

Fiqh Fardhu Kifayah for the City of Covid-19 According to the Fatwa of MUI and Permenkes Number 413 (Maqashid Syariah Analysis)

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Abstract

Maqashid al-syari'ah is an important discussion in Islamic Law that does not escape the attention of scholars and experts in Islamic law. Some of the scholars put it in the discussion of ushul fiqh, and other scholars discussed it as an adult and extensive material in the philosophy of Islamic Law. If you examine all the commands and prohibitions of Allah in the Qur'an, as well as the commands and prohibitions of the Prophet SAW in the sunnah formulated in fiqh, it will be seen that all of them have a specific purpose and nothing is in vain. The provisions that are currently used in the momentum of rules or regulations in implementing worship during the ongoing COVID-19 pandemic. Likewise with the scholars, including the MUI, which issued fatwa Number 18 of 2020 concerning Guidelines for the Management of the Body (tajhiz al-jana'iz) of Muslims infected with Covid-19 determined that: Muslims who died because of the COVID-19 outbreak in the view of syara 'include the category of martyrdom in the hereafter and the rights of the corpse must be fulfilled, namely to be bathed, dipped in, and buried, the safety of which is mandatory for the safety of the officer under the provisions of the medical protocol. Regarding this condition, the author tries to find answers to these questions by using qualitative research methods with related results and sources, namely the fatwas issued by the Indonesian Ulama Council as the main research instrument. In the case that is explicit or explicit by the text of the Koran, the benefits can be traced in both sources. If an explicit and explicit maslahat is in the text, then that benefit is used as a benchmark for legal determination, and scholars are commonly referred to by the term al-mashlahah al-mu'tabar.

Keywords

Covid-19; tajhiz al-jana'iz; maqashid syariah



I. Introduction

The phenomenon of the plague has actually occurred repeatedly throughout history in mankind. Today the world is experiencing deep sadness. The first mysterious pneumonia case was reported at the end of 2019. This virus appeared on December 1, 2019 in China, to be precise in Wuhan, Hubei Province, China.

Since December 31, it has spread to various provinces such as China, Thailand, Japan, South Korea and Indonesia. The sample examined was included in the etiology of the new coronavirus. Initially this virus was called the novel coronavirus (2019-nCoV), then WHO announced a new name, namely Coronavirus Disease (COVID-19) which is caused by the Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-CoV-2) virus.

COVID-19 is a global health problem including Indonesia. This was initiated from the information of the World Health Organization (WHO) on 31 December 2019 there was a case

of a cluster of pneumonia with a new etiology in Wuhan City, Hubei Province, China and later expanded beyond China. On 30 January 2020, COVID-19 was set to become the public health Emergency of International Concern (PHEIC). On 11 March 2020, COVID-19 was designated as a pandemic. Indonesia first reported 2 positive cases on March 2, 2020 and a positive case continued to increase (Kementrian Kesehatan RI, 2020a). Until April 25, 2020, Indonesia already reported 8. 211 Positive cases, 689 cases died, 1.002 cases recovered from 50,563 people examined with the results of the examination is 42,352 negative (Kementrian Kesehatan RI, 2020b) (Susilawati, 2020).

This virus began to spread throughout the world, including Indonesia. Right on April 10, 2020, was the 40th day after several days the president announced that there were patients who had been infected and continued to increase until 19 September 2020, reaching 240,687 cases.

The large number of countries that experienced the Covid-19 case made the World Health Organization (WHO) raise the Covid-19 case from an epidemic to a pandemic (Ekarina, 2020). The rising status of Covid-19 from an epidemic to a pandemic has made many countries including Indonesia undertake various practices of protection and supervision of the region and human interaction in it with various mechanisms including; social distancing, physical distancing, regional quarantine to lockdown mechanisms. (Saleh, 2020)

Deaths due to covid-19 are getting higher rates in Indonesia. Until now, data from the covid task force 19 of the Republic of Indonesia covid19.go.id have been reported, 240,687 corona cases in Indonesia were positive, 174,350 recovered, and 9,448 died. For those who are Muslims, it is like the corpse will be bathed, obliterated, and prayed for before burial. As we all know the apabil'a death has come, nothing will be able to accelerate or slow it down

As mentioned in Qs. Al-araf verse 34 that all humans have their own foreign time limit and will not accelerate or slow it down. When a Muslim dies, another Muslim obligation is to carry out fardhu kifayah to the body of the deceased by bathing it, covering it, praying the body and burying it. The guidance of the Prophet Muhammad in handling the corpse was to hasten the burial, because he was afraid of the bad smell, and it would become food for wild animals. But there are some who still reject Covid-19 positive burials because of excessive fear of the virus. Whereas in Islam the body must be accepted with pleasure, and treated well.

