

The Position of the Fatwa of the Indonesian Ulema Council Number 33 of 2018 Concerning the Measles-Rubella Vaccine: National Law Perspective

Muammar Arafat Yusmad

Fakultas Syariah Institut Agama Islam Negeri Palopo, Sulawesi Selatan
Indonesia, Jl. Agatis Kel. Balandai Kec. Bara Kota Palopo, 91914
E-mail: muammar_arafat@iainpalopo.ac.id

Dirah Nurmila Siliwadi

Fakultas Syariah Institut Agama Islam Negeri Palopo, Sulawesi Selatan
Indonesia, Jl. Agatis Kel. Balandai Kec. Bara Kota Palopo, 91914
E-mail: dirahsiliwadi@iainpalopo.ac.id

ABSTRACT

This study aims to analyze the position and validity of the fatwa of the Indonesian Ulema Council (MUI) Number 33 of 2018 from the perspective of national law. And analyze the position of the fatwa of the Indonesian Ulema Council Number 33 of 2018 in terms of sociological, philosophical, and juridical application aspects. This research is library research sourced from secondary data with a statutory approach, namely an approach with an analysis of national legal rules and regulations related to Islamic law. The results show that the Fatwa of the Indonesian Ulema Council is not binding to be obeyed and is only in the form of appeals and suggestions given to Muslims because the Fatwa of the Indonesian Ulema Council is not included in the national legal framework in Indonesia. The fatwa regarding the Measles-Rubella (MR) vaccine is allowed (permissible) on the grounds of a star's emergency. Yes, with the applicable provisions. The 2018 Fatwa Number 33 by the Indonesian Ulema Council applies sociologically because the Muslim community accepts the fatwa and makes a warning about the status of the Measles-Rubella vaccine.

Keywords: fatwa of the Indonesian Ulema Council; National Law; Measles-Rubella vaccine.

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INTRODUCTION

Islamic law teaches about human behavior in the form of words and actions; in this case, the explanation of the procedure or law is explained both directly and explicitly or indirectly. Maintaining the benefit of human life cannot be separated from the sources of Islamic law. Regarding Islam, there is the primary source of law, namely the Qur'an, which was revealed to the Prophet Muhammad SAW to be reported to His people (Fatah, 2006). As a role model for Islam or other sources of Islamic law, sunnah, ijma', qiyas, or analogies. This is stated in the verses of the Qur'an, such as in QS. Al-Maidah [5]: 48, Al-Jasiyah [45]: 18, Asy-Syu'ara [26]: 13, and has principles that contain clear paths and meanings that lead to victory (Koto, 2018).

The science of shul fiqh of taklifi law (Syarifuddin, 2017) is a law that discusses the Word of Allah SWT related to human actions and is required and has the right to choose to do or leave an action. The benefits of this taklifi law teach Muslims to take an attitude or action that is obligatory, sunnah, makruh, permissible and forbidden (Khallaf, 2018).

News shows that the government is conducting a health service that requires children to be given the Measles-Rubella (MR) vaccine to avoid measles. Indonesia's achievements and commitment to eradicating measles caused by the measles virus are proven by holding mass immunization divided into two stages. The first stage in August is devoted to the island of Java until September 2017, while the second stage is also from August to September 2018 in UURI No. 36 of 2009 concerning Health, 2019, is contained in Palopo City.

On August 1, 2018, the relevant agency, the Palopo City Health Office organizer, gave children vaccines. Still, on August 29, 2018, some children felt headaches, chest tightness, and stiff hands in www.koranseruya.com. Della Dwi Yulianti had AEFI (Post Immunization Adverse Events), so she had to be treated at St. Hospital. Madyang. AEFI reactions are usually very diverse, such as anxiety, vaccine reactions, procedural errors, causal relationships, or conditions that can co-occur and cannot be determined (Ditjen P2P Kemenkes RI, 2017). Directorate General of Disease Prevention and Control of the Indonesian Ministry of Health, 2017) It was stated that Della, a student of SMPN 3 Palopo, was one of the victims among 8 (eight) people being treated at St. Madyang with the same case.

The reality related to the above case is that Muslims face difficult conditions because they must vaccinate against Measles-Rubella. At the same time, the vaccine is considered to have pork in it and human diploid cells, or elements of the human body (Rizky, 2018). The statement that the vaccine contains pork is not entirely wrong or completely correct. In the process of making vaccines, the first is the seed preparation stage, collecting essential vaccine seeds from viruses, dead organisms, bacteria, or proteins into culture

media and stored at -70 Celsius. The second stage, namely cultivation, is the process of breeding seeds; in this process, pig trypsin is added. Trypsin has a tissue function that bacteria and viruses need to thrive. Pigs are used as a medium because their tissue structure is most similar to humans. Another obstacle in the world's largest vaccine producer, India, considers cows to be sacred animals, even though cows can also be used as a medium for vaccines. Based on this, Biofarma, one of the developers of vaccine producers in Indonesia, is in the middle of reproducing other tissues, namely cattle. Still, it is also constrained by time because it takes about 15 years to manufacture the vaccine, so Indonesia is still importing it from India.

