

The Legal Binding of Mui's Fatwa Number 18 Year 2020 in Relation to The Rejection The Buried Process of Corps with Positive Corona Virus in Kecamatan Jati Asih, Kota Bekasi from March 2020-December 2020



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ABSTRACT : The 2019 corona virus disease is an infectious disease that is currently endemic to the point of causing death. The problem in society today is the refusal to bury the bodies of patients suffering from this disease. MUI issued fatwas to help the public in dealing with existing problems related to the COVID-19 epidemic. The research aims to determine the application and regulation of the MUI Fatwa in connection with the burial of corpses who died as a result of COVID-19. Sociological juridical research type with a descriptive-analytic approach. The data taken consists of secondary data, in the form of primary legal materials, secondary legal materials and tertiary legal materials. In addition, as an analysis material, primary research data obtained from Jati Asih District was also used for the period of March 2020 - December 2020, where it is known that there are still many people who do not understand how to treat the bodies of patients infected with the COVID 19 virus. due to the absence of binding regulations regarding the handling of the bodies of COVID-19 patients and the lack of public knowledge regarding the handling of the bodies of patients infected with this virus. So that there is a need for binding regulations regarding the burial process of the bodies of COVID-19 patients.

KEYWORDS: Funeral, Covid-19 body, MUI fatwa

INTRODUCTION

Corona virus disease 2019 (coronavirus disease 2019, abbreviated as COVID-19) is an infectious disease caused by SARS-CoV-2, which is a type of corona virus. This disease resulted in the 2019–2020 corona virus pandemic. People with COVID-19 may experience fever, dry cough, and difficulty breathing. Sore throat, runny nose, or sneezing are less common in this case. In the most susceptible patients, the disease can lead to pneumonia and multiorgan failure. The infection spreads from one person to another through droplets from the respiratory tract which are often produced when coughing or sneezing. The time from exposure to the virus to the onset of clinical symptoms ranged from 1 to 14 days with an average of 5 days. The standard method of diagnosis is a reverse transcription polymerase chain reaction (rRT-PCR) assay from a nasopharyngeal swab or sputum sample with results within hours to 2 days. Antibody tests from blood serum samples can also be used with results within a few days. Infection can also be diagnosed from a combination of symptoms, risk factors, and a computed tomography scan of the chest that shows symptoms of pneumonia.¹

Currently, there are more and more cases of COVID-19 affecting the community. According to data taken from the official website of the city of Bekasi, namely <https://corona.bekasikota.go.id>, from a number of patient cases, quite a number of patients died from this disease. Sadly and tragically, many people argue during the funeral process for patients who died from the Covid disease. The community members who refused when the patient's body was buried were afraid that this corpse would transmit diseases around them.

From data taken from the official website of the city of Bekasi on April 10, 2020 accessed in Jakarta on April 10, 2020, there were 734 people under monitoring (ODP), 280 patients under surveillance (PDP), 84 positive COVID-19 patients, 44 patients died with special diseases, and 11 patients died with positive corona results.²

¹ <https://id.m.wikipedia.org/wiki/COVID-19> accessed in Jakarta, 08 April 2020

² <https://corona.bekasikota.go.id> accessed in Jakarta, 10 April 2020

The Legal Binding of Mui's Fatwa Number 18 Year 2020 in Relation to The Rejection The Buried Process of Corps with Positive Corona Virus in Kecamatan Jati Asih, Kota Bekasi from March 2020-December 2020

MUI or the Indonesian Ulema Council is a non-governmental organization that accommodates ulama, zu'ama, and Islamic scholars in Indonesia to guide, foster and protect Muslims throughout Indonesia. ³In the MUI (Indonesian Ulema Council) Fatwa Number 14 of 2020 regarding the implementation of worship in a situation where the COVID-19 outbreak occurs, it is explained about the procedures for handling corpses. In point no 7 it is explained that the management of corpses (tajhiz corpses) exposed to COVID-19, especially in bathing and shrouding must be carried out according to medical protocols and carried out by the competent authorities, while taking into account the provisions of the Shari'a. Meanwhile, praying and burying them are carried out as usual while keeping them from being exposed to COVID-19. In this case, it is the officers who pray and the officers who bury who have to take care of themselves so they are not exposed to this disease.