However, some people are afraid to accept the corpse, including when they want to bury it, even some people reject the body and the medical team who want to bury it. Because the virus can still be transmitted through corpses so that some people are afraid to infect them without knowing and hearing the explanation from the medical team.

II. Reseach Methods

The approach taken in this research is qualitative research with the results and related sources, namely the fatwas issued by the Indonesian Ulama Council as the main research instrument. The additional instruments for collecting data are in the form of reports and observations on the research articles of several related studies. The data source for this research is the MUI fatwa issued in the face of the COVID-19 pandemic. To collect data, the researcher carried out several stages, namely: (a) determining the main theme to be the research subject, (b) making observations during the article consultation process, (c) collect articles from previous research results. Meanwhile, in analyzing the first data, the researcher will reduce the data relevant to the research objectives. Then, the researcher presents the data in narrative form for later verification based on a predetermined theoretical study and draws conclusions from it.

III. Discussion

3.1 Discussion Regarding Fardhu Kifayah

Fardhu kifayah is an obligation imposed on the group (collective obligation) provided that if any of the group members carry it out, the entire group is free from sanctions. Conversely, if there is no group member who does it, the whole group will be sanctioned.

Al-Nawawi in al-Majmu Syarah al-Muhadzab says:

وَعُسْلُ الْمَيِّتِ فَرَضٌ كِفَايَةٌ بِإِجْمَاعِ الْمُسْلِمِينَ وَمَعْنَى فَرَضِ الْكِفَايَةِ أَنَّهُ إِذَا فَعَلَهُ
مَنْ فِيهِ كِفَايَةٌ سَقَطَ الْحَرَجُ عَنِ الْبَاقِينَ وَإِنْ تَرَكَوهُ كُلُّهُمْ أَثَمُوا كُلُّهُمْ وَاعْلَمْ أَنَّ
عُسْلَ الْمَيِّتِ وَتَكْفِينَهُ وَالصَّلَاةَ عَلَيْهِ وَدَفْنَهُ فُرُوضٌ كِفَايَةٌ بِلَا خِلَافٍ.

Bathing the deceased is fardhu kifayah by ijma. The meaning of fardhu kifayah is that if the obligation has been carried out by a person / group who is considered sufficient, the other's dependents will be lost. If nothing else does, then all are sinners. You know, actually bathing the dead, neglecting him, praying is fardhu kifayah without making mistakes.

When a believer dies, the obligation of another believer is to carry out fardhu kifayah. There are 4 obligations of fardhu kifayah that must be fulfilled, namely, to bathe, to cover, to pray and to bury them. These four things are kaifiyatnya according to the Sunnah of the Prophet.

The body is a deceased that has been placed in the place used to carry it, or what is commonly known as a keranda. Islam has arranged everything related to organizing the corpse, starting from bathing it, covering it, praying it and burying it.

Conditions for the dead who need to be bathed

1. Mayit is a Muslim
2. There is a body though a little
3. Died not due to martyrdom

The things that need to be considered in bathing the deceased are as follows: first, first clean all kinds of unclean on the body, then distribute the water throughout the body and preferably three or more times if deemed necessary. Wash the first with soap, the second with clean water, and the third with water mixed with campuses.

What needs to take precedence in bathing a corpse is the ablution member, then the entire body on the right and finally the left. To condemn the deceased is fardhu kifayah. The death of the corpse is done after the deceased is completely bathed. At least one layer of cloth that can cover the whole body.

It is Sunnah for the male deceased to be clothed with three layers of cloth, each layer from when it should cover the whole body. The male corpse wears five layers of cloth, then after three layers, it is added with a kurung and turban. The female corpse is Sunnah in five layers, each in the form of a sarong, shirt, veil and two layers covering the entire body.

The funeral prayers can be performed on a deceased person or several deceased at once. A deceased person may also be worshiped repeatedly. For example the deceased has been converted by some people, then a few more people came to do it and so on.