The next step is making vaccines, commonly called harvesting, when the seeds meet the standards and are harvested. Inactivation is carried out if the vaccine is made from toxins, namely, changing the vaccine from poison toxins that are already harmless but are still able to stimulate an immune response to fight. The last step is purification, where the vaccine will be purified and washed until only a few components are needed. It is believed that the trypsin will decay at this stage, and then the vaccine will be preserved and packaged (Zuhroni & Nazaruddin, 2003).

QS. Al-Maidah [5]: 3 explains very firmly that the law of pigs is haram. According to its translation and meaning, Allah SWT forbids us to drink blood and eat carrion and meat for other animals that the Shari'a does not slaughter because such things are essential. many harms to the human heart and body (Asy-Syarif, 2018). It is also mentioned in the Hadith of the Prophet Muhammad that every disease must have a cure. Still, Allah forbids us to do treatment with anything, including objects that are forbidden (Daud, 2018).

In the world of pharmacy, it can be said that all oral and non-oral drugs are produced from haram products such as marijuana, pork pancreas, and alcohol. This is directly proportional to the words of the Prophet, who explained that one day a person would ignore the goods he consumes, whether it is something that is haram or what is lawful (Umar, n.d.).

The institution that has been tested and most competent is the Indonesian Ulema Council (MUI), in which some Muslim scholars and ulemas contribute to answering and solving socio-religious problems of the Indonesian Muslim community, which has received appreciation and trust from both the community and the government (MUI Jawa Timur, 2018).

As a proven institution and a collection of Muslim scholars, the Indonesian Ulema Council did not remain silent seeing this phenomenon, so it carried out studies and considerations to produce a Fatwa regarding the Measles-Rubella vaccine. QS. An-Nisa [4]: 59 means that if there is a conflict of opinion, return the

matter only to Allah, the Messenger, and *Ulil Amri* because this is the better result.

In the end, the Indonesian Ulema Council allowed the Measles-Rubella vaccine to be injected (*mubah*) into humans, especially Muslims because there was no vaccine made from sacred and halal ingredients (Qardhawi, 2008). This is known as a *syar'iyah* emergency, where conditions must be carried out for the sake of the survival of humanity to avoid anything terrible if it is not or has not been immunized. Fatwa number 33 of 2018 the first part point 3 (Fauzi et al., 2016).

The government implements this vaccination to increase the health status so that the people will prosper by adhering to the participatory, non-discriminatory, and sustainable principles for increasing the nation's competitiveness and resilience for national development and the formation of Indonesian human resources (Ritzer, 2012). The level of health of the Indonesian people plays a vital role in the Indonesian economy. As the number of Indonesian people decreases, significant economic losses will also arise, and vice versa. If the health status of the Indonesian people increases, it will also have a good impact on the country's development (UU Kesehatan, 2009).

Based on the description above, it is interesting to study the applicability and position of the Fatwa of the Indonesian Ulema Council regarding the permissibility of administering the Measles-Rubella vaccine from the perspective of positive law or national law (Fanani, 2018). The majority of the population in Indonesia embraces Islam, so an explanation is needed. The fatwa made by this institution, in this case, the Indonesian Ulema Council, has not been written down as a regulation and statutory hierarchy based on the provisions in the law on the Establishment of Legislation Number 12 of 2011 (Pudjosewojo & Kusumadi, 2001). The researcher examines the application and position of the Indonesian Ulema Council Fatwa Number 33 of 2018 in national law and how the Indonesian Ulema Council fatwa has sociological, philosophical, and juridical validity.

METHODS

The researcher chose to study the literature (library research), which is research sourced from secondary data with a statutory approach, namely an approach to analyzing national legal rules and regulations related to Islamic law. The data source uses primary legal materials, namely the laws and regulations relating to the Indonesian Ulema Council, which is then linked to the 2018 Indonesian Ulema Council Fatwa Number 33. Primary Legal Materials, namely legal materials that are binding, consist of the 1945 Constitution of the Republic of Indonesia, the Qur'an and Hadith, Law Number 36 the Year 2009 concerning Health, Law Number 12 the Year 2011 concerning the Establishment of Legislation, Law Number 33 of 2014 concerning Guarantee of Halal Products, Government Regulation number 39 of 2021 concerning Implementation of Halal

Product Assurance Sector, Fatwa of the Indonesian Ulema Council Number 33 of 2018 concerning the MR Vaccine. Secondary Legal Materials, namely legal materials that provide explanations of primary legal materials, consisting of related literature in the field of positive law and Islamic law, research results in the field of law, especially in the field of Islamic law regarding MUI fatwas, as well as scientific articles, both from newspapers and the internet. Tertiary Legal Materials, namely materials that provide instructions for primary legal materials, and secondary legal materials, namely the Big Indonesian Dictionary and legal dictionaries. Data analysis uses qualitative analysis, describing and interpreting the data obtained based on applicable norms or legal rules related to the subject matter.

