencies.

## **The Changing Islamic laws during Covid-19 pandemic**

### *Obligation To Pray in Congregation and With Closed Rows*

The phrase that often appears in congregational prayer obligation is that “the congregational prayer is obligatory in mosques, especially for men”. Another phrase before congregational prayers in mosques start is that what imam (leaders of prayers) say, ‘straighten and close the rows, because straightness and density of the rows are part of the perfection of the prayers.’ Those phrases vanished during the Covid-19 Pandemic.

Prayer is a fundamental worship in Islam. Performing prayer means carrying out one of the five pillars of Islam, and its implementation can be in a congregation or individually. In many kinds of literature, it is mentioned about the superiority of praying in a congregation over praying alone. Congregational prayers are based on verse 43 of the sura Al-Baqarah which means “And establish prayer, pay zakat and bow down with those who bow” (QS. 2: 43). The sentence bowing here means prayer, while “bow down with those who bow” means praying with other people, namely in a congregation. The command to pray in a congregation can also be understood from the hadith narrated by Bukhari and Muslim, “from Abdullah ibn Umar, that the Messenger of Allah said: “Prayer in congregation is more important than praying alone by twenty-seven degrees”<sup>15</sup> (HR. Bukhari, No. 645 and HR. Muslim, No. 650).

Prayers in a congregation have many virtues, including avoiding the fire of hell. Prayers in a congregation can increase chances of receiving multiple rewards compared to praying alone. There is no reason for Allah not

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<sup>15</sup> Suara Muhammadiyah Magazine, No.20, 2018

to accept the Muslim prayers in congregation.<sup>16</sup> MUI, Muhammadiyah and NU use the above reasons to encourage Muslims to pray in congregation.

The obligation of congregational prayers must be carried out with straight and tight rows in accordance with the hadith narrated by Nasa'i which means, "Anas has told us that the Prophet SAW said: Close your rows and bring them closer together, align your necks with neck, by Allah in whose hand the soul of Muhammad is, in fact I saw the devils entering from between the rows as if they were a goat" (HR. Nasa'i, No. 811). Another hadith narrated by Bukhari, "From Anas bin Malik, from the Prophet SAW, he said: Straighten your rows, then I can see you from behind my back, and one of us puts his shoulder with his friend's shoulder and his foot with his friend's foot" (HR. Bukhari No, 691).

However, NU emphasizes that in straightening and tightening the prayer's rows, it is recommended to be gentle and not too tight so that it is challenging to perform prayer movements. Closing rows are executed in a way that is acceptable to the community standards, and the rows of prayers are still seen as neat and good.<sup>17</sup> This NU's recommendation is due to emerging transnational Islamic groups that encourage strict closing rows which touching toe to toe.

#### *Restriction of Religious Activities by The Government*

The Government of Indonesia issued a circular letter regarding Covid-19 as a pandemic outbreak through the Decree of the Minister of Health of the Republic of Indonesia Number HK.01.07/MENKES/104/2020 of

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<sup>16</sup> Source: <https://islam.nu.or.id/shalat/keutamaan-dan-Hukum-shalat-berjamaah-BGobi>

<sup>17</sup> Source: <https://islam.nu.or.id/salat/menempelkan-kaki-dengan-kaki-orang-lain-dalam-merapatkan-shaf-qpZUq>

2020, dated February 4, 2020 concerning the Determination of Novel Coronavirus Infection (2019-Ncov Infection) as a disease that can cause infection, epidemics, and efforts to contain them.<sup>18</sup> This Minister of Health's decision then had encouraged the Ministry of Religious Affairs through the Secretary-General to issue Circular Letter number 13/2020 of 2020, dated March 4, 2020 regarding Early Alertness, Preparedness, and Anticipatory Measures for Prevention of Covid-19 Infection in the Ministry of Religion.<sup>19</sup> Furthermore, on March 11, 2020, the World Health Organization (WHO) declared Covid-19 a global pandemic, and the Indonesian government designated COVID-19 as a non-natural disaster in the form of a disease outbreak on March 14, 2020.<sup>20</sup>

