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Submission date: 05-Jan-2023 10:36AM (UTC+0700)

Submission ID: 1988714638

File name: alth_Protocols_in_COVID-19_Funeral_A_Study_of_Islamic_Law_1.pdf (283.84K)

Word count: 7346

Character count: 42104



Samarah: Jurnal Hukum Keluarga dan Hukum Islam
Volume 6 No. 2. July-December 2022
ISSN: 2549 – 3132; E-ISSN: 2549 – 3167
DOI: 10.22373/sjhk.v6i2.15003

**Muslims Resistance to Health Protocols in COVID-19 Funeral:
A Study of Islamic Law**

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Abstract: Some Muslims have stood up against health protocols for burying COVID-19 corpses. This research aimed to investigate the initial occurrence of this resistance in society, the contributing factors to the resistance, and the implications of the resistance. To date, most studies on resistance focused on social perspectives, but this research probed into the discourse of resistance during COVID-19 from the perspective of legal transformation, especially in Islamic law or *fiqh*. This study employed a qualitative approach supported by data obtained from printed and electronic media, and informants. The analysis revealed that public resistance to the burial which complied to health protocols was not only embodied in rhetorics or values but made apparent in their attitude. This study concludes that public resistance successfully reformed the law by bringing about the new *fiqh* regarding the burial practice. Since the community might not readily understand and accept this new *fiqh*, we advised the government and related institutions to take intensive approaches to introduce this transformation to public.

Keywords: Resistance of muslims, funeral, COVID-19, Islamic law

|| Submitted: September 10, 2022 || Accepted: December 24, 2022 || Published: December 31, 2022

<http://jurnal.ar-raniry.ac.id/index.php/samarah>

Abstrak: Telah terjadi penolakan masyarakat muslim atas penyelenggaraan jenazah COVID-19 menurut protokol kesehatan. Tulisan ini bertujuan untuk menemukan jawaban bagaimana wujud penolakan dalam masyarakat, faktor-faktor dan implikasi resistensi masyarakat. Sejauh ini studi resistensi lebih banyak dikaji dalam perspektif sosial, namun penelitian ini mencoba melihat diskursus resistensi dalam peta perubahan hukum, khususnya hukum Islam atau fikih dalam masa COVID-19. Penelitian ini dikaji dengan pendekatan kualitatif menggunakan data yang bersumber dari media cetak, elektronik dan informan. Dari data yang diolah dan disajikan penelitian ini menemukan bahwa penolakan masyarakat terhadap penyelenggaraan jenazah COVID-19 nampak dalam wujud perilaku, tidak hanya dalam wujud retorika dan tata nilai. Pada akhirnya penelitian ini menyimpulkan bahwa resistensi masyarakat telah melahirkan perubahan hukum dengan lahirnya fikih baru tentang penyelenggaraan jenazah. Sebagai sebuah perubahan fikih baru ini belum langsung diterima oleh masyarakat. Oleh karena itu penulis menyarankan agar pemerintah dan institusi terkait melakukan pendekatan yang intens untuk mensosialisasikan perubahan ini pada masyarakat.

Kata Kunci: Penolakan umat Islam, penyelenggaraan jenazah, COVID-19, hukum Islam

Introduction

The burial method of COVID-19 corpses raised concerns and resistance in society all over Indonesia, which sparked different sorts of public protests. In Raden Sudarsono Hospital, Pasuruan, East Java, a family forcibly took the body of their family member who died of COVID-19 because they refused the burial's health protocols implemented at the hospital.¹ Similarly, in Traktakan village, Wonosari District, Bondowoso, East Java, hundreds of people sans proper personal protective equipment (PPE) stopped an ambulance carrying a COVID-19 body, took it out of the casket, and decided to bury it without practicing the recommended health guidelines.² This resisting attitude in handling bodies infected with COVID-19 exposes them to high risk of contracting the virus.³

Until recently, studies on public resistance to government policies often focused on the contributing factors instead of the implications of public

¹Kompas TV, "Warga Mengambil Paksa Jenazah COVID-19. (Locals seized a COVID-19 Body.)"

²MetroTV, "Lagi, Jenazah COVID-19 Dijemput Paksa (Again, COVID-19 body was forcibly taken)."

³Malizgani Mhango et al., "COVID-19 Risk Factors Among Health Workers: A Rapid Review," *Safety and Health at Work*, (2020), p. 262-265.

resistance. It has been reported that the first factor is policy imbalance,⁴ followed by inconsistent policies,⁵ and deviation and faith in religions.⁶ On the other hand, studies on health impacts⁷ imply that people should bury the COVID-19 bodies in a specific health guidelines without any physical contact to the bodies⁸. This set of health guidelines, which is perceived to have failed to meet the Sharia standards, has raised debates among Muslims. Those against health protocols for burial refuse to comply with it. The implications of this resistance are intriguing for further research, especially when compared to the concept of reform in Islamic law/*fiqh*.

This study aims to contribute added values to previous studies on the implications of public resistance by reflecting people's refusing to bury the COVID-19 bodies according to the health guidelines. This study would probe into three problems: (1) how resistance to the burial of COVID-19 bodies is embodied; (2) what factors causing this resistance; and (3) how public resistance affects *fiqh* authority in the life of the people.

The resistance of the Muslim people to the burial of the COVID-19 bodies according to health guidelines is actualized in different ways due to several factors, but all equally affect the life of others. This resistance may include taking over the handling of COVID-19 corpses, stopping by force or carjacking an ambulance to snatch the COVID-19 body it carried, and unearthing the graveyard of COVID-19 bodies and re-bury them in compliance with religious laws. This attitude is the result of deep-rooted religious values in society, lack of proper dissemination of related and contextual information, and provocation. In particular, provocation has brought implications in social unity and triggered distrust and wider extension of *fiqh* (Islamic law) to hospitals, legal institutions, and many more. In other words, public resistance has triggered the demand among Muslims for reforming the law.