RESULTS AND DISCUSSION

The Position of the Fatwa of the Indonesian Ulema Council in the Perspective of National Law

Talking about national law, namely, the law processed based on the discovery, development, and adjustments of several sources of law in Indonesia, such as religious law, customary law, and European law. We all know that the majority of the population in Indonesia is Muslim, so it dominates regulations that refer to religion. Islam such as marriage, inheritance, until in terms of health regulations. Indonesian institutions are also regulated and discussed in the State Administration. Association has basic principles concerning the structure of government and the form of the state that form the basis for regulation in a country.

If referring to the Indonesian state administration system, the laws and regulations consisting of the 1945 Constitution, provisions of the People's Consultative Assembly, Government Regulations, Presidential Regulations, Government Regulations instead of Laws, Presidential Decrees, Provincial Regulations, and Regency Regional Regulations/City (Asshiddiqie, 2007). Based on the establishment of laws and regulations regulated in Law No. 12 of 2011 related to article 1 paragraph 2, it states that in the legislation. A written regulation contains legal norms that are generally binding and will not be determined and established by authorized officials and state institutions through established procedures. The state administration in Indonesia has the term state institution, but what is meant by institutions is not always based on constitutional orders; state institutions can be formed on orders of the president through laws and Presidential Decrees (Putusan MK, 2002).

The hierarchy of State Institutions is contained directly in the 1945 Constitution (Yuniagara, 2013): CHAPTER II regulates the People's Consultative Assembly, Article 4 paragraphs 1 and 2 in Chapter II regulates the president and vice president. CHAPTER V article 17 paragraphs 1, 2, 3 regulates the State

Ministry. CHAPTER III related to the Presidential Advisory Council in article 16, Article 13 paragraphs 1 and 2 regulations regarding Ambassadors, Regulations related to Consuls are regulated in article 13 paragraph 1.

Regional Government Units because they have regional autonomy whose position is considered special and privileged. CHAPTER VII articles 19 – 22B regulates the House of Representatives, the Regional Representative Council rules in article 22C CHAPTER VII A. Election Organizing Commission, Central Bank. Supreme Audit Agency is regulated in CHAPTER VIII A; the Supreme Court is regulated in article 24 CHAPTER IX. The Constitutional Court is regulated in CHAPTER IX, the Judicial Commission or KY, the Indonesian National Army, the Indonesian National Army Air Force, and the Indonesian Navy Navy. The regulation of the Indonesian National Police or the Indonesian National Police is regulated in CHAPTER XII. Governors, Regents/Mayors as regulated by article 18. Article 18 paragraph 3 regulates the Regional People's Representative Council and other judicial power bodies regulated by law (Yuniagara, 2013).

In the hierarchy of legislation, there is not a single point that refers to the Indonesian Ulema Council and its fatwas. At the same time, this institution is a Non-Government Organization commonly abbreviated as an NGO or Non-Governmental Organization, where the Ulul' ilmi and Indonesian Muslim intellectuals are tasked with guiding and protecting the adherents of Islam. In Islam, this organization provides guidance and demands for Indonesian Muslims to live a religious and social life that is obedient and blessed by Allah SWT. Provide appeals in the form of fatwas and advice on problems, especially in education: religion, and social issues, to the government and society. Community, increasing national unity and integrity in Islamic activities, being a translator and liaison between the government and scholars, and holding consultations and information for Indonesian Muslims (Sidarta, 2014).

In this case, the position of the Indonesian Ulema Council is an ikhwan or "friend" of the government for the process of organizing people's lives based on Presidential Regulation of 2014 Number 151, article 1 paragraph (1) concerning Funding Assistance for the Activities of the Indonesian Ulema Council. One of the sources of funding for this institution is the government, so the Indonesian Ulema Council has the right to receive all assistance from all levels of government, both regional and central. This makes the Indonesian Ulema Council an institution of the Republic of Indonesia (Abdillah, 2019).

Two kinds of state structures are adopted in this large and developing Indonesian state: Infrastructure (The Sosio Political) and people's lives (politics). These are not visible but are real, and the movement feels, in this case, like political figures, Political Parties, Non-Government Organizations, NGOs, Ormas, and so on.

The structure discusses the superstructure or the government political sphere. This is the opposite of infrastructure; the superstructure feels very real and visible because it takes care of and is in direct contact with many people's lives. Examples of institutions in question are the MPR, the president, the People's Representative Council, the Constitutional Court, the Council Regional Representatives, the Supreme Court, and the Judicial Commission (Asshiddiqie, 2004).