The case of COVID-19 is a disease that must be considered and watched out more seriously, because it has spread to various parts of the world, not only in Indonesia. This disease is already a pandemic. What is meant by a pandemic is an outbreak of a disease that infects many countries in the world.⁴

While what is meant by an epidemic is an outbreak of an infectious disease in the community whose number of sufferers has significantly increased beyond the usual situation at a certain time and area, and can cause havoc.⁵

The provisions of the MUI Fatwa Number 14 above are further strengthened by the MUI Fatwa Number 18 of 2020 regarding guidelines for managing corpses, the rights of the corpse must be fulfilled, namely to be bathed, shrouded, prayed and buried, whose implementation is required to maintain the safety of officers by complying with the provisions of the medical protocol. .

From the news when this writing was written, both news on television media, and news on social media since the beginning of the pandemic in March to December 2020, there are still many residents who refuse about the funeral process for Covid 19 patients in their environment, until finally the police. and local government officials must step in to deal with the chaos in the community. An example of a case of rejection of the body of a COVID-19 patient in the Semarang area which occurred on April 9, 2020, where a nurse who died could not be buried because he was rejected by local residents.

In the Bekasi area, there were also cases of refusal of bodies to be buried according to the COVID-19 protocol. The family of the patient who died refused to be given an explanation by the hospital staff and forcibly took the body in the ICU room of the hospital in Bekasi, they did not want the family's body to be buried according to the COVID-19 protocol. An example of a case in March 2020 was a resident who died at the Friendship Hospital, but his family refused to be buried according to the COVID-19 protocol. In August 2020 it was also found that there were people who died from COVID-19, but the patient's family wanted to bury him in the family cemetery, resulting in rejection from the surrounding community.⁶

In the Jati Asih sub-district, there are relatively many cases of refusal to bury the bodies of Covid-19 patients.⁷ With the refusal to bury corpses in the city of Bekasi, the Mayor of Bekasi issued a circular that discussed the burial process for the bodies of COVID-19 patients in the Bekasi area. The mayor's circular explains how the process of handling the bodies from the time they are wrapped up to the burial process is carried out. The contents of this circular letter are not much different from the fatwa issued by the MUI regarding the handling of the bodies of COVID-19 patients. According to the mayor of Bekasi, Rahmat Efendi, explained that the process of relocating the bodies of COVID-19 patients in Bekasi was based on guidelines from the Ministry of Health, MUI, Ministry of Religion and according to WHO criteria.⁸

The purpose of this study is to find out how the implementation and regulation of the MUI Fatwa is related to the burial of bodies who died as a result of COVID-19 as a binding legal instrument.

STUDY OF LITERATURE

The law has a regulatory and coercive nature, that is, it regulates people's lives by pouring it into the regulations set by the government, then the regulations can be forced on anyone who violates the stipulated regulations by giving strict sanctions or punishments for anyone who does not obey them. . Law aims to ensure legal certainty in society.

³ MUI history profile, accessed on 06 June 2020

<https://mui.or.id> MUI history profile

⁴ Decree of the Minister of Health of the Republic of Indonesia Number 300/Menkes/SK/IV/2009 concerning Guidelines for the Management of Influenza Pandemic Epicenters Minister of Health of the Republic of Indonesia

⁵ Law of the Republic of Indonesia Number 4 of 1984 concerning infectious disease outbreaks

⁶ <https://news.detik.com/berita-jawa-tengah/d-4973112/kisah-pilu-penolakan-jenazah-perawat-corona-di-semarang> accessed in Jakarta, 02 Mei 2020

⁷ <https://www.msn.com/id-id/berita/nasional/kronologi-jenazah-pdp-covid-19-diambil-paksa-di-rs-bekasi/ar-BB15fk3R> .

Accessed in Jakarta, 10 Juli 2020

⁸ <https://jabarnews.com/read/83922/pemkot-bekasi-terbitkan-aturan-tidak-tolak-pemakaman-jenazah-corona>.

Accessed in Jakarta 04 Juni 2020

The Legal Binding of Mui's Fatwa Number 18 Year 2020 in Relation to The Rejection The Buried Process of Corps with Positive Corona Virus in Kecamatan Jati Asih, Kota Bekasi from March 2020-December 2020

According to the Indonesian dictionary, morals are “about good and bad which are generally accepted regarding morals; morality and character; mental conditions that affect a person to remain enthusiastic, courageous, disciplined and so on”. Moral is human behavior that is very subjective, because everyone's morals are different, because of that difference, normative ideal standards are made called rules or regulations.⁹

A good legal order should be formed from values and norms that live and develop in the midst of society, have dual duties and functions, namely on the one hand to maintain values that already exist and develop in society and on the other hand to form new culture and develop human rights.¹⁰. Thus the rules that are formed will be obeyed by those against whom the rules are to be applied.