If the prayers are performed in congregation, then the imam stands facing the Qibla, while the makmun line up behind him. The corpse is placed across the front of the priest and the head is on the right side of the priest. If the deceased is a male the priest should stand

facing his head and if the deceased is a woman, the im'am is facing his stomach. Praying the body is not with bow and prostration and not with call to prayer and iqamah.

The fourth obligation to a corpse is to bury it. The law of burying a corpse is fardhu kifayah for the living. In the grave at least there is no smell of the stench of the corpse from the top of the grave and cannot be dismantled by wild animals, because the purpose of dissolving a corpse is to protect the honor of the corpse and maintain the health of the people around the place.

The burial hole is circumscribed using lahad pits when the burial ground is hard; but if the burial ground is not hard, it easily crumbles, like soil mixed with sand, then it is more like a middle hole.

عَنْ عَامِرِ بْنِ سَعْدٍ قَالَ أَحَدُوا إِلَيَّ لِحَدًّا وَأَنْصِبُوا عَلَيَّ اللَّبْنَ نَصْبًا كَمَا صَنَعُ بِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. رواه أحمد ومسلم.

From Amir bin Sad. He said, "Make a hole by you for me, and place a brick on top of me, as it was made in the grave of the Prophet." (HR. Ahm'ad Bin Muslim)

3.2 Handling of the corpse according to Permenkes No. 413

The Ministry of Health of the Republic of Indonesia (Kemenkes RI) is the ministry within the Indonesian government in charge of health affairs. The Ministry of Health is under and responsible to the President.

In the President of the Republic of Indonesia Number 35 of 2015 concerning the Ministry of Health in Chapter II Part Four Article 11 concerning the Directorate General of Prevention and Disease Control states that:

Article 11

- 1) The directorate general of disease prevention and control is under and responsible to the Minister.
- 2) The directorate general of disease prevention and control is led by the director general

Article 12

The Directorate General of Disease Prevention and Control has the task of organizing the formulation and implementation of policies in the field of disease prevention and control in accordance with the provisions of laws and regulations.

Article 13

In carrying out the tasks referred to in Article 12, the Directorate General of Disease Prevention and Control carries out the following functions:

- a. Formulation of policies in the field of epidemiological surveillance and quarantine, and prevention and control of infectious diseases, vector-borne diseases, zoonotic diseases and non-communicable diseases, as well as mental health efforts and narcotics, psychotropic substances and other addictive substances (NAPZ'A);
- b. Implementing policies in the field of epidemiological surveillance and quarantine, and prevention and control of infectious diseases, vector-borne diseases, zoonotic diseases and non-communicable diseases, as well as mental health efforts and narcotics, psychotropic substances and other addictive substances (NAPZ'A);
- c. Formulation of norms, standards, procedures and criteria in the field of epidemiological surveillance and quarantine, and prevention and control of infectious diseases, vector-

borne diseases, zoonotic diseases and non-communicable diseases, as well as mental health efforts and narcotics, psychotropic substances and other addictive substances (NAPZA));

- d. Providing technical guidance and supervision in the field of epidemiological surveillance and quarantine, and prevention and control of infectious diseases, vector-borne diseases, zoonotic diseases and non-communicable diseases, as well as mental health efforts and narcotics, psychotropic substances and other addictive substances (NAPZA);
- e. Implementing evaluation and reporting in the field of epidemiological surveillance and quarantine, and prevention and control of infectious diseases, vector-borne diseases, zoonotic diseases, and non-communicable diseases, as well as mental health efforts and narcotics, psychotropic substances and other addictive substances (NAPZA);
- f. Implementing the administration of the directorate general of disease prevention and control; and
- g. Implementation of other functions assigned by the minister.

So in Permenkes Number 413, it explains the handling of the body of Covid 19 at point d of the body in the morgue that:

- 1) Bodies that fall within the scope of these guidelines are strongly recommended for review in the mortuary.
- 2) The act of bathing the body is only carried out after the disinfection measures.
- 3) The cleaning officer uses standard PPE.
- 4) There are only two people washing the corpse. Families wishing to help bathe the body should also be limited and use PPE like the bathing officer.
- 5) The body is washed according to the religion and belief.
- 6) After the body is washed and put in clothes, the body is put in a body bag or wrapped in plastic and tied tightly.
- 7) If a coffin is required, then the following steps shall be made: the body is put in the casket and tightly closed; crate edges sealed with sealant / silicon; and nailed / screwed as much as 4-6 points with a distance of 20 cm each. The casket made of wood must be strong, tight, and a minimum thickness of 3 cm.