Based on the structure of state institutions above the Indonesian Ulema Council, the level is in the realm of infrastructure, namely the group of institutions that are in the midst of society and function in the socio-cultural affairs of the community, which are also in this group with different interest groups. The first interest group, namely Interest group organization, is an interest group that fights for certain interests but still attaches importance to a broad scope of fields, for example, Community Organizations. The second group, institutional interest groups, aims to seek the interests of the group and the majority of the existing community and become part of the group's members. The Indonesian Ulema Council is an example of a group that holds an alliance for the interests of the wider community and the general public, in this case, the adherents of the Islamic religion in Indonesia because the majority of the Indonesian population is Muslim.

For this reason, the fatwa of the Indonesian Ulema Council is not in the legal hierarchy. Still, the fatwa issued by the Indonesian Ulema Council is considered a reference (doctrine) in the science of law itself, as we know the sources of law come from customary law, laws, and treaties. Jurisprudence, as well as the doctrine itself. Doctrine is a statement issued by someone who is an expert. In this case, all parties agree upon a legal expert and the statement. So the Indonesian Ulema Council is a community organization, but it is not a culture or customs belonging to the state and does not identify the state (Nasution, 2018).

The statement that the instructions of the Indonesian Ulema Council are a reference is evidenced by the fatwa used by the police, prosecutors, and judges to reveal a case in court because the fatwa is considered advice and can be correlated. The substance of the fatwa of the Indonesian Ulema Council is codified to answer the anxiety of the Islamic ummah. It will have legal force if it is positivized and included in national law; for example, in this case, the criminal act of blasphemy committed by Lia Eden and the Ahok case which is widely heard. Still, in making decisions, one must return to and obey the correct positive law in Indonesia (Dimiyati, 2014). Not only in the stage of criminal acts but various activities of Muslims related to the sharia economy, the fatwa of the Indonesian Ulema Council is used as the main reference for the government to decide and resolve a sharia economic dispute. Sharia and the 2003 fatwa number 3 concerning income zakat, based on the substance of this fatwa on sharia economics, the 2006 Law Number 3 concerning the Religious Courts was born.

About the case report, the Indonesian Ulema Council deepened the report and conducted a study involving the legal commission, fatwa commission, review commission, legislation, information and communication commission. From these four honorariums, it was the one who discussed and formulated a solution that resulted in a fatwa (Salim, 2012).

Based on the results of research on fatwas which are considered doctrine by some people. They state that this is wrong because the doctrine comes from expert opinion, which generally does not specify something and is used repeatedly in the same case. At the same time, the instructions of the Indonesian Ulema Council are the opinion of an institution with a unique character. and individualistic, and most importantly, remember that fatwas are not binding laws in Indonesia unless they are positive against the instructions of the Indonesian Ulema Council and are included in a positive or national legal framework (Ka'bah, 2009).

The existence of a fatwa is considered an appeal but does not necessarily apply in general, but only to adherents or followers; in this case, Muslims are also partial or not, and all Muslims follow the fatwa or appeal from the Indonesian Ulema Council. Muslims who follow can be from personal awareness, not on citizen obligations.

A fatwa cannot be included in in-laws and regulations; the fatwa is within the Indonesian Ulema Council institution, where this institution is non-binding only as an appeal, so the results of the fatwa are not compatible with national law. The fatwa is only attractive to Muslims who adhere to it. Even then, Muslims rarely heed the appeal of the Indonesian Ulema Council. Fatwa is considered a stamp of Muslims, not a stamp of the state.

The Indonesian Ulema Council is not a commission or institution formed by the state at the government's behest or by law. However, several regulations mention the name of the Indonesian Ulema Council, such as the 2014 Law on Halal Product Assurance number 33. Before this regulation was formed, The Indonesian Ulema Council had the task of inspecting and providing halal labels on a product. After being approved and ratified by the DPR-RI, this law was established by the Halal Product Guarantee Agency. Which also continues to cooperate with the Indonesian Ulema Council as a related organization that cooperates in the legal certification process because this regulation confirms that existing and circulating production and trade in Indonesia must show a halal certificate (Hasan, 2014). Finance (BPK) and BPKP, while the final results related to the financial implementation of a State agency, must and must be reported and audited by the BPK (Hasan, 2014).

Based on the research results, the Indonesian Ulema Council always issues fatwas based on the Qur'an and Hadith, but the State of Indonesia is clear. However, not an Islamic State still adopts and makes regulations based on the

Qur'an and Hadith and is guaranteed to be enforceable by the state constitution, namely the law. The 1945 Constitution of the Republic of Indonesia regarding worship is contained in Article 29, paragraph 2, which means the difference in embracing religion, belief, and worship of each individual in Indonesia has been guaranteed independence by the state. The Marriage Law, a positive law, has also been explained previously. adopted from the instructions of the Muslim ummah, namely the Qur'an and Hadith (Munajat, 2017).