RESEARCH METHODS

This type of research is a sociological juridical research using a descriptive analytical approach. The analysis was carried out qualitatively. It is said to be qualitative because the researcher does not use numerical data processing methods in this research process using statistics, but rather applies the legal norms that exist in society. The data used in this study consists of primary data and secondary data.

The primary data to be analyzed was obtained from the Jati Asih Subdistrict, Bekasi for the period March 2020 – December 2020. The choice of the Jati Asih Bekasi Subdistrict was because in the Jati Asih Bekasi Subdistrict there were still many people who did not understand how to treat the bodies of patients infected with the Covid virus. -19. While the secondary data used consists of primary legal materials, secondary legal materials, and tertiary legal materials. The research data obtained were then analyzed thoroughly, holistically and comprehensively.

DISCUSSION AND RESEARCH RESULTS

This COVID-19 disease is an epidemic disease that has just been experienced by countries in the world, including Indonesia. Currently, there are no legal or statutory provisions that address the problem of handling this disease. Based on the Regulation of the Minister of Health of the Republic of Indonesia Number 1501/MENKES/PER/X/2010 concerning certain types of infectious diseases that can cause outbreaks and efforts to overcome them, in Chapter I General provisions of Article 1 what is meant by infectious disease outbreaks, hereinafter referred to as epidemics, are outbreaks of an infectious disease in the community whose number of sufferers has significantly increased beyond the usual situation at a certain time and area and can cause havoc.

Along the way, there are currently many problems related to this COVID-19 disease. So that in the end, legal provisions were issued which were expected to help resolve existing problems. One of the problems in the community that was found due to the COVID-19 disease was the rejection of the burial of the bodies of patients suffering from this disease. Due to the increasing number of cases, finally MUI as a non-governmental organization that accommodates ulama, zu'ama, and Islamic scholars in Indonesia whose task is to guide, foster and protect Muslims throughout Indonesia issued fatwas to help the community in dealing with existing problems. related to the COVID-19 outbreak. In the MUI fatwa number 18 of 2020, it is explained about the guidelines for managing the corpses (tajhiz al-jana'iz) of Muslims infected with COVID-19, here are some legal provisions.

The legal provisions are:

1. Reaffirming the provisions of the MUI Fatwa Number 14 of 2020 number 7 which stipulates: "Management of corpses (tajhiz al-jana'iz) exposed to COVID-19, especially in bathing and mourning must be carried out according to medical protocols and carried out by the competent authorities, with due observance of the provisions of the Shari'a. Meanwhile, praying and burying him is done as usual while keeping it from being exposed to COVID-19."
2. Muslims who die due to the COVID-19 outbreak in the view of syara' are included in the category of martyrdom in the afterlife and the rights of their bodies must be fulfilled, namely being bathed, shrouded, prayed for, and buried. .
3. Guidelines for bathing bodies exposed to COVID-19 are carried out as follows:
 - a. The body is bathed without having to undress
 - b. The officer must be of the same gender as the body being washed and shrouded;
 - c. If there is no one of the same sex who is bathing, then the officer who is bathing is bathed, provided that the body is washed and still wears clothes. If not, then ditayammum.
 - d. The attendant cleans najis (if any) before bathing;
 - e. Officers bathe the corpse 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, then it can be replaced with tayamum according to sharia provisions, namely by wiping the face and both hands of the corpse (at least up to the wrist) with dust. .

⁹ Prof.Dr.H.M Agus Santoso, S.H.,M.H. “ Hukum,Moral, &Keadilan “, Prenada Media Group, 2012, pp 80

¹⁰ Muhammad Sadi Is, S.HI.,M.H, “ Etika Hukum Kesehatan “, Prenadamedia grup, 2015, pp 34-35

The Legal Binding of Mui's Fatwa Number 18 Year 2020 in Relation to The Rejection The Buried Process of Corps with Positive Corona Virus in Kecamatan Jati Asih, Kota Bekasi from March 2020-December 2020

g. If according to the opinion of a trusted expert that bathing or bathing is not possible because it endangers the officers, then based on the provisions of syar'iyah dlarurat, the corpse is not bathed or ditayammum.

4. Guidelines for caring for bodies exposed to COVID-19 are carried out as follows:

a. After the body has been bathed or ditayammum, or due to syar'iyah dlarurat not bathed or ditayammum, then the corpse is shrouded by using a cloth that covers the whole body and put in a body bag that is safe and impermeable to water to prevent the spread of the virus and maintain the safety of officers.

b. After the burial is complete, the body is placed in a coffin that is impermeable to water and air by tilting it to the right so that when buried the body faces the Qibla.

c. If after being shrouded there is still something unclean on the body, the officer can ignore the uncleanness.