Muslims' resistance to process of burying the COVID-19 corpses is an important issue since it has a bearing on sharia or *fiqh* principles in Islamic teaching. The *fiqh* provisions concerning burial determine whether a burial

⁴Mufida, "Polemik Pemberian Hukuman Mati Pelaku Korupsi Di Tengah Pandemi COVID-19 (Polemic against Capital Punishment for Corruptors amidst COVID-19)."

⁵Nasruddin and Haq, "Pembatasan Sosial Berskala Besar (PSBB) Dan Masyarakat Berpenghasilan Rendah (Lockdown and Low Income Society)."

⁶Wildah Fajriah, "Cegah Wabah Corona, Ini Deretan Negara Yang Menutup Masjid," *Muslim.Okezone.Com*, 2020.

⁷Yoav S. Bergman et al., "COVID-19 Health Worries and Anxiety Symptoms among Older Adults: The Moderating Role of Ageism," *International Psychogeriatrics*, (2020), p. 1371-1375.

⁸Wicaksono, "Aktivitas Fisik Yang Aman Pada Masa Pandemi COVID-19 (Safe Physical Activities during the Pandemic of COVID-19)."

process is acceptable, and therefore, perceived as the core ground of the resistance to the burial process of the COVID-19 according to the health guidelines.

This study employed qualitative data obtained from primary sources that comprised of news texts on online media, narrative news on electronic media, and interview transcript.

The research data were obtained from online media, printed media, and informants. There were 11 sources of online news media, namely *kompas.com*, *tribunnews.com*, *konfrontasi.com*, *medcom.id*, *antaranews.com*, *suara.com*, *kumparan.com*, *beritasatu.com*, *tribunkaltim.co*, *liputan6.com*, and *tribunjabar.id*. The electronic media were KompasTV, TribunnewsTV, TVone, CNN, MetroTV, and YouTube. The informants from whom we gathered information at more personal level were family members of the person died of COVID-19 in Padang and Bukittinggi cities. From all these sources, the data were selected and narrowed down to issues regarding forcible discharge of COVID-19 corpses from hospitals, unearthed tomb of COVID-19 corpses, carjacking of ambulance carrying dead bodies confirmed with COVID-19. Other resistance factors in society and the implications of the resistance were included.

Data were collected by reading, listening to, and selecting news from the Internet browsed from Google using a laptop as the hardware device to facilitate the search. Data from informants was gathered through interviews recorded on a mobile device and transcribed.

Upon collection, data were subject to classification into different stages according to Huberman, namely data reduction, data presentation, and data verification according to the types, themes, and contents.⁹ The classified data were further analyzed according to the interpretation method in three steps: restatement, description, and interpretation.

Resistance to COVID-19 Protocols for Funeral

The resistance to burying COVID-19 bodies in proper health guidelines can be classified into three forms of coercive actions: forcibly discharging the bodies off a hospital; forcibly seizing a cadaver from an ambulance, and unearthing the burial ground and casket.

Forcibly discharging COVID-19 dead bodies from hospitals occurs in several regions. In Bukittinggi of West Sumatera, the family of a dead patient due to COVID-19 forced the health workers in Ahmad Muchtar Local Hospital to discharge the body and send it to the house of the bereaved family without abiding to the COVID-19 protocols. In this situation, the family believed that

⁹A. Huberman and Matthew Miles, *The Qualitative Researcher's Companion, The Qualitative Researcher's Companion*, 2012.

the dead was not infected with the virus. Conflict arose when the hospital staff forbade them to bring home the dead unless it was bathed in the hospital. At home, the body was uncovered, laid down on a bier, brought to a nearby mosque for funeral prayers, then carried to the family burial ground.¹⁰ Similarly, a family forcibly discharged a cadaver infected with the COVID-19 from Raden Sudarsono Hospital Pasuruan, East Java.¹¹

Another form of resisting the COVID-19 funeral process was forcibly carjacking an ambulance. Hundreds of people in Traktakan village, Wonosari District, Bondowoso, East Java took a casket containing a COVID-19 corpse by force out of an ambulance, and removed the body from the casket so that they could bury the dead in a regular way without wearing any PPE nor adhering to health protocols. The bereaved family disagreed to bury the dead body in a casket because Muslim law does not recommend burying the dead inside a casket, but rather wrapping it in white cloth, setting it inside of the burial ground, then covering the body with a wooden plank.¹² In Ambon, a group of people stopped an ambulance carrying an infected body when it passed Sudirman Street, Ambon. Dozens of people, including the relatives of the dead took the casket with the body inside with force and brought it home on their own. The authorities warned and persuaded the relatives to let them carry on with health protocols, but to no avail.¹³

The last form of resistance was shown by unearthing burial grounds which occurred in Tigasan Wetan village, Leces District, Probolinggo. This action was driven by several reasons. First, after the body was buried with COVID-19 protocols, the examination results reported that the body was negative of the COVID-19. Secondly, the family members of the dead refused to abide to the health guidelines for the funeral process. The people unearthed to health guidelines.¹⁴ Similar case happened in Taeh Baruah the ground and took the body out of the casket and reburied the body without adhering village, Limapuluh Kota Regency, West Sumatera. Not only did they unearth the ground, but also removed the body from the plastic bag, bathed it, and prayed

¹⁰“Interview with Masrinal, the Bereaved Family Member in Bukittinggi, on August 27 & 30, 2021,” n.d.

¹¹KompasTV, “Warga Mengambil Paksa Jenazah COVID-19 (Locals Seized a COVID-19 Body).”

¹²MetroTV, “Lagi, Jenazah COVID-19 Dijemput Paksa (Again, COVID-19 body was forcibly taken).”

¹³Tribunnews, “Masa Di Ambon Ambil Paksa Jenazah Covid (People in Ambon forcibly Seized a COVID-19 Body).”

¹⁴Ravianto, “Kasus Pembongkaran Peti Jenazah Positif COVID-19 Kembali Terjadi, Terdengar Teriakan Provokatif (Opening the Coffin of the Deceased Body infected with COVID-19, Provoking Voice Heard).”

for the dead before they reburied it.¹⁵ All these forms of resistance represent disagreement to the application of health guidelines.