The Efforts to Enforce the Fatwa of the Indonesian Ulema Council Number 33 of 2018 Philosophy, Sociology, and Juridically

Hierarchy and types of legislation in the formation of the regulation, there is a process and a strong reason for making it. It is called the principle or reason for the element/rule being formed because there is a match between the content, type, institutional, or official forming the right, hierarchy, or principle. clarity of purpose, clarity of formulation, and can be implemented, as well as openness and usefulness. (Law on forming legislation Number 12 of 2011 article 7 paragraph 1). Based on the principle that a regulation can be implemented by considering the effectiveness of regulation, both philosophy, sociology, and juridically (Maulana, 2017).

The three things above are contained in consideration of provincial and city/district regulations as well as laws. Philosophical elements are always described as a form of consideration that tells and describes views of life, legal ideals and legal awareness, as well as the values of the Indonesian nation, which are derived from Pancasila, and the 1945 Constitution means derivatives or ideas from everything. The regulations that apply in Indonesia are contained and must represent Pancasila and the Preamble to the 1945 Constitution. According to the theory of laws and regulations, to draft laws and regulations, it is necessary to have good knowledge (good legislation). This is necessary for government administration at the center and in the regions. Things that need to be regulated in the form of content, type, and method of delivering material in-laws and regulations are clear, concise, and easy to understand so that these regulations can be implemented and obeyed.

Philosophical, sociological, and juridical are needed in formulating a statutory regulation related to norms. A philosophical foundation means something that reaches the truth, juridical means a higher legal force. In contrast, sociological is the implementation of the work of law in society. The linguistic semantics in the legislation must also be appropriate, firm, and clear, not causing multiple interpretations for those who read the legislation. The formulation of the rules must also be integrated between norms, subject to grammatical rules (Indonesian grammar rules), which color the formation of words, sentences, writing, and spelling methods (Khotimah, 2015).

The reason for the formation of the sociological elements described through regulations is to see the needs of the community with various aspects of life, or a reflection of the state of society and the reality that occurs in society (Andiko, 2011). The juridical element is described as a form of regulation in overcoming a legal problem and issue or as a regulation that fills a legal vacuum by considering the pre-existing rules that will be changed and aborted for the sake of legal provisions ensuring equality among the people (Mashudi, 2015).

Enforcement of Philosophical Fatwa regarding Measles-Rubella Vaccine Number 33 of 2018 by the Indonesian Ulema Council

On August 3, 2018, it was agreed to submit a fatwa on the implementation of Measles-Rubella immunization in Indonesia as a guideline and submission of valid certification for vaccine production to be used for Measles-Rubella immunization based on the results of the congress of the Indonesian Ulema Council and the Indonesian Ministry of Health (Andini & Dwi, 2010).

The implementation of Measles-Rubella Immunization is the government's obligation to protect children and the people of Indonesia from the threat of measles, commonly known as Rubella, because this disease can cause severe complications and even death, such as pneumonia or pneumonia and encephalitis or inflammation of the brain. It is also known that other complications are diarrhea and ear infections that cause a person to suffer from deafness. Therefore, this organization of the Indonesian Ulema Council and the Minister of Health have agreed to submit a valid certificate related to the production of the Measles-Rubella vaccine. Which will be used for the immunization process in Indonesia based on Letter Number SR.02.06/Menkes/449/2018 Minister of Health of the Republic of Indonesia (Pratama, 2018).

The fatwa on the Measles-Rubella Vaccine by the Indonesian Ulema Council Number 33 of 2018 is reviewed for its Sociological style.

Implementing the Measles-Rubella Vaccination in Palopo City is held in equivalent elementary schools throughout Palopo City as well as in Early Childhood Education Schools. It is not easy to carry out a Measles-Rubella vaccine campaign in South Sulawesi, especially in Palopo City, because during the implementation of the campaign, many obstacles were found, namely the rejection of students' parents. Palopo itself, especially at school, some parents forbid their children to be injected with the Measles-Rubella vaccine. The reason for the Shari'a is that the Measles-Rubella vaccine is an illegal item that contains pork and is not suitable for use by Muslims (Kasi Dinkes Palopo, 2018). Finally, the decision of the 2018 Indonesian Ulema Council Number 33 answered the public's clarity regarding the permissibility of the Measles-Rubella Vaccine for reasons of syarr'iyah emergency (Ahmad Zahro, 2017).