The Ministry of Religion then issues the Circular of the Directorate General of Islamic Community Guidance Number P-002/DJ.III/Hk.00.7/03/2020 of 2020 dated March 19, 2020 regarding the appeal and implementation of the Covid-19 handling protocol in public areas within the Directorate General of Community Guidance Islam.<sup>21</sup> This circular contains recommendations for praying at home and avoiding various kinds of mass religious activities. The ban on congregational prayers in mosques by the Director

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<sup>18</sup> See URL:

<https://covid19.hukumonline.com/2020/02/04/keputusan-menteri-kesehatan-nomor-hk-01-07-menkes-104-2020-tahun-2020/>

<sup>19</sup> See URL: [https://covid19.hukumonline.com/wp-content/uploads/2020/04/surat\\_edaran\\_sekretaris\\_jenderal\\_kementerian\\_agama\\_nomor\\_13\\_2020\\_tahun\\_2020-1.pdf](https://covid19.hukumonline.com/wp-content/uploads/2020/04/surat_edaran_sekretaris_jenderal_kementerian_agama_nomor_13_2020_tahun_2020-1.pdf)

<sup>20</sup> See URL: <https://www.who.int/docs/default-source/coronaviruse/transcripts/who-audio-emergencies-coronavirus-press-conference-full-and-final-11mar2020.pdf>

<sup>21</sup> See URL: [https://covid19.hukumonline.com/wp-content/uploads/2020/04/surat\\_edaran\\_sekretaris\\_jenderal\\_kementerian\\_agama\\_nomor\\_p\\_002\\_dj\\_iii\\_hk\\_00\\_7\\_03\\_2020\\_tahun\\_2020-1.pdf](https://covid19.hukumonline.com/wp-content/uploads/2020/04/surat_edaran_sekretaris_jenderal_kementerian_agama_nomor_p_002_dj_iii_hk_00_7_03_2020_tahun_2020-1.pdf)

General of Islamic Community Guidance was reinforced by the Circular Letter of the Minister of Religion number 6 of 2020 and subsequent circulars.

On April 13, 2020, the President of the Republic of Indonesia declared a Non-Natural Disaster of the Spread of Corona Virus Disease 2019 (Covid-19) as a National Disaster through Presidential Decree of the Republic of Indonesia Number 12 of 2020.<sup>22</sup>

### *The Prohibition of Prayers in Congregation and The Distanced Rows*

In early March 2020, the Indonesian Ulema Council (MUI) issued a different fatwa than usual. The Fatwa of the Indonesian Ulema Council number 14 year 2020,<sup>23</sup> considers three important things that are not common in MUI's Fatwa. Firstly, the Fatwa consists of understanding the spread of Covid-19 and its effect on Indonesian people. While Muslims believe everything including Covid-19 is created and made disappeared by Allah, its spread is explained by science and the Fatwa has considered it. Secondly, the Fatwa recognized the decision of the World Health Organization (WHO), an international health agency, which declared Covid-19 as a pandemic. This consideration is irregular as the international institution is not a religious institution or an Islamic state. Thirdly, implementing the Fatwa must consider governments' instructions on whether a region is classified red, yellow, or green zones demonstrating the degree of Covid-19 pandemic in the region. These considerations literally

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<sup>22</sup> See URL: [https://covid19.hukumonline.com/wp-content/uploads/2020/04/keputusan\\_presiden\\_nomor\\_12\\_tahun\\_2020-1.pdf](https://covid19.hukumonline.com/wp-content/uploads/2020/04/keputusan_presiden_nomor_12_tahun_2020-1.pdf)

<sup>23</sup> URL: <https://mui.or.id/wp-content/uploads/2020/03/Fatwa-tentang-Penyelanggaran-Ibadah-Dalam-situasi-Wabah-COVID-19.pdf>

written in the Fatwa show the influence of scientific explanation and governmental and international non-religious institutions' decisions in determining the MUI's Fatwa.