Contributing Factors of Resistance

The resistance among Muslim people is triggered by several factors. This study has found the three main factors elaborated in the following:

The Commitment Of The Muslims To The Principle Of Sharia

Muslim people hold a strong commitment to *fiqh* principles. Therefore, they may not readily accept any matters regarding the reform of *fiqh* principles implemented in the funeral process, especially in relation to the funeral process of the COVID-19 bodies set by the Indonesian Ulema Council (henceforth referred to as MUI) under the Fatwa Number 14 of 2020 concerning Worship amidst COVID-19 and Fatwa Number 18 Year 2020 concerning Guidelines of Funeral Preparation Handling for Corpses (*Tajhiz Al-Jana'iz*) infected with COVID-19. A person in charge of the organization of Nahdlatul Ulama in Yogyakarta, Gus Hilmy Muhammad, received complaints from the local community who suggested that the funeral process for COVID-19 bodies contravened the Islamic sharia.

“Sometimes people complained about one of their relatives buried in the procedures of COVID-19 protocols. Resistance to the respective funeral process in regional areas was based on the demand for implementing Islamic approach. We hope this funeral process is not only seen from health perspective but also taking cultural and religious values should into account”.¹⁶

This statement indicates that while the community have appropriately adhered to the health guidelines, they have their own doctrine to understand the sharia. Departing from this point, they feel the need for establishing a dialogue to incorporate sharia perspective in addition to health perspective.

Lack of Introduction to Society

Disseminating related information to society also determines the success of the COVID-19 protocols for funeral funeral. The Head of Health Agency of PKPI, Eddy Prasetyo, confirmed that the government should educate and inform

¹⁵Harlina, “Buntut Pembongkaran Peti Jenazah Pasien COVID-19 Di Limapuluh Kota (Consequences Following the Forcible Opening of the Casket of a COVID-19 in Limapuluh Kota).”

¹⁶Wijana, “Dapat Aduan Dari Masyarakat Soal Pemulasaraan Jenazah, PWNU DIY Siap Terjunkan 39 Relawan (Following Grievances from the Members of the Public over COVID-19 Corpse Handling, PWNU of Yogyakarta deployed 39 Volunteers).”

the public of COVID-19 protocols in handling the dead due to COVID-19. This is necessary to bring peace of mind and reduce public resistance to funeral process performed according to the health guidelines.

“The government should be present, educating people by giving clear information on the procedures of a funeral process under the health guidelines. That is, it will minimize any chaos among people refusing the implementation of health guidelines in the funeral process”.¹⁷

The family members of the dead infected with COVID-19 argued that they did not receive any information on the guidelines applied. One of the interviewees in Padang said:

“We never got any information from the hospital and other parties about the funeral with the health guidelines, and we have no idea how to perform the funeral under these guidelines. All we know is the funeral process performed normally, bathing the body, covering it with white cloth, and praying in front of the body before the funeral. We have no idea how to perform funeral with these guidelines, especially when it comes to covering the body with white cloth and bathing it.”¹⁸

Provocation

Public resistance to implementing health protocols when burying the dead may be resulted from provocation. The head of Disaster Risk Management Forum (FPRB) Bantul, Yogyakarta stated:

“Previously, the family of the patient could accept the funeral performed under health guidelines. However, the resistance arose minutes before a body was buried. The family accepted the procedure at first, but then they changed their mind since they were provoked by the locals. They insisted that the body would be buried according to the local tradition and the sharia of Islam”.¹⁹

The local people of Nogosari village, Rambipuji District, Jember, East Java, fussed about the health protocols in funeral process. However, gravediggers received questions from the people concerned regarding how the funeral process would take place. For example, the body put in a casket

¹⁷Konfrontasi, “Pemerintah Harus Edukasi Masyarakat Tentang Cara Pengurusan Jenazah Pasien Corona (The Government has to Educate People on How to Take Care of COVID-19 Bodies).”

¹⁸“Interview with Syamsi Yulisman the Bereaved Family Member in Padang, on August 20, 2021” .

¹⁹Edi, “Diduga Karena Provokasi Satu Warga, Jenazah Pasien Covid Dimakamkan Tanpa Prokes (Provoked by Locals, People buried a COVID-19 Body without Health Guidelines).”

contravenes the sharia principle. From this issue, the people disagreed with how the funeral process was performed. It raised doubt among the gravediggers, causing them to undo the digging. Rumors had it that it came from the provocation of the locals, saying “casket does not represent the sharia of Islam”.²⁰

Public Resistance affecting the Authority of *Fiqh* Application

In terms of a religious community in compliance with the fiqh principle, the doctrine of this principle has a strong influence on shaping the perspective of the people about the funeral process of the corpses due to COVID-19. When these religious doctrines are challenged and affect the life of society, there are at least three implications found in this study: pros and cons of the resistance to the funeral process of the dead due to COVID-19, the distrust in the representatives taking care of COVID-19 corpses, and the discourse of fiqh that is getting wider. The following are the data regarding those implications.

Pros and Cons of the Resistance to COVID-19 Guidelines implemented in Funeral Procedures

Public resistance to COVID-19 protocols for funeral has raised pros and cons. Some agree with this resistance, while others choose to stand against it. Family of the deceased COVID-19 patient and the members of the public in general tend to go for this resistance, as they believe that the funeral procedures contravene the Sharia principle, even regarded as inhuman since the bodies are not bathed and covered with a white cloth before funeral.²¹ White cloth is the symbol of purity, and therefore, Muslim people are expected to wear white in their act of worship, such as praying or going to Hajj.²²

The people of Nogosari village, Rambipuji District, Jember, East Java have fussed about the health protocols for funeral procedures. They refused these procedures which are perceived to be contrary to Islamic teaching.²³ The Chief police officer of the Sector Police Department reported this refusal is

²⁰Purba, “Dinilai Tak Sesuai Syariat Islam, Pemakaman Jenazah Dengan Protokol COVID-19 Ditolak Warga (Seen Violating the Sharia of Islam, COVID-19 Burial Under Health Guidelines was Rejected).”