Juridical Review of the Applicability of the Fatwa of the Indonesian Ulama Council regarding the Measles-Rubella Vaccine in 2018 Number 33

From 1975 until 2011, it contained 14 fatwas of the Indonesian Ulama Council in the fields of religion and belief, 37 fatwas on worship, 51 fatwas on culture and social affairs, and 35 fatwas on medicine and food technology and science. The Indonesian Ulama Council has its working mechanism, one of which is the Fatwa Commission of the Indonesian Ulama Council, which works collectively and prioritizes the principle of togetherness in dealing with special problems. This Fatwa Commission consists of a Chairperson as the head of the commission, assisted by a secretary. The chairman usually forms a Pokja or a special team on an ad hoc basis to complete pending work, conduct socialization, record collections of fatwas, and various kinds of re-examinations to collect data on the views of *ijtima ulul 'ilmi* I and II. The incoming letter will be addressed to the Chairperson of the Indonesian Ulama Council, which will be directly disposed of by the Chair of the Commission. If unable to be replaced by another leader, then the secretary, based on their respective divisions, has the task of scheduling meetings and preparing the administration to select a resource person as a reference draft. For notes, drafts of fatwas, conclusions, and final formulations, the secretary will also work on them and finish them no later than after the meeting ends (Riadi, 2011).

The Indonesian Ulama Council has (7) changed leadership seven times. Cannot be separated from discussing and issuing fatwas regarding halal products as a form of development that has scientific standards and can be accounted for to form the Institute for the Study of Food, Drugs, and Cosmetics of the Indonesian Ulama Council or LPPOM, where this institution functions to conduct audits, studies, as well as thorough and thorough research on processed products.

The principle of the mechanism and procedure for determining a halal fatwa at the Fatwa Commission level is no different from the determination of a fatwa in general. The difference is that before a product that requests legal instructions will be brought to the Commission Session first, the LPPOM of the Indonesian Ulama Council primarily conducts audits and research. To the factory in question. The next stage of the procedure, namely the determination of a halal fatwa, begins when the Indonesian Ulama Council provides knowledge for LPPOM accountants regarding goods that are not halal according to Islamic law, in this case *li-zatih* haram goods and *li-gairih* haram goods which are caused by ways to deal with it outside the corridors of Islam. The auditor, in this case, is someone who has the advantages and good knowledge about the illicit object. Furthermore, the auditors conduct audits and research into factories or companies requiring halal certificates. The examinations are in the form of; Tracking of production materials, both raw materials used and additional materials, as well as investigation of purchase records of production materials.

In the end, a Fatwa Commission Meeting was held, LPPOM described the information in the session, then discussed it in-depth and in detail during the Commission Session. A product that stores ingredients that are still considered halal and there is evidence of the procurement of product materials that are also dubious will be rejected and returned to LPPOM for audit and research back to the company, while materials that pass and are confirmed to be halal by the Commission Session will be given an instructional decision. Its halalness at the Commission Session. The issuance of a Halal decision letter in the form of a certificate based on the results of the Fatwa Commission session, which the Leadership Council will later confirm until the halal certification takes effect.

According to 2014 Law Number 33. the procedures and mechanisms mentioned above were implemented before the transfer of full authority from the MUI Halal Product Guarantee Agency to the Halal Product Assurance Agency, which was ratified on October 17, 2019. BPJPH was given the authority to register, issue certificates, and supervise. , which means that LPPOM is no longer an institution that issues halal certificates but is still a partner of BPJPH in the field of inspection. In a relatively short period, the government issued a regulation in the form of government regulation number 39 of 2021 concerning implementing the Halal Product Assurance Sector. This was a delegation from the 2014 Law on Halal Product Guarantee and Law Number 11 of 2020 concerning Job Creation (Andiko, 2011). The purpose of this regulation is to provide guarantees for the public for halal and legal certainty for products circulated, entered, and traded in the territory of Indonesia.

According to the researcher, the issuance of this new rule is to regulate in detail the functions and technical aspects of the implementation of halal products. The main provisions in this Government Regulation are not far from the previous regulations, namely starting from the procedures for the establishment, accreditation, scope of activities and revocation of approval for the establishment of LPH. Appointment and dismissal of Halal Auditor for the implementation of Halal Product Assurance supervision. The Halal Product Assurance Organizing Agency will still determine halal certification for micro players and all those who meet halal standards.

Retroactively before the Law on BPJPH, Number 33 of 2014 was declared valid on October 17, 2019, by the Indonesian Ulema Council LPPOM still has full authority over the determination of halal products in Indonesia. Therefore, regarding the use of drugs containing illicit goods such as vaccines, Measles-Rubella allegedly uses pork in the manufacturing process. Therefore, the Indonesian Ulema Council issued a policy regarding Fatwa number 33 of 2018 regarding the use of the Measles-Rubella vaccine produced from SII (Serum Institute of India) for immunization. In the context of the regulations in force in Indonesia, it shows that the instructions of the Indonesian Ulema Council appeal to Muslims like religion. Islam uses and consumes haram goods (in this case,

because it enters the body through an injection device). Illegal goods are detected to contain haram elements, such as pork, in the Preparation of media for growing viruses, and gelatin is used to stabilize vaccines in manufacturing.