In point g of grief service it is stated that

- 1) Everyone is expected to be able to perform worship in accordance with their religion and belief.
- 2) It is not advisable to keep the corpse for a long time to prevent disease transmission and spread of disease between mourners.
- 3) The body that is buried in the funeral room, must have been carried out with disinfection measures and put in the coffin and not reopened.
- 4) In order to avoid the hassle that could potentially be difficult to carry out physical distancing, it is recommended that there are no more than 30 families wishing to mourn. The consideration for this is to prevent the spread between mourners.
- 5) The body should be rushed to be buried or cremated in accordance with the religion and belief within no more than 24 hours.
- 6) After being dispatched from the hospital, the body should go directly to the burial / crematorium to be buried or cremated. It is not recommended to be buried again in a house or other place of worship.

In point h, the delivery of the body from the hospital to the funeral explains that:

- 1) Transportation of a corpse from the hospital to the cemetery can be by land using the hearse.
- 2) The body to be transported has undergone a disinfection procedure and has been put in a body bag or wrapped in plastic which is tightly tied, and all body openings are closed.

In the point at the funeral explains that some of the provisions in the funeral are as follows:

- 1) The funeral of the corpse is carried out as soon as possible by involving the hospital and the park office.
- 2) Mourners who attend the funeral keep a distance so that a minimum safe distance of 2 meters
- 3) Burial can be done at a public cemetery
- 4) Burial of several bodies in one grave is permitted in an emergency.
- 5) The funeral can be attended by close family members while still paying attention to physical distancing with a minimum distance of 2 meters, as well as standard precautions. Every individual mourner / family showing symptoms of COVID-19 may not be present.
- 6) A corpse using a chest must be ensured that the casket has been tightly closed.
- 7) Burial of the corpse by inserting the body together with the casket into the grave without having to open the chest, plastic or shroud
- 8) Funeral staff must wear standard PPE consisting of a surgical mask and thick gloves. PPE that has been used is medical waste that must be managed according to the provisions of the legislation.

3.3 Guidelines for the Management of the Body (Tajhiz Al-Jana'iz) of Muslims Infected with Covid-19 According to the MUI Fatwa

Secretary of the MUI Fatwa Commission Asrorun Niam Shaleh emphasized that the management of the bodies of Covid-19 victims is guaranteed to comply with Islamic law. "What is certain (body management) complies with the Shari'a, but must still comply with health protocols so as not to have the potential for transmission to oneself and others," he said as in a written statement received by Republika.co.id, Thursday (25/6). .

He added that the stages in the health protocol for handling bodies are listed in the fatwa. First, he continued, the stage of bathing the bodies of Covid-19 victims can be washed without having to remove clothes, even when normal conditions do not have to remove their clothes, the key is to clean the unclean things in their bodies. Efforts to bathe it according to the sex of the body, but if this is not possible, it is necessary to wash it without having to remove the clothes.

Next is the stage of washing after washing and purifying, it is enough for one piece to be covered and it is possible to cover it with plastic and put it in a crate to prevent potential transmission. Then it is sufficient for Muslims to represent prayer in the hospital, at the nearest mosque or at the cemetery, meaning that the prayer is very flexible.

Finally, the funeral will still be carried out as usual, the officers are important to prevent potential transmission by using personal protective equipment

The Indonesian Ulema Council (MUI), said Khofifah, had issued fatwa Number 18 of 2020 which stated that Muslims who died because of the Covid-19 outbreak in syara's view were included in the category of martyrdom in the hereafter.

Therefore, the rights of the corpse are still obliged to be fulfilled, namely to be bathed, diphani, prayed for, and buried. Also so that the family of the corpse feel calm, because in the protocol for managing the corpse it can only be done by medical personnel. The family is not allowed to take care of the body, "he explained.

In the Fatwa of the Indonesian Ulema Council Number 18 of 2020 concerning Guidelines for the Management of the Body (Tajhiz Al-Janaiz) of Muslims infected with Covid-19 stipulates that:

First: General Provisions

In this fatwa, what is meant by:

1. Officers are Muslim officers who carry out the management of jen'azah.
2. A martyr in the hereafter is a Muslim who dies due to certain conditions (among others because of the plague [year], drowning, burning, and giving birth), who is shari'ally punished and gets the reward of shahid (his sins are forgiven and put into heaven without reckoning), but mundane, the rights of the corpse are still obliged to be fulfilled, which includes being bathed, being treated, being made holy, and buried.
3. APD (Personal Protective Equipment) is personal protective equipment used by officers who carry out management of the corpse.