²¹Malang, “Pro Kontra Pemulasaraan Jenazah Corona, Pemkot Malang Ajak Tokoh Agama Terlibat (Pros and Cons over the Handling of COVID-19 Bodies).”

²²Amir Anisatun Muthi’ah, Wasman, “Menelusuri Makna Penggunaan Pakaian Putih Ketika Salat: Analisis Living Hadis Pada Jemaah Asy-Syahadatain Cirebon,” *Diya Al-Afkar* 8, No. 1 (2020), p. 112–22.

²³Purba, “Dinilai Tak Sesuai Syariat Islam, Pemakaman Jenazah Dengan Protokol COVID-19 Ditolak Warga (Seen Violating the Sharia of Islam, COVID-19 Burial Under Health Guidelines was Rejected).”

indeed taking place.²⁴

However, the governments and health workers are against this resistance. The Vice Major of the Malang city, Sofyan Edi Jarwoko mentioned, "Regarding the way the infected corpses are bathed, laid, and prayed, most people still believe that this is part of a conspiracy. We allow them to do it all according to their belief and traditions but first, the bodies have to be disinfected."²⁵

Distrust in the Health Workers in Charge of the COVID-19 Health Guidelines for Funeral

Some community members cast doubt on health workers who are responsible for the preparation of the COVID-19 dead body before funeral, as Hilmi Muhammad stated that they doubted whether the preparation incorporated the sharia of Islam.²⁶ Dr. Dewi, the Director of the Regional Hospital of Subulussalam City of Nangro Aceh Darussalam added:

"Taking care of the cadaver infected with COVID-19 requires special treatment. Besides, health workers have become the target of public distrust for handling COVID-19 dead bodies despite the specific training they have previously undergone in management and preparation of COVID-19 corpses, and the meticulous guideline issued by the Ministry of Religion of Indonesia."²⁷

This distrust is parallel to public resistance which is unfortunately, being enabled and normalized. When the resistant group of people forcefully open a casket containing a COVID-19 dead body, they were enraged to find the body was not covered in white cloth properly as stipulated in the Sharia Law.

Wider Extension of *Fiqh* Discourse

These phenomena of public resistance to the funeral process performed under health guidelines have opened a wider room for *fiqh* discourse in society. The discourse is not restricted to some communities such as *majelis ta'lim* (Islamic Forum), mosques, and other places of worship, but goes beyond other corners bare of religious symbols. There was a debate in the General Hospital of Djasamen Saragih, Pematang Siantar, North Sumatera over a female body

²⁴Ibid.

²⁵Malang, "Pro Kontra Pemulasaraan Jenazah Corona, Pemkot Malang Ajak Tokoh Agama Terlibat (Pros and Cons over the Handling of COVID-19 Bodies)."

²⁶Wijana, "Dapat Aduan Dari Masyarakat Soal Pemulasaraan Jenazah, PWNU DIY Siap Terjunkan 39 Relawan (Following Grievances from the Members of the Public over COVID-19 Corpse Handling, PWNU of Yogyakarta Deployed 39 Volunteers)."

²⁷Acehkini, "Keluarga Ingin Pulasaran Sendiri Jenazah COVID-19, RSUD Subulussalam Sediakan APD (The Family Insisted on Taking Care of the COVID-19 Body before the Burrial, the General Hospital of Subulussalam Provided PPE)."

bathed by four male health workers in the hospital, two of whom were non-Muslim. The Muslim men, usually called *bilal*, had the certificate of handling dead bodies issued by the Religious Ministry. This case was reported to the Indonesian Ulama Council (MUI) of Pematang Siantar city. Upon receiving this complaint, the Head of MUI confirmed that men were forbidden to bathe a female corpse unless they were the husband or the *mahram*. As a consequence, MUI imposed sanctions to the involved health workers and the hospital, namely revoking the certificate of the male health workers bathing the female body and reporting the person in charge of the hospital to the board.²⁸ The Secretariat General of MUI Headquarter also declared that this act violated the sharia of Islam and the fatwa of MUI.²⁹ In Furthermore, this case was brought to the court since a man bathing a female corpse or the other way around is regarded as a contempt of religion.³⁰

From the above case, it is clear that *fiqh* is no longer owned by a few people existing in particular organizations with religious symbols, but it is rather common in public and openly discussed.

Resistance to Fiqh Transformation

This research came up with three findings related to public resistance to health protocols for burying COVID-19 bodies. First, public resistance may take different forms of actions, either forcible discharge of the COVID-19 cadaver from a hospital, unearth the grave of the COVID-19 bodies to rebury the bodies according to Sharia law, or forcible hold-up of an ambulance carrying a COVID-19 body. Secondly, public resistance is probably due to the commitment of the community to apply Sharia principle in the funeral preparation and process. However, there was limited to no information about health protocols in the management and preparation of COVID-19 dead bodies provided to the community. To make things worse, there was circulating provocation infused by irresponsible members of the society. Thirdly, public resistance have negatively impacted the unity of the society, which potentially leads to heated pros and cons over the status of the dead bodies, public distrust in health workers or the funeral management and preparation, and increasing discourse on *fiqh* understanding to a wider scope. All these findings represent

²⁸Detiknews, "Geger Jenazah Pasien Corona Wanita Dimandikan Petugas Pria (Outcry over A Female Body bathed by Male Health Workers)."

²⁹Irmansyah, "MUI Pastikan Nakes Pria Mandikan Jenazah Covid Wanita Langgar Syariat (Indonesian Ulama Council believed that male health workers bathing the female COVID-19 body violated sharia of Islam)."

³⁰Saputro, "Nakes Pria Mandikan Jenazah Covid Wanita Bagaimana Hukumnya? (Male Health Workers bathing Female Deceased Body How is It seen from the Perspective of Law)"

the complexity of public resistance which may spill over to other life aspects, such as health, infrastructure, economy, and socio-culture.