The research data states that there is no halal vaccine in the world. Including the Measles-Rubella vaccine, but due to an emergency, the Indonesian Ulema Council has allowed the use of the Measles-Rubella vaccine; therefore, the Indonesian Ulema Council issued a directive or fatwa in 2018 Number 33 point 3, namely the Measles-Rubella vaccine. Made by the Serum Institute of India (SII) is allowed (permissible) because it is a condition of urgency or a syar'iyah emergency. So that later the holy and halal Measles-Rubella vaccine will be known, as well as reviews from trusted and experienced experts to discover the threats that will appear if not immunized.

The position of the Indonesian Ulema Council is not as an organization or commission established by the state on constitutional orders like laws and the government. This is what makes the instructions given by the Indonesian Ulema Council cannot be used as legal products in Indonesia, even though some laws mention the name of the Indonesian Ulema Council. The case with the law on Halal Product Guarantee (JPH) of 2014 number 33 where before this regulation was formed until the Indonesian Ulema Council took effect, it had the task of checking and providing halal labels on a product, but after being approved and ratified by the DPR-RI. The JPH Law or Halal Product Guarantee has been established by BPJPH or the Halal Product Assurance Organizing Body, which also continues to cooperate with the Indonesian Ulema Council as a related organization that cooperates in the legal certification process (Hasan, 2014). In connection with the 2018 Fatwa of the Indonesian Ulema Council Number 33 regarding the Measles-Rubella vaccine, this is an appeal so that the Muslim community follows the fatwa based on self-awareness, not on obligations as citizens.

CONCLUSION

The position of the Indonesian Ulema Council is that it is a citizen organization but is not a habit or culture belonging to the state and is not a representative of the state. The product of the Indonesian Ulema Council in the form of a Fatwa cannot be a product of legislation that binds and regulates unless the positization of the Fatwa of the Indonesian Ulema Council is carried out into statutory regulations. By state institutions. In the case of the directives of the Indonesian Ulema Council of 2018 Number 33 regarding the Measles-Rubella vaccine, it is permissible (mubah) on the grounds of a syar'iyah emergency with the applicable provisions. This fatwa applies sociologically because Muslims accept the fatwa and give warnings about the clarity of the Measles-Rubella vaccine. Philosophically, this applies because the government has vaccinated Measles-Rubella with all considerations, both from religious values and health

aspects. However, it has not been legally valid because there is no official line that the Indonesian Ulema Council's decision can be poured into the system of laws and regulations or national law. It's just that the fatwas issued are often adopted by the government but cannot be adopted as coercive and binding law, except fatwas. The Indonesian Ulema Council can take the road as a positive law if a legitimate State organ maintains it as statutory regulation.

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REFERENCES

- Abdillah. (2019). Lembaga Quasi Non Governmental Organization (Quango) Dalam Sistem Ketatanegaraan Indonesia: Majelis Ulama Indonesia. *Jurnal Hukum Dan Pembangunan*, 49(1), 1913.
- Ahmad Zahro. (2017). Ahmad Zahro, HR. Abu Dawud, at-Tirmidzi, an-Nasa'I dan al-Baihaqi dari Abu Darda') Buku 2 Fiqh Kontemporer.
- Andiko, T. (2011). Ilmu Qawa'id Fiqhiyyah; Panduan Praktis Dalam Merespons Problematika Hukum Islam Kontemporer. Teras.
- Andini, A. P., & Dwi, C. S. (2010). Imunisasi dan Vaksinasi. Nuha Medika.
- Asshiddiqie, J. (2004). Format Kelembagaan Negara dan Pergeseran kekuasaan dalam UUD 1945, UII Pers.
- Asshiddiqie, J. (2007). Pokok-pokok Hukum Tata Negara Indonesia Pasca Reformasi. PT. Bhuana Ilmu Populer.
- Asy-Syarif, M. al-M. F. T. al M. (2018). al-Qur'an dan Terjemah.
- Daud, I. H. A. (2018). Sunan Abi Daud (p. 7).
- Dimiyati, K. (2014). Pemikiran Hukum Kontruksi Epistimologi Berbasis Budaya Hukum Indonesia. Genta Publishing.
- Direktorat Jenderal Pencegahan dan Pengendalian Penyakit Kementerian Kesehatan RI. (2017). Petunjuk Teknis Kampanye Imunisasi Measles Rubella (MR).
- Fanani, A. (2018). Evolusi Ushul Fiqh, konsep dan pengembangan metodologi hukum islam. CV. Pustaka Ilmu Grup.
- Fatah, R. A. (2006). Analisis Fatwa Keagamaan Dalam Fikih Islam. Bumi Aksara.
- Fauzi, T. F. A. T. M., Ramli, M. A., & Sharifuddin, N. M. (2016). Vaksinasi terhadap Kanak-Kanak Menurut Perspektif Maqasid al-Shariah. *Universiti Malaya*, 75–100.
- Hasan, K. S. (2014). Hasan, Kepastian Hukum Sertifikasi Dan Labelisasi Halal Produk Pangan. *Jurnal Dinamika Hukum*, 14(2), 227–238.
- Ka'bah, R. (2009). Lembaga Fatwa di Indonesia dalam Kajian Politik Hukum. *Mimbar Hukum dan Peradilan*.