This Fatwa is different from many other fatwas delivered by MUI. This Fatwa was not based on a request from Indonesian Muslims as usually stated in other fatwas such as Fatwa on bank interest.<sup>24</sup> The Fatwa did not consider the decisions of Islamic institutions or Islamic states such as Saudi Arabia in Fatwa on the meningitis vaccine.<sup>25</sup> The Fatwa implementation was not independent of governmental institutions such as Fatwa on social interaction through social media.<sup>26</sup>

The MUI's fatwas on praying procedures during the Covid-19 pandemic explain reasons sourced from the Al-Quran and Hadith in responding to a pandemic. According to Islamic normative sources, we have to start responding to a pandemic by saying a phrase "*innā lillāhi wa innā ilaihi rājiūn*" (Indeed we belong to Allah and indeed to Him we all return). This statement emphasizes that any disaster occurs with Allah's permission. Then Islam teaches us to avoid pandemic areas, and to not leave from the pandemic areas. Further, Islam orders us to behave by the principle of not endangering ourselves and others.

Furthermore, this Fatwa considers events that occurred in Islamic history during previous pandemics, and the result of the meeting of the MUI fatwa commission before the Fatwa decided on several things. Firstly, those

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<sup>24</sup> See URL: <https://mui.or.id/wp-content/uploads/files/fatwa/32.-Bunga-InterestFaidah.pdf>

<sup>25</sup> See URL: <https://mui.or.id/wp-content/uploads/files/fatwa/Vaksin-Meningitis.pdf>

<sup>26</sup> See URL: <https://mui.or.id/wp-content/uploads/files/fatwa/Fatwa-No.24-Tahun-2017-Tentang-Hukum-dan-Pedoman-Bermuamalah-Melalui-Media-Sosial.pdf>

who Covid-19 infect must replace Friday prayers in congregation with the Zuhur prayers alone and are prohibited from praying in congregation in mosques or other places with other worshipers. Secondly, those living in areas with very high Covid-19 spread-based zone data issued by governments are prohibited from praying in congregation and replacing the congregational prayers with individual prayers at home. Third, for those in areas with a low spread of Covid-19, congregational prayers are allowed by having distanced rows one meter from each worshiper to the other. This part of the Fatwa shows that the government's data on zones with levels of Covid-19 influence the implementation of Islamic laws issued by MUI.

Muhammadiyah through the circular of the Muhammadiyah Central Executive number 02/EDR/I.0/E/2020 on the guidance for worship in the Covid-19 pandemic, mentions several things in the contents of the circular.<sup>27</sup> Firstly, the circular provides a scientific explanation of the effects of Covid-19. The circular acknowledges the virus, Covid-19, not a mystic thing, as the source of pandemic. Secondly, the circular contains provisions of the World Health Organization (WHO) and the Indonesian Ministry of Health on Covid-19 as a pandemic. These two points have demonstrated the influence of the scientific explanation and recommendations of the government and international non-government institutions in the circular among Muhammadiyah members. The circular first contains Muhammadiyah residents to avoid crowds in

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<sup>27</sup> See URL: <https://muhammadiyah.or.id/download/edaran-pimpinan-pusat-muhammadiyah-nomor-02-edr-i-0-e-2020-tentang-tuntunan-ibadah-dalam-kondisi-darurat-covid-19/> or [https://febi.umkendari.ac.id/assets/img/img\\_andalan/edaranppm.pdf](https://febi.umkendari.ac.id/assets/img/img_andalan/edaranppm.pdf)



congregational prayers and other activities. Second, in emergency situations where Muslims have to work during the Covid-19 pandemic, where people have to interact with each other, prayers are carried out individually or with distanced rows or shifts. The recommendations of this circular show the influence of science, international and national institutions in influencing Muhammadiyah's version of Islamic law in the implementation of prayers during the Covid-19 pandemic.