These findings also reflect the change in Islamic law (*fiqh*) during the pandemic, affecting socio-cultural life as confirmed by Davy (2021).³¹ Muslim people will give responses when the concept and the implementation of their law experience changes. The *fiqh* provisions in the practice of Muslim principles when burying the dead have been perceived as appropriate. The pandemic in Indonesia, as reported by Shaw et al. (2015), has pushed certain parties to remake national policies.³² On the other hand, economic and cultural factors have also stimulated legal changes; in case of Saudi Arabia, women are now allowed to leave their house without the company of a mahram.³³ During the pandemic COVID-19, MUI has brought about new *fiqh* on the funeral process under Fatwa Number 18 of 2020 concerning the Guidelines of Funeral Process for Bodies Infected with COVID-19. However, not everyone readily accepts this new *fiqh* because some provisions of health protocols in the said Guidelines are found to be contradicting the long-established *fiqh* as retained in the mindset of the Muslim people.

The concept of law reform was introduced by Ibn Qayyim, stating that law is subject to change with the shift of time and situations.³⁴ Legal changes are made by *ijtihad*. *Ijtihad*, or intellectual exercise to formulate Islam law/*fiqh*, can be done freely as long as compliant with *maqashid sharia*.³⁵ This shift in law

³¹Benjamin Davy, "Social Distancing and Cultural Bias: On the Spatiality of COVID-19," *Journal of the American Planning Association* 87, No. 2 (2021), p. 159–66.

³²Karena Shaw et al., "Conflicted or Constructive? Exploring Community Responses to New Energy Developments in Canada," *Energy Research and Social Science* 8 (2015), p. 41–51.

³³Firqah Annajiyah Mansyuroh, "Analysis of Legal Change for Women Traveling without Mahram: A Case Study of the Kingdom of Saudi Arabia Royal Decree No.m/134 of 2019," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 14, No. 2 (2019), p. 201–20; Mai Mohammed H Alharbi, "Kingdom Vision 2030 and the Women's Empowerment in Saudi Arabia: An Empirical Investigation," *International Journal of Islamic Thought* 21, No. 1 (2022), p. 62–73.

³⁴Nofialdi Nofialdi, "Ijtihad Ibn Qayyim Al-Jawziyyah Dan Al-Maqasid Al-Juz'iyah: Refleksi Penyelesaian Kasus Hukum Islam," *Al-Manahij: Jurnal Kajian Hukum Islam* 12, No. 1 (2018), p. 71–85; Elfia Elfia, "Pemikiran Ibn Qayyim Al-Jauziyah Tentang Hilah Dan Implikasinya Dalam Fikih," *JURIS (Jurnal Ilmiah Syariah)* 14, No. 1 (2015), p. 21–34; Rusdaya Basri, "Urgensi Pemikiran Ibnu Al-Qayyim Al-Jauziyyah Tentang Perubahan Hukum Terhadap Perkembangan Sosial Hukum Islam Di Lingkungan Peradilan Agama Wilayah Sulawesi Selatan," *DIKTUM: Jurnal Syariah Dan Hukum* 16, No. 2 (2018), p. 187–207.

³⁵Asrul Hamid and Dedisyah Putra, "The Existence of New Direction in Islamic Law Reform Based on The Construction of Ibnu Qayyim Al-Jauziyah's Thought," *Juris (Jurnal Ilmiah Syariah)* 20, No. 2 (2021), p. 247–57.

may take place due to the embodiment of *mashlahah*³⁶ and with the intention of averting *mafsadah* or risks.³⁷ Establishing a law also takes into account *illat* (the cause, reasonable state),³⁸ which follows the existence of law. In other words, *illat* cannot exist when there is no law or any changes in the law. The funeral process that is different from that in *fiqh* principles is intended to suppress the probability of viral infections to other people involved in the process.³⁹ The unprecedented pandemic has disrupted normal life as we know it, and therefore, laws and regulations must adjust to this change. However, Muslim people do not seem to welcome this change as if they resisted the probability that *fiqh* may also have to change. Meanwhile, Ismail et al. (2022) stated that the fatwas produced during the pandemic are moderate.⁴⁰ In fact, the change in *fiqh* is evidence that religion responds to COVID-19 in a way that, according to Mehfooz, provides comprehensive guidelines related to preventive and restorative aspects of health.⁴¹

The resistance among Muslim people to the health protocols for the funeral of COVID-19 bodies represents their sensitivity to religious matters. This sensitivity is evident in the implementation of *fiqh* as part of Islamic teaching. All forms of resistance mentioned in the sections above are meant to perfect the funeral process according to the *fiqh* that has been long-established in society so far. When traditions have to be adjusted to the pandemic situation, people may not easily welcome this change for fear that it would negatively affect their religious principles. Therefore, it is necessary it is crucial to introduce the changes in *fiqh* regarding the funeral of COVID-19 bodies infected

³⁶Muhammad Safwan bin Harun, Mohd Farhan Md Ariffin, "Social Change in the Time of COVID-19: A Phenomenal Study in Malaysia from the Perspective of Maqasid Al-Shari'ah", *Islamic Thought and Civilization* 11 No. 2 (2021), p. 186-212.

³⁷Lukman Abd Mutalib et al., "Analisis Hubungan Masalah Dan Mafsadah Dalam Mempengaruhi Pembentukan Hukum Fiqh Pandemi Di Malaysia (The Analysis of Correlation between Masalah and Mafsadah to affect Fiqh Law Making on Pandemic in Malaysia), *INSLA Proceeding* 3, No.1 (2020), p. 222 - 234.

³⁸Abd. Rahman, "Pendekatan Illat Hukum Dalam Penalaran Fikih", *Nukhbatul 'Ulum: Jurnal Bidang Kajian Islam* 4, No. 1 (2018), p. 1-8; Bahar, "Metode Penemuan Alasan Rasional Dalam Hukum Islam (Masalik Al-'Illat) (Approach to Illat Law in Fiqh Reasoning), *Fitrah* 01 No. 1 (2015), p. 177-188.