- Kepala Seksi Pencegahan Penyakit Dinas Kesehatan Kota Palopo. (2018). Hasil Wawancara Narasumber.
- Khallaf, A. W. (2018). Ilmu Ushul Fiqih.
- Khotimah, H. (2015). Hubungan antara usia, status gizi, dan status imunisasi dengan kejadian campak balita. *Jurnal Obstetika Scienta*, 1(1), 23–32.
- Koto, A. (2018). Ilmu Fiqh dan Ushul fiqh,.
- Majelis Ulama Indonesia (MUI) Provinsi Jawa Timur. (2018). Fatwa MUI tentang Perkawinan Beda Agama (pp. 12–13).
- Mashudi. (2015). *Konstruksi Hukum dan Respons Masyarakat Terhadap Sertifikasi Produk Halal*. Pustaka pelajar.
- Maulana, M. A. (2017). Fatwa Majelis Ulama Indonesia No. 56 Tahun 2016 tentang hukum menggunakan atribut keagamaan non-muslim menurut sumber hukum di Indonesia. UIN Sunan Ampel Surabaya.
- Munajat, M. (2017). Imunisasi Menurut Kajian MUI. Seminar Nasional, Diselenggarakan Oleh Fakultas Kedokteran UII Yogyakarta.
- Nasution, B. (2018). *Sistem Hukum*. PT. Rineka Cipta.
- Pratama, C. A. (2018). *Perlindungan Hukum Terhadap Konsumen Yang Memperoleh Vaksinasi Rubella Ditinjau Dari Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen*. Universitas Jember.
- Pudjosewojo, & Kusumadi. (2001). *Pedoman Pelajaran Tata Hukum Indonesia*. Sinar Grafika.
- Putusan Mahkamah Konstitusi. (2002). Putusan Mahkamah Konstitusi Nomor 005/PUU-I/2003 atas pengujian Undang-Undang Nomor 32 Tahun 2002 tentang Penyiaran.
- Qardhawi, Y. (2008). *Ikut Ulama yang Mana (Etika Berfatwa dan Mufti-Mufti Masa Kini)*. Pustaka Progresif.
- Riadi, M. E. (2011). Kedudukan Fatwa ditinjau dari Hukum Islam dan Hukum Positif (analisis yuridis normatif). *Ulumuddin Journal of Islamic Legal Studies*, 7(1).
- Ritzer, G. (2012). *Teori Sosiologi, dari Klasik Sampai Perkembangan Terakhir Postmodern*. Pustaka pelajar.
- Rizky, F. (2018, August 20). Fatwa MUI: Vaksin MR Mengandung Unsur Babi dan Organ Tubuh Manusia. <https://nasional.okezone.com/read/2018/08/20/337/1939225/fatwa-mui-vaksin-mr-mengandung-unsur-babi-dan-organ-tubuh-manusia>
- Salim, Z. (2012). Kedudukan Fatwa dalam Negara Hukum Republik Indonesia. In *Fatwa Majelis Ulama Indonesia (MUI) dalam Perspektif Hukum dan Perundang-Undangan*. Badan Litbang dan Diklat Kementerian Agama RI.
- Sidarta, B. A. (2014). *Ilmu Hukum Indonesia, Upaya Pembangunan Ilmu Hukum Sistematis yang Responsif terhadap Perubahan Masyarakat*. Genta Publishing.
- Syarifuddin, A. (2017). *Garis-garis Besar Ushul Fiqh*. Kencana Jakarta.
- Umar, M. M. (n.d.). *Jawahiru al- Bukhari*.

- Undang-undang Republik Indonesia Nomor 36 Tahun 2009 tentang Kesehatan, (2009).
- Yuniagara, R. (2013). Jenis dan Hirarki Peraturan Perundang-Undangan Indonesia Dalam Lintas Sejarah (TAP MPR dari Masa ke Masa) (Vol. 3).
- Zuhroni, N. R., & Nazaruddin, N. (2003). Islam untuk Disiplin Ilmu Kesehatan dan Kedokteran 2 Fiqh Kontemporer. Departemen Agama RI.