Meanwhile, several things were explained in the circular of the Muhammadiyah Central Executive number 04/EDR/I.0/E/2020 regarding guidance for Eid prayers during the COVID-19 pandemic.<sup>28</sup> Firstly, the opinion of health experts about Covid-19 is the main basis for considering the issuance of this circular. Secondly, government data on classified zones with a spread of Covid-19 are necessary. The circular has instructed Muhammadiyah members to pray at home in areas with a high Covid-19 spread. The congregational prayers in areas with low Covid-19 spread are carried out by complying with health protocols, including maintaining distance and wearing masks.

This Muhammadiyah circular shows the organization's uniqueness as the moderate Muslim organization in Indonesia. Unlike Fatwa's MUI, Circular's Muhammadiyah notices more details on health protocols in congregational prayers during the Covid-19 pandemic. It also states that Muslims can use a mask during congregational prayers while using it during prayer is not recommended by many other Islamic institutions. Other Islamic organizations did not mention permission to use

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<sup>28</sup> See URL: <https://covid19.muhammadiyah.id/edaran-pimpinan-pusat-muhammadiyah-tentang-tuntunan-salat-idulfitri-dalam-kondisi-darurat-pandemi-covid-19/>

masks in the praying in their fatwas, circulars or letters of instructions during the Covid-19 pandemic. Another characteristic in the circular of Muhammadiyah is allowing the implementation of prayers in shifts so that crowds are controlled in areas with low Covid-19 spread. These contents of Islamic laws in the circular show that Muhammadiyah is more rational and scientific in explaining the procedures for praying together during the Covid-19 pandemic in Indonesia.

NU, through the Nahdlatul Ulama board of directors, has issued several circulars and instructions related to guidelines for their members in dealing with the Covid-19 outbreak. The circulars and instructions analyzed in this article are Circular Number 3953/CI034/04/2020<sup>29</sup> and Instruction Number 3945/CI34/03/2020<sup>30</sup> regarding the NU Cares Covid-19 Protocol.

In these two letters, NU instructs its members to avoid congregational prayers in mosques during the Covid-19 pandemic in all areas with red and yellow zones of Covid-19. Unlike MUI dan Muhammadiyah, the letters did not mention the possibility of praying in congregations with distanced rows in areas with low spread of Covid-19. The recommendation of these letters is in line with instructions of Indonesian government through the Ministry of Religious Affairs. Another contrast to the fatwas and circulars of MUI and Muhammadiyah is that NU in the two letters did not specifically mention information from international institutions such as WHO as the basis for issuing the

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<sup>29</sup> PBNU, "Surat Edaran No.3953/C.I.034/04/2020 Tentang Panduan Pelaksanaan Ibadah Di Bulan Ramadhan Dan Hari Raya Idul Fitri 1441 Hijriah." April 2020.

<https://www.nu.or.id/nasional/darurat-covid-19-pbnu-imbau-masyarakat-shalat-tarawih-di-rumah-Wiy9I>

<sup>30</sup> See <https://www.jabarnews.com/nasional/ini-himbauan-pbnu-terkait-shalat-tarawih-saat-pandemi-covid-19/>

letters, even though they acknowledge scientific explanations of the danger of spreading Covid-19. NU also emphasizes additional worships must be performed to stop the Covid-19 pandemic such as individual prayers and other deeds individually.

### **Politics, Islamic Laws, and Covid-19 in Indonesia**

This article examines some essential characteristics of the relationship between politics and Islamic laws in Indonesia. The country is not a secular state where religion cannot be visible in public life, and it is not an Islamic state where the Indonesian government is based on Islamic laws. Indonesia is a country that accommodates Islamic laws in managing its population as the largest number of Muslim citizens in the world. In doing so, the ministry of religious affairs was established in 1946 to manage religious affairs such as Islamic pilgrimage, alms, and education.

Islamic organizations, which many were established before independence, are allowed to continue managing their members by giving guidance on how to become good Muslims and serving their members. These Islamic organizations have helped Indonesian governments provide citizens with schools, hospitals, and social welfare. These missions of Islamic organizations have contributed to strengthening the role of Islamic organizations in Indonesian society.