³⁹Munawwaroh, "Sadd Al- Dzari'at Dan Aplikasinya Pada Permasalahan Fiqh Kontemporer (Sadd Al-Dzari'at and its Application in Contemporary Fiqh Problems), *Jurnal Ijtihad* 12 No. 1, (2018), p. 63-84.

⁴⁰Abdul Manan Ismail; Ahmad Syukran Baharuddin, "Moderation in Fatwas and Ijtihad: An analysis of Fatwas Issued by the MKI Malaysia Concerning the COVID-19 Pandemic," *AHKAM: Jurnal Ilmu Syariah* 22, No. 1 (2022).

⁴¹Musferah Mehfooz, "Understanding the Impact of Plague Epidemics on the Muslim Mind during the Early Medieval Period," *Religions* 12 No. 10 (2021), p. 843.

at the community and national level. This present study revealed that the introduction to this new *fiqh* was relatively rare, and we found limited to zero data which proved the efforts from the government or non-government stakeholders to disseminate this precaution at a larger scale to both persons and institutions. Eventhough the dissemination does exist, it is eclipsed by the provocation infused by individuals or social media, rejecting the COVID-19 protocols for funeral. As a results, it divides public perspectives into pros and cons.⁴² Also, there is a growing public distrust⁴³ in health workers and their performance. It may be generated by health workers' lack of knowledge and skills to implement *fiqh* principle while maintaining health protocols when handling dead bodies.

Previous studies put more emphasis on three matters: restriction of physical contact between family members and the dead; restrictions of the funeral process; and the procedures of the funeral preparation.⁴⁴ All these studies tend to be simply descriptive, overlooking the topics in the context of integrated thoughts and science. Therefore, this study elaborated a more contextual message of *fiqh*. This resistance undoubtedly encourages the birth of one of the forms of *fiqh* reformulation, namely a more integrated and comprehensive *fiqh*. *Fiqh* needs to be more responsive to changes and conditions in society.

In line with the resistance of Muslim people over the funeral preparation for COVID-19 bodies which affects the implementation of *fiqh*, there needs intensive and massive introduction to the society in order to avoid misunderstanding and public uproar. Also, it is crucial to raise public awareness of the importance of these co-existing principles and to reconcile the divided community due to health protocols for burying COVID-19 bodies. More importantly, increasing public awareness of the potential changes in *fiqh* as a way to respond to unusual conditions like the pandemic needs to be implemented. The need for *fiqh* emerging from varied disciplines of science like health and other fields is essential in the reformulation of *fiqh* literature in the time to come. By considering the integration, the reformulation of *fiqh* is

⁴²Allan Dafoe, Sophia Hatz, and Baobao Zhang, "Coercion and Provocation," *Journal of Conflict Resolution* 65 No. 2-3 (2020), p. 372-402.

⁴³Peter A. Groothuis and Gail Miller, "The Role of Social Distrust in Risk-Benefit Analysis: A Study of the Siting of a Hazardous Waste Disposal Facility," *Journal of Risk and Uncertainty* 15, (1997), p. 241-257.

⁴⁴Maula Sari and Abd Wahid, "Fenomena Penolakan Jenazah COVID-19 Perspektif Hadis Di Indonesia," *Mashdar: Jurnal Studi Al-Qur'an Dan Hadis* 2, No. 1 (2020), p. 61-76; Sweta Saraff, Tushar Singh, and Ramakrishna Biswal, "Coronavirus Disease 2019: Exploring Media Portrayals of Public Sentiment on Funerals Using Linguistic Dimensions," *Frontiers in Psychology* 12 (2021).

expected to be more contextual in its implementation.

Conclusion

The resistance among Muslim people to the funeral process for the bodies infected with COVID-19 has reformed *fiqh* and brought about new *fiqh* regarding the funeral process. This change is marked with the issuance of Fatwa Number 18 of 2020 concerning Guidelines of Funeral Preparation Handling for Corpses (*Tajhiz Al-Jana'iz*) infected with COVID-19. This study provides new information implying that COVID-19 pandemic has caused *fiqh* to change, replacing classic *fiqh* that is not capable of comprehensively addressing issues related to COVID-19 dead bodies. This resistance has also raised a new awareness among people of the fact that the paradigm of *fiqh* that has been long established for centuries has to conform to the conditions triggered by the pandemic, and it has to shift to the paradigm that is sensitive to changes.

While this study focused on revealing the fact that public resistance has changed *fiqh*, the materials and methodological aspects of the reformed *fiqh* were not included. Therefore, further research can probe deeper into the urgency of reforming *fiqh* doctrines on virtual prayer, virtual condolence, virtual wedding, and other life events.

This study was conducted with the support of multiple stakeholders that include but not limited to the Chancellor of the Batusangkar State Islamic Institute, the Head of the Research and Community Service Institute and Irwan Abdullah Scholar. Therefore, the authors are very grateful to all for their moral and material supports in this study undertaking.

References

Journals and Books

- Abd. Rahman, Rahmat. "Pendekatan Illat Hukum Dalam Penalaran Fikih." *Nukhbatul 'Ulum* 4, No. 1 (2018).
- Abdul Manan Ismail; Ahmad Syukran Baharuddin. "Moderation in Fatwas and Ijtihad: An Analysis of Fatwas Issued by the MKI Malaysia Concerning the Covid-19 Pandemic." *AHKAM: Jurnal Ilmu Syariah* 22, No. 1 (2022).
- Anisatun Muthi'ah, Wasman, Amir. "Menelusuri Makna Penggunaan Pakaian Putih Ketika Salat: Analisis Living Hadis Pada Jemaah Asy-Syahadatain Cirebon." *Diya Al-Afkar* 8, No. 1 (2020).
- Bahar, Muchlis. "Metode Penemuan Alasan Rasional Dalam Hukum Islam (Masalik Al-'Illat)." *Fitrah: Jurnal Kajian Ilmu-Ilmu Keislaman*, (2016).
- Basri, Rusdaya. "Urgensi Pemikiran Ibnu Al-Qayyim Al-Jauziyyah Tentang Perubahan Hukum Terhadap Perkembangan Sosial Hukum Islam Di