Second: General provisions

1. Reaffirming the provisions of the MUI Fatwa Number 14 of 2020 number 7 which stipulates: "Management of bodies (t'ajhiz al-jan'a'iz) exposed to COVID-19, especially 'a d' the al'am'andik'an and 'forgiven' must be done according to medical protocol and carried out by the competent parties, while still paying attention to the provisions of the shari'ah. Meanwhile, to say 'al'atk'an and bury it, do it as usual with tet'ap keep not being exposed to COVID-19. "
2. Islamic ummah who died because of the COVID-19 dal'am view of the syara 'included in the category of martyrdom in the hereafter and their bodies must be fulfilled, namely being washed, dik'af'ani, prayed for, and buried, the implementation of which is obliged to maintain the safety of officials by complying with the provisions of medical protocols;
3. Guidelines for bathing a body exposed to COVID-19 are carried out as follows:
 - a. The body was washed without having to undress
 - b. The officer is obliged to be of the same sex as the body that is bathed and dipped;
 - c. If no one is bathing the officer of the same sex, the officer who is there will wash it, provided that the body is bathed in clothes. If not, then it will be displayed.
 - d. Officers clean unclean (if any) before washing;
 - e. Officers wash the body by pouring water evenly throughout the body;
 - f. If it is based on the consideration of a trusted expert that it is impossible to wash the body, it can be replaced with tayamum according to the provisions of the sharia, namely by:
 - 1) Wipe the body's face and hands (at least to the wrist) with dust.
 - 2) For the sake of self-protection when rubbing, officers still use APD.
 - g. If according to the opinion of a reliable expert, it is not possible to bathe or pronounce it because it is dangerous to the officers, then m'aka based on the provisions of dl'arurat syariyyah, jenazah tid'ak dimandik'an or displaying.
4. Guidelines for forgiveness of bodies exposed to COVID-19 are carried out as follows:
 - a. After the body is bathed or inscribed, or because the dlarurah syariyyah is not washed or inscribed, the body is clothed using a cloth that covers the whole body and is put in a body bag that is safe and impermeable to water to prevent the spread of the virus and to maintain the safety of the officers.
 - b. After the forgiveness is complete, the body is put in a coffin that is not penetrated by water and air by tilting it to the right so that when it is buried the body faces towards the Qibla.
 - c. If after being treated as unclean the body is still found, then the officer can ignore the unclean thing.
5. Guidelines for distributing bodies exposed to COVID-19 are carried out as follows:
 - a. Sunnah hastens the funeral prayer after being treated.
 - b. Conducted in a place that is safe from transmission of COVID-19.

- c. Performed by Muslims directly (hadhir) at least one person. If this is not possible, it may be prayed at the grave before or after being buried. If this is not possible, then it is permissible to pray from afar (unseen prayer).
 - d. Those that do this are required to protect themselves from spreading COVID-19.
6. The guidelines for burying a body exposed to COVID-19 are carried out as follows:
- a. Conducted in accordance with sharia provisions and medical protocols.
 - b. This is done by putting the body and the crate into the grave without having to open the chest, plastic and shrouds.
 - c. Burial of several bodies in one grave is permitted due to an emergency (al-dlarurah al-syarriyyah) as regulated in the provisions of MUI Fatwa number 34 of 2004 concerning the Management of Bodies (Tajhiz al-Janaiz) in an Emergency.

3.4 Analysis of Maqashid Sharia

The word maqashid (مقاصد) is the plural form of the singular maqashidin (مقصد) and maqshad (مقصد), both of which are mashdar mimi (مصدر ميمي) which has the form of fiil madhi qashada (قصد). While the word sharia in language we can start from Arabic dictionaries meaning ad-din (الدين), al-millah (المله), al-minhaj (المنهاج), at-thariqah (الطريقه), and as-sunnah (السنة).

The meaning that is in line with maqashid al-sharia consists of two words, namely maqashid and sharia. Maqashid is the plural form of qashada, meaning arada which means intention, will or purpose.¹³ Sharia are rules created by Allah to guide humans in regulating relationships with God, with humans like Muslims and non-Muslims, towards nature and all life.