5. Guidelines for the funeral of bodies exposed to COVID-19 are carried out as follows:

a. It is sunnah to hasten the funeral prayer after being shrouded.

b. Done in a place that is safe from the transmission of COVID-19.

c. Performed by Muslims directly (hadhir) at least one person. If it is not possible, it is permissible to pray in the grave before or after burial. If it is not possible, then it is permissible to pray from a distance (unseen prayer).

d. Those who pray must protect themselves from contagion of COVID-19.

6. Guidelines for burying bodies exposed to COVID-19 are carried out as follows:

a. Conducted in accordance with sharia provisions and medical protocols.

b. This is done by inserting the corpse with the coffin into the grave without having to open the coffin, plastic, and shroud.

c. Burial of several bodies in one grave is permitted because of an emergency (al-dlarurah al-syar'iyah) as regulated in the provisions of the MUI fatwa number 34 of 2004 concerning Management of Bodies (Tajhiz al-Jana'iz) in an Emergency.¹¹

According to the MUI Decree Number: U-596/MUI/X/1997 concerning Guidelines for Determining the MUI Fatwa, Article 1 paragraph (7) explains that a fatwa is an answer or explanation from scholars regarding religious issues and applies to the public. Based on this, there are two functions carried out by the fatwa, namely the tabyîn and tawjîh functions. Tabyîn means to explain the law which is a practical regulation for the community, especially people who really expect its existence. While tawjîh is to provide guidance (guidance) and enlightenment to the wider community about contemporary religious issues.

According to its Basic Guidelines, one of the functions of the MUI is to give fatwas to Muslims and the government, whether requested or not (Article 4, paragraph 4). Many scholars are of the view that fatwas are only binding on people or institutions requesting a fatwa. Muslims in general may follow the fatwa and may not follow the fatwa. One of the problems in the community that was found due to the COVID-19 disease was the rejection of the burial of the bodies of patients suffering from this disease. In the MUI fatwa number 18 of 2020, it is explained about the guidelines for managing the bodies (tajhiz al-jana'iz) of Muslims infected with COVID-19.

Because until now there are no regulations or laws that specifically regulate the handling of the bodies of patients who died due to COVID-19 disease, then with the fatwa from the MUI regarding the handling of the bodies of COVID-19 patients, it is hoped that it can be used as a reference as a binding law. regarding the handling of corpses of COVID-19 patients in Indonesia. If this MUI fatwa has been established as a binding law, it is hoped that it can become the basis for handling the bodies of COVID-19 patients, and it is hoped that there will be no more chaos and problems in the community in handling the bodies of COVID-19 patients.

As a result of the general public's lack of understanding about COVID-19, hoax news circulated that the bodies of deceased COVID-19 victims could transmit the virus. This led to the rejection of funerals by residents around the settlement due to incitement by provocateurs who did not understand funeral SOPs and spread hoax news that affected the community.

The following is data on community residents in Jati Asih District who died from Covid 19 from March 2020 - December 2020.

¹¹ [Abi Abdul Jabbar https://www.madaninews.id/.../mui-terbitkan-fatwa-pengurusan-jenazah-korban-covid-19.htm](https://www.madaninews.id/.../mui-terbitkan-fatwa-pengurusan-jenazah-korban-covid-19.htm) accessed in Jakarta 08 April 2020

The Legal Binding of Mui's Fatwa Number 18 Year 2020 in Relation to The Rejection The Buried Process of Corps with Positive Corona Virus in Kecamatan Jati Asih, Kota Bekasi from March 2020-December 2020