- Lingkungan Peradilan Agama Wilayah Sulawesi Selatan.” *DIKTUM: Jurnal Syariah Dan Hukum* 16, No. 2 (2018).
- Bergman, Yoav S., Sara Cohen-Fridel, Amit Shrira, Ehud Bodner, and Yuval Palgi. “COVID-19 Health Worries and Anxiety Symptoms among Older Adults: The Moderating Role of Ageism.” *International Psychogeriatrics*, (2020).
- Dafoe, Allan, Sophia Hatz, and Baobao Zhang. “Coercion and Provocation.” *Journal of Conflict Resolution*, (2021).
- Davy, Benjamin. “Social Distancing and Cultural Bias: On the Spatiality of COVID-19.” *Journal of the American Planning Association* 87, No. 2 (2021).
- Elfia, Elfia. “Pemikiran Ibn Qayyim Al-Jauziyah Tentang Hilah Dan Implikasinya Dalam Fikih.” *JURIS (Jurnal Ilmiah Syariah)* 14, No. 1 (2015).
- Groothuis, Peter A., and Gail Miller. “The Role of Social Distrust in Risk-Benefit Analysis: A Study of the Siting of a Hazardous Waste Disposal Facility.” *Journal of Risk and Uncertainty*, (1997).
- Hamid, Asrul, and Dedisyah Putra. “The Existence of New Direction in Islamic Law Reform Based on The Construction of Ibnu Qayyim Al-Jauziyah’s Thought.” *JURIS (Jurnal Ilmiah Syariah)* 20, No. 2 (2021).
- Huberman, A., and Matthew Miles. *The Qualitative Researcher’s Companion. The Qualitative Researcher’s Companion*, (2012).
- Kasperson, Roger E., Dominic Golding, and Seth Tuler. “Social Distrust as a Factor in Siting Hazardous Facilities and Communicating Risks.” *Journal of Social Issues*, (1992).
- Lukman Abd Mutalib, Wan Abdul Fattah Wan Ismail, Ahmad Syukran Baharuddin, Abdul Manan Ismail, Mohd Soberi Awang, Setiyawan Gunardi, Siti Fatimah Salleh, and Muhammad Hazim Ahmad. “Analisis Hubungan Masalah Dan Mafsadah Dalam Mempengaruhi Pembentukan Hukum Fiqh Pandemik Di Malaysia.” *International Seminar on Syariah and Law (INSLA)* 3, No. 1 (2020).
- Mai Mohammed H Alharbi. “Kingdom Vision 2030 and the Women’s Empowerment in Saudi Arabia: An Empirical Investigation.” *International Journal of Islamic Thought* 21, No. 1 (2022).
- Mansyuroh, Firqah Annajiyah. “Analysis of Legal Change for Women Traveling without Mahram: A Case Study of the Kingdom of Saudi Arabia Royal Decree No.m/134 of 2019.” *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 14, No. 2 (2019).
- Mehfooz, Musferah. “Understanding the Impact of Plague Epidemics on the Muslim Mind during the Early Medieval Period.” *Religions*, (2021).

- Mhango, Malizgani, Mathias Dzobo, Itai Chitungo, and Tafadzwa Dzinamarira. "COVID-19 Risk Factors Among Health Workers: A Rapid Review." *Safety and Health at Work*, (2020).
- Mufida, Anisa. "Polemik Pemberian Hukuman Mati Pelaku Korupsi Di Tengah Pandemi Covid-19." *Adalah: Buletin Hukum Dan Keadilan*, 2020.
- Muhammad Safwan bin Harun, Mohd Farhan Md Ariffin, Muhammad Ikhlas Rosele. "Social Change in the Time of Covid-19: A Phenomenal Study in Malaysia from the Perspective of Maqasid Al-Shari'Ah." *Islamic Thought and Civilization (JITC)* 11, No. 2 (2021).
- Munawwaroh, Hifdhotul. "Sadd Al- Dzari'At Dan Aplikasinya Pada Permasalahan Fiqih Kontemporer." *Ijtihad: Jurnal Hukum Dan Ekonomi Islam* 12, No. 1 (2018).
- Nasruddin, Rindam, and Islamul Haq. "Pembatasan Sosial Berskala Besar (PSBB) Dan Masyarakat Berpenghasilan Rendah." *SALAM: Jurnal Sosial Dan Budaya Syar-i*, (2020).
- Nienhaus, Albert, and Rozita Hod. "COVID-19 among Health Workers in Germany and Malaysia." *International Journal of Environmental Research and Public Health*, (2020).
- Nofialdi, Nofialdi. "Ijtihad Ibn Qayyim Al-Jawziyyah Dan Al-Maqasid Al-Juz'iyah: Refleksi Penyelesaian Kasus Hukum Islam." *Al-Manahij: Jurnal Kajian Hukum Islam* 12, No. 1 (2018).
- Saraff, Sweta, Tushar Singh, and Ramakrishna Biswal. "Coronavirus Disease 2019: Exploring Media Portrayals of Public Sentiment on Funerals Using Linguistic Dimensions." *Frontiers in Psychology* 12 (2021).
- Sari, Maula, and Abd Wahid. "Fenomena Penolakan Jenazah Covid-19 Perspektif Hadis Di Indonesia." *Mashdar: Jurnal Studi Al-Qur'an Dan Hadis* 2, No. 1 (2020).
- Shaw, Karena, Stephen D. Hill, Amanda D. Boyd, Lindsay Monk, Joanna Reid, and Edna F. Einsiedel. "Conflicted or Constructive? Exploring Community Responses to New Energy Developments in Canada." *Energy Research and Social Science* 8 (2015).