Wahbah al-zuhaili said that maqashid al-sharia are the values and objectives of the syara that are implied in all or the largest part of its laws. These values and goals are seen as the aims and secrets of the sharia, which are stipulated by al-shari (the maker of the sharia, namely Allah and the Prophet Muhammad) in every legal provision.

The essence of Maqasid al-Syarîah is basically to create benefit and avoid all kinds of damage, both in this world and in the hereafter. All legal cases, which are mentioned explicitly in the Al-Quran and Sunnah as well as Islamic law produced through the process of ijtihad must be based on the objective of the manifestation of the mashlahah.

M'ashl'ah'ah (مصلحة) d'al'am b'ah'asa Arabic masdar form of lafadz - ي صلح - صلحا which means good or positive. ¹⁷ Mashlahah also means benefit or a job that contains benefits. ¹⁸ Meanwhile, in terms of terminology, mashlahah can interpreted to take advantage of and reject madharat (danger) in order to maintain the goals of syara (Islamic law).

Rasulullah Saw said:

عَنْ أَبِي سَعِيدٍ سَعْدِ بْنِ مَالِكِ بْنِ سِنَانَ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَا ضَرَرَ وَلَا ضِرَارَ (رواه الدراقطني والبيهقي والحاكم)

From Abu Saad bin Malik bin Sinan al-Khudri ra., Rasulullah Saw. Said: "There should be no danger and should not harm others". (Narrated by Al-Daraquthni, al-Baihaqi, al-Hakim).

Some of the Qaid'ah Fiqhiyyah listed in the MUI fatwa Number 18 of 2020 concerning Guidelines for the Management of the Body (Tajhiz Al-Janaiz) of Covid-19 Infected Muslims

which are taken into consideration considering the issuance of the Fatwa regarding that matter, namely:

الضرر يزال

"Kemudharatan must be eliminated"

دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جُنْبِ الْمَصَالِحِ

"Refusing mafsadah takes precedence over seeking benefit".

الْمَشَقَّةُ تَجْلِبُ التَّيْسِيرَ

"Difficulty causes ease"

الضرر يدفع بقدر الإمكان

"Harm must be prevented within the limits that are possible".

الضرورة تُقَدَّرُ بِقَدْرِهَا

"Kemudharatan is limited according to the level".

حَرَمَةُ الْحَيِّ وَحِفْظُ نَفْسِهِ أَوْلَى مِنْ حِفْظِ الْمَيِّتِ

"Honoring the living and guarding their souls is more than honoring the dead"

The process of handling the Covid-19 body has to go through a long procedure, here are the simulations of the stages of securing the corpses of positive corona virus patients and patients under surveillance (PDP) of Covid-19 who are Muslim:

1. The body is covered with plastic
2. The body is covered with a shroud
3. The body is covered in plastic again
4. The body is lined with a body bag
5. The body is put in a chest for later burial

At each stage, we also provide disinfectant to kill the corona virus from spreading. However, families and pilgrims are still advised not to approach the burial site before the process is declared complete by officials.

This is important not because families and pilgrims can contract the corona virus from the bodies of corona virus patients who are or have been buried, but from the officers who have taken care of them, the officers may have handled the corpse of the corona virus from the start and we do not know their conditions. It could be that the virus is in the PPE (personal protective equipment) used by officers, after all the procedures for the corpse of a corona patient are carried out properly, the new family can participate in the burial of the corpse.

Burial of the corpse of a corona patient can be carried out at a public cemetery (TPU) according to the requirements of the TPU. At least, the burial location of the corpse is 50 meters from the source of land for drinking and 500 meters from the settlement. Make sure during burial or cremation, without reopening the coffin. The above is an explanation from the Forensic and Medical Specialist, dr. Moewardi, dr. Novianto 'Adi Nugroho, SH., M.Sc, Sp.FM.

Imam al-Ghazali views that a benefit must be in line with the goals of syara, even if it is against human goals, because human benefit is not always based on the will of syara, but is often based on lust. Therefore, what is used as a standard in determining the problem is the will and purpose of the syara, not the will and purpose of humans.