DATA OF DEATH COVID PATIENTS MARCH TO DECEMBER 2020 IN THE DISTRICT OF JATI ASIH, BEKASI

No	Name	Age	Hospital	Date of death	Remarks
1	Mr. A	60	Persahabatan	13-03-2020	Family refuses funeral according to covid protocol
2	Mr. M	62	Rawa Lumbu	22-03-2020	Family refuses funeral according to covid protocol
3	Mrs. M	49	Cilandak	01-04-2020	Family refuses funeral according to covid protocol
4	Mr. G	56	Kartika Husada	01-06-2020	Residents refuse to be buried in a neighborhood cemetery
5	Mr. J	23	Cikini	9-8-2020	Family refuses funeral according to covid protocol
6	Mr. D	42	Anna Pekayon	01/10/2020	Family refuses funeral according to covid protocol
7	Mr. A	30	Mitra Keluarga, Jati Asih	21-03-2020	Family refuses funeral according to covid protocol
8	Mrs. S	58	POLRI	24/08/2020	Residents refuse to be buried in a neighborhood cemetery
9	Mrs. A	69	RSUD Kota Bekasi	22/09/2020	Family refuses funeral according to covid protocol
10	Mrs. A	54	Primaya	01/12/2020	Residents refuse to be buried in a neighborhood cemetery
11	Mrs. Y	53	Cikini	28-03-2020	Family refuses funeral according to covid protocol
12	Mr. S	78	PON	21-03-2020	Residents refuse to be buried in a neighborhood cemetery
13	Mr. R	40	Masmitra	22-04-2020	Family refuses funeral according to covid protocol
14	Mr. A	62	Kartika Husada	30-04-2020	Family refuses funeral according to covid protocol
15	Mr. A	40	Carolus	11/08/2020	Family refuses funeral according to covid protocol
16	Mrs. E	64	RSUD Kota Bekasi	30/08/2020	Funeral according to covid protocol
17	Mrs. A	55	Hermina Galaxy	26/10/2021	Funeral according to covid protocol
18	Mr. I	66	Persahabatan	05-04-2020	Funeral according to covid protocol
19	Mr. S	41	RSUD Kota Bekasi	08-04-2020	Funeral according to covid protocol
20	Mrs. A	61	Mitra Keluarga Bekasi	21/08/2020	Funeral according to covid protocol
21	Mr. W	35	RSUD Kabupaten Bekasi	30/09/2020	Funeral according to covid protocol
22	Mr. S	55	RSCM, Jakarta	17/11/2020	Funeral according to covid protocol

From the table of research results in the Jati Asih Subdistrict, Bekasi from March 2020-December 2020, it was found that 22 patients died in the hospital due to Covid-19 disease, 14 people were male, 8 people were female. Of the 22 people, there were 11 patients whose families refused to have their bodies buried according to the Covid protocol, 4 bodies were refused by community members to be buried in environmental cemeteries, and only 7 bodies were buried according to the Covid protocol.

Of the 11 bodies where the family refused to be buried according to the Covid-19 protocol, the author interviewed 7 representatives from the family regarding the reasons for the refusal. Broadly speaking, this refusal was because the family wanted the body to be buried in an ordinary funeral. The family wants to bathe, shroud and bury the corpse directly. The family also wants to deliver the body and bury it directly in the cemetery. Finally, the body was buried with the usual funeral process without the Covid-19 protocol.

Of the 4 bodies that were refused by residents to be buried in residential areas, after being asked to the RT/RW management, it was because the community members were afraid of contracting the Covid-19 disease from the dead body. The family still wants the body to be buried in the community's public cemetery. Finally, after a fairly tough dispute between the

The Legal Binding of Mui's Fatwa Number 18 Year 2020 in Relation to The Rejection The Buried Process of Corps with Positive Corona Virus in Kecamatan Jati Asih, Kota Bekasi from March 2020-December 2020

families of the bodies and local residents, an agreement was reached that the bodies were buried according to the Covid-19 protocol and buried in a special cemetery for Covid patients that had been provided by the Bekasi City government.

It should be noted that the handling and distribution of COVID-19 bodies in Indonesia has been carried out in accordance with the protocol provided by the Ministry of Health of the Republic of Indonesia and the World Health Organization (WHO), so that the bodies are safe and do not transmit the Covid-19 virus. Until now, there have been no reports from any country around the world regarding cases of transmission of the Covid-19 virus through corpses.

Therefore, the government urges the public not to panic and not to take action against the burial of the bodies of people with Covid-19, let alone crowding people on the streets. This crowd has the potential to become a place for the spread of the Covid-19 virus.

The burial of the corpse of the Covid-19 patient has met the protocol standards of the Indonesian Ministry of Health and the WHO, so that the burial of the corpse of the Covid-19 patient is not an unauthorized burial, even though the corpse is not a local resident.¹²

CONCLUSION

From the results of research in the Jati Asih Subdistrict, Bekasi for the period March 2020-December 2020, it can be seen that basically the implementation and regulation of the MUI Fatwa associated with the burial of bodies who died as a result of COVID-19 is still experiencing various obstacles. These obstacles, among others, are due to the assumption that there are no binding rules regarding the handling of the bodies of COVID-19 patients, and the lack of public knowledge regarding the handling of corpses of patients infected with this virus. So that there is a need for binding regulations regarding the funeral process for the bodies of COVID-19 patients. The MUI fatwa is still not fully understood and followed.

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