The aforementioned government and non-government religious institutions have managed Indonesian Muslim citizens from time to time. The relationships between Indonesian governments and Islamic organizations are mainly in partnership.<sup>31</sup> The national program on family

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<sup>31</sup> The Indonesian governments have abolished some Islamic organizations such as Hizbut Tahrir Indonesia (HTI) and Front of Islamic Defense (FPI) since 2017 and 2020 respectively because

planning during the President Suharto era was a success story. As this article shows, the same experience occurs during the management of Covid-19 pandemic in Indonesia. The Indonesian mainstream Islamic organizations such as MUI, Muhammadiyah, and NU have changed the interpretation of Islamic laws on prayer procedures during the crisis to limit the spread of Covid-19.

In the political realm, Islamic laws function in three fundamental aspects: a goal, a means, or an obstacle. First, politics can define certain predominantly Islamic values or institutions as its goal. In this case, the political understanding of these Islamic values or institutions becomes almost identical to the governmental understanding of the same values or institutions. Second, politics can comprehend Islamic law merely as a means for the fulfillment of several particular political interests. In this case, politics is neutral in its attitude toward Islamic laws. Finally, politics can interpret Islamic law as an obstacle towards the realization of certain political goals. In this situation, politics prevails over Islamic law or vice versa. In the first case, politics effectuates its solutions at the expense of Islamic laws, while in the second case, the autonomy of Islamic law is preserved through the decisions of Islamic organizations. Islamic laws and politics create their own particular pictures of reality. Sometimes those pictures overlap, and sometimes they differ. In a strict separation between Islamic laws and politics, politics inevitably prevails over Islamic laws and reduces or damages the autonomy of Islamic laws.

The management of Covid-19 has shown the partnership between governments and Islamic

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they were deemed having intention to change the national ideology and considered radical groups.

organizations in Indonesia. The three mainstream Islamic organizations have responded to the government's instructions on limiting the spread of Covid-19 by changing the interpretation of Islamic laws on prayer procedures during the pandemic. The changing interpretation of Islamic laws demonstrates that Islamic laws are changeable according to certain situations and contexts. The Changing interpretation also indicates that governments and Islamic organizations can work together to manage contemporary Islamic societies.

### **Conclusion**

The phrase “congregational prayer is obligatory, even in a state of war, congregations must still be carried out” changed during the Covid-19 pandemic. Likewise, the phrase “close the rows because the row density is part of the perfection of prayer” had also changed during the Covid-19 pandemic. The case of changing prayer procedures during the Covid-19 pandemic in Indonesia depicts that the keyword in changing Indonesian Islamic tradition is by reinterpreting and reformulating Islamic laws through authoritative Islamic institutions. By using classical Islamic literature and the primary sources of Islamic laws: the Quran and Hadith, Islamic institutions can use scientific approaches and rational explanations from government and non-government institutions to change the contents of the laws. In other words, scientific rationality and explanations by government and non-government institutions have influenced the content of Islamic laws, which are often considered rigid and irrational. As demonstrated in the previous paragraph, Islamic institutions' interpretation of Islamic laws during the Covid-19 pandemic is very different from the interpretation before.

The influence of science and government and non-government institutions on the implementation of Muslim prayer procedures during the Covid-19 pandemic demonstrates the important relationship between Islam and politics. Conceptually, Islamic laws are laws that are determined by the interpretation of religious institutions that can be influenced by other institutions. The influence of other institutions in establishing Islamic laws is not new in the Indonesian religious phenomenon. Islamic institutions have also supported Islamic laws on allowing restrictions on children through the government's family planning program.

However, theoretically, Islamic laws issued by religious institutions during the Covid-19 pandemic were in the form of orders, not an option for citizens to choose a place of worship either at home or worship in mosques, as also shown by Menchik (2014). The fatwas, circulars, and instructions by the three prominent Islamic institutions during the Covid-19 pandemic strengthen the authority of the Islamic institutions themselves. This situation shows that Islamic institutions use the concept of community rights rather than the concept of individual rights in issuing Islamic laws. This article requires further research on how far community and individual rights can go hand in hand in contemporary Muslim societies, especially in Indonesia.

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