Internet Media

- Acehkini. (2021). Keluarga Ingin Pulasaran Sendiri Jenazah COVID-19, RSUD Subulussalam Sediakan APD (The Family Insisted on Taking Care of the COVID-19 Body before the Burrial, the General Hospital of Subulussalam Provided PPE). Retrieved September 2, 2021, from <https://kumparan.com/acehkini/keluarga-ingin-pulasara-sendiri-jenazah-COVID-19-rsud-subulussalam-sediakan-apd-1wNFZjcLfrx/full>

- CNN. Lagi, Warga Ambil Paksa Jenazah Covid. Indonesia (Again, Locals Seized a COVID-19 Body, 2021.
- Detiknews. Geger Jenazah Pasien Corona Wanita Dimandikan Petugas Pria (Outcry over A Female Body bathed by Male Health Workers). Retrieved September 1, 2021, from <https://news.detik.com/berita/d-5187363/geger-jenazah-pasien-corona-wanita-dimandikan-petugas-pria>
- Detiknews. "Geger Jenazah Pasien Corona Wanita Dimandikan Petugas Pria." 25-09-2020, 2020. <https://news.detik.com/berita/d-5187363/geger-jenazah-pasien-corona-wanita-dimandikan-petugas-pria>.
- Edi, Purnomo. "Diduga Karena Provokasi Satu Warga, Jenazah Pasien Covid Dimakamkan Tanpa Prokes." Merdeka.com, 2021. <https://www.merdeka.com/peristiwa/diduga-karena-provokasi-satu-warga-jenazah-pasien-covid-dimakamkan-tanpa-prokes.html>.
- Fajriah, W. Cegah Wabah Corona, Ini Deretan Negara yang Menutup Masjid (Stopping the Spread of Corona, These countries decided to Close Mosques), 2020. *Muslim.Okezone.Com*
- Harlina, N. Buntut Pembongkaran Peti Jenazah Pasien COVID-19 Body di Limapuluh Kota (Consequences Following the Forcible Opening of the Casket of a COVID-19 in Limapuluh Kota). Retrieved September 1, 2021, from <https://www.liputan6.com/regional/read/4340140/buntut-pembongkaran-peti-jenazah-pasien-COVID-19-di-limapuluh-kota>
- Irmansyah, A. MUI Pastikan Nakes Pria Mandikan Jenazah Covid Wanita Langgar Syariat (Indonesian Ulama Council believed that male health workers bathing the female COVID-19 body violated sharia of Islam). Retrieved September 1, 2021, from <https://www.law-justice.co/artikel/103653/mui-pastikan-nakes-pria-mandikan-jenazah-covid-wanita-langgar-syariat/>
- KompasTV. Warga Mengambil Paksa Jenazah COVID-19. Indonesia (Locals seized a COVID-19 Body). 2020b.
- Konfrontasi. Pemerintah Harus Edukasi Masyarakat Tentang Cara Pengurusan Jenazah Pasien Corona (The Government has to Educate People on How to Take Care of COVID-19 Bodies). Retrieved August 22, 2021, from <https://www.konfrontasi.com/pemerintah-harus-edukasi-masyarakat-tentang-cara-pengurusan-jenazah-pasien-corona>
- Malang, T. Pro Kontra Pemulasaraan Jenazah Corona, Pemkot Malang Ajak Tokoh Agama Terlibat (Pros and Cons over the Handling of COVID-19 Bodies). Retrieved September 2, 2021, from <https://kumparan.com/tugumalang/pro-kontra-pemulasaraan-jenazah-corona-pemkot-malang-ajak-tokoh-agama-terlibat-1tzaGVgdWBr/full>
- MetroTV. Lagi, Jenazah COVID-19 Dijemput Paksa (Again, COVID-19 body

was forcibly taken). Indonesia, 2021.

Purba, D. O. Dinilai Tak Sesuai Syariat Islam, Pemakaman Jenazah dengan Protokol COVID-19 Ditolak Warga (Seen Violating the Sharia of Islam, COVID-19 Funeral Under Health Guidelines was Rejected) . Retrieved September 2, 2020, from <https://www.msn.com/id-id/berita/nasional/dinilai-tak-sesuai-syariat-islam-pemakaman-jenazah-dengan-protokol-COVID-19-ditolak-warga/ar-BB19yxJP>

Ravianto. Kasus Pembongkaran Peti Jenazah Positif COVID-19 Kembali Terjadi, Terdengar Teriakan Provokatif (Opening the Coffin of the Deceased Body infected with COVID-19, Provoking Voice Heard). Retrieved September 1, 2021, from <https://jabar.tribunnews.com/2021/08/10/kasus-pembongkaran-peti-jenazah-positif-COVID-19-kembali-terjadi-terdengar-teriakan-provokatif%0A>

Saputro, F. A. Nakes Pria Mandikan Jenazah Covid Wanita Bagaimana Hukumnya? (Male Health Workers bathing Female Deceased Body How is It seen from the Perspective of Law) Retrieved September 1, 2021, from <https://www.republika.co.id/berita/qp26xq384/nakes-pria-mandikan-jenazah-covid-wanita-bagaimana-hukumnya>

Tribunnews. Masa di Ambon Ambil Paksa Jenazah Covid (People in Ambon forcibly Seized a COVID-19 Body). Indonesia, 2020.

Tribunnews. Pria Ambil Paksa Jenazah COVID-19 (A Man Seizing a COVID-19 Body). Indonesia, 2021.

TVone. Lagi, Warga Rebut Jenazah Covid (Again, People forcibly seized a COVID-19 Body). Indonesia, 2021.

Wijana, E. P. E. Dapat Aduan dari Masyarakat Soal Pemulasaraan Jenazah, PWNU DIY Siap Terjunkan 39 Relawan (Following Grievances from the Members of the Public over COVID-19 Corpse Handling, PWNU of Yogyakarta deployed 39 Volunteers). Retrieved August 22, 2021, from <https://jogja.suara.com/read/2021/08/05/175922/dapat-aduan-dari-masyarakat-soal-pemulasaraan-jenazah-pwnu-diy-siap-terjunkan-39-relawan>

Interviews

Interview with Syamsi Yulisman, the bereaved family member in Padang, on August 27, 2021

Interview with Yulia Rahman, the bereaved family member in Bukittinggi, on August 27, 2021

Interview with Masrinal, the bereaved family member in Bukittinggi, on August 30, 2021