In terms of quality or importance for the benefit of Abu Ishak al-Syathibi, he divided it into three parts, namely:

- a. Mashlahah al-dharuriyyah, benefit that is related to the basic needs of mankind in the world and in the hereafter, namely maintaining religion, nurturing souls, maintaining intellect, preserving offspring and preserving property. These five benefits are called al-Mashalih al-khamsah. This mashlahah is the most essential for human life, so it must exist in human life because it concerns aspects of religion or faith for the sake of peace of worldly and ukhrawi life.
- b. Mashlahah al-hajiyah, the benefits needed to perfect or optimize the main benefit (al-mashalih al-khamsah), namely in the form of relief to maintain and maintain basic human needs (al-mashalih al-khamsah). This mashlahah is a material or primary (primary) need for human life and if this mashlahah is removed it will cause difficulties for human life, but not to the point of extinction of human life.
- c. Mashlahah al-tahsiniyyah, benefits that are complementary (complementary), in the form of flexibility and appropriateness that can complement the previous benefits (mashlahah al-hajiyah). If this mashlahah is not fulfilled, then human life will be less beautiful and enjoyable, but it cannot cause harm.

In fact, the bodies of the Muslims must be bathed, diphaniated, and made into prayer. However, the plague spreads, where the medical team determined that the plague had passed from a person who had died when touching it, so it was enough to pour water over the body and drain it and carry out a disinfecting process in the room. After being wrapped in a shroud then wrapped in a kind of plastic so that it is not easily contaminated.

If the body is discharged from the hospital in a condition that has been infused, then it is permissible to pray the body in a special place, instead of praying for the funeral prayer in the mosque. It is permissible to pray for two people, as a minimum requirement for congregational prayer. All of the above matters and solutions are in line with the high maqasid asyasyariyah in the hifz nafs self-preservation. That the emergency condition allows prohibited cases. Meanwhile, the emergency is weighed according to its level.

IV. Conclusion

Bathing the deceased is fardhu kifayah by ijma. The meaning of fardhu kifayah is that if the obligation has been carried out by a person / group who is considered sufficient, the other's dependents will be lost. If nothing else does, then all are sinners. You know, actually bathing the deceased, neglecting it, praying is fardhu kifayah without making mistakes.

In Permenkes Number 413, it explains the handling of the body of Covid 19 at point d of the body in the morgue that:

- 1) Bodies that fall within the scope of these guidelines are strongly recommended to be reviewed in the mortuary.
- 2) The act of bathing the body is only carried out after the disinfection measures.
- 3) The cleaning officer uses standard PPE.
- 4) There are only two people washing the corpse. Families wishing to help bathe the body should also be limited and use PPE as a corpse bath officer.
- 5) The body is washed according to the religion and belief.
- 6) After the body is bathed and given clothes / clothes, the body is put in a body bag or wrapped in plastic and tied tightly.
- 7) If a coffin is required, the following steps shall be made: the body is put in the coffin and tightly closed; crate edges sealed with sealant / silicon; and nailed / screwed as much as 4-6 points with a distance of 20 cm each. The casket made of wood must be strong, tight, and a minimum thickness of 3 cm.

Secretary of the MUI Fatwa Commission Asrorun Niam Shaleh emphasized that handling the bodies of Covid-19 victims is guaranteed to comply with Islamic law. "What is certain (body management) complies with the Sharia, but must still comply with health protocols so as not to have the potential for transmission to oneself and others," he said as in a written statement received by *Republika.co.id*, Thursday (25/6).

He added that the stages in the health protocol for handling bodies are listed in the fatwa. First, he continued, the stage of bathing the bodies of Covid-19 victims can be washed without having to remove clothes, even when normal conditions do not have to remove their clothes, the key is to clean the unclean things in their bodies. Efforts to bathe it according to the sex of the body, but if this is not possible, it is necessary to wash it without having to remove the clothes

In the case which is explicitly explained by the text of the Koran m'a Sunnah, then the benefit can be traced in both sources. If a *maslahat* is stated explicitly and explicitly in the text, then that benefit is used as the benchmark for determining the law, and scholars commonly call it *al-mashlahah al-mutabarat*. It is different if the *maslahat* is not explicitly explained by the two sources, then the *mujtahid* must insist on exploring and determining the *maslahat*. Basically, the results of the *mujtahid's* *ijtihad* are acceptable, as long as they do not conflict with the benefits that have been determined in the two sources. If there is a conflict, the scholars commonly refer to it as *al-mashlahah al-mulghah*.

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