

ASTRAZENECA FATWA CONTROVERSY: CONTESTATION OR HARMONIZATION?

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Abstract

There has been a "counter" fatwa issued in the internal structure of the Indonesian Ulema Council (MUI), responding to fatwa No. 14 of 2021 concerning the Law on the Use of Covid-19 Vaccine AstraZeneca Products. The fatwa dispute occurred between the Central MUI and the regions, which differed over the legal assessment of the AstraZeneca Vaccine containing pork trypsin in the manufacturing process, this later became a discussion on the halal status and sanctity of the vaccine. This study examines how fatwa contestation can occur internally at MUI, and what realistic steps must be taken by the Indonesian government and MUI in controlling increasingly excessive issues? This research is packaged through library research by basing the analysis on relevant and correlative sources. Primary data is taken from the fatwa decision document No. 14 of 2021 concerning the Law on the Use of Covid-19 Vaccine AstraZeneca Products by MUI. While secondary data is obtained through news reports, public media channels and other literature that still has a strong relationship with the main issue. This study concludes that MUI must consolidate, standardize and consider various perspectives in drawing the right conclusions and not causing public commotion and doubt.

Keywords: *Fatwa, MUI, AstraZeneca Vaccine*

A. Background

The vaccination program is a realization of the Indonesian government's efforts in overcoming the Covid-19 pandemic with the aim of health resistance for all people. However, the limited halal and sacred vaccines in realizing *herd immunity* for the community is a complicated challenge for the Government of Indonesia, and specifically for the Indonesian Ulema Council (MUI) as an institution that has the authority to determine Islamic law on a case in Indonesia. This phenomenon can be seen when the number of doses is not enough to meet the Indonesian Government's program in vaccination, so BPOM issued an *Emergency Use Authorization* (EUA) for the AstraZeneca Vaccine on February 22, 2021, following the previous Sinovac on January 11, 2021 and the vaccine issued by PT. Bio Farma on February 16, 2021.

The vaccine produced by the AstraZeneca company at SK Bioscience Co.Ltd., Andong, South Korea had experienced a controversy of quite dialogical issues, this was caused by the content of the enzyme *TrypLE-Select* or trypsin from the pig pancreas which certainly boils down to issues surrounding the halal status of the vaccine. However, due to consideration of several aspects, the Central MUI has published a fatwa related to the use of the AstraZeneca Vaccine, which is stated in fatwa No. 14 of 2021 concerning the Law on the Use of the AstraZeneca Covid-19 Vaccine. The legal status of the vaccine has been determined "haram, but *mubah*" by the Central MUI based on the rules of legal determination

(*istinbath*), *manhaj* and certain principles. The reason is, the dialogical issue that had surfaced was the difference in the "counter" legal decision issued by the East Java MUI & the East Java Nahdlatul Ulama Regional Management (PWNU), which confirmed that the AstraZeneca Vaccine had the status of "halal and holy". (MUI East Java, 2021)

Of course, for people who are unfamiliar with the discourse of jurisprudence studies, they become uncomfortable and hampered by differences in the determination of fatwas regarding the vaccine. It is proven by a number of parties who regret the statement of the Central MUI because it has the potential to cause "commotion" and decline public confidence in the vaccination agenda. This concern arises due to doubts from certain groups of people because information about the vaccination program is not well educated and delivery is not complete. ^[1] Various speculations were born which then led to the position of the Central MUI which was considered to be the faction most responsible for the uproar surrounding the AstraZeneca Vaccine. ^[2]

Why is this momentum so crucial? Because the emergence of conclusions about the AstraZeneca Vaccine emerged from two institutions that both have strong religious authority, namely the MUI with legal legality from the Government of Indonesia in issuing fatwas consisting of members from various community organizations, as well as East Java ulema groups with such a massive follower base. As a result, several assumptions were born such as (a) Is this phenomenon an indication of contestation in the midst of a lively discussion about the *Covid-19* vaccine?; (b) What are the appropriate actions taken by the Government of the Republic of Indonesia, as well as the consolidation of the Central and Regional MUI in controlling the disparity of issues so that they do not become more excessive in the eyes of the public?

This type of article uses a literature research framework by basing the analysis on relevant and correlative reference sources. Research data is obtained to support a comprehensive interpretation of exposure in answering problem formulations. In this case, researchers highlighted MUI Fatwa No. 14 of 2021 concerning the Law on the Use of Covid-19 Vaccine for AstraZeneca Products, as primary analysis data. Then researchers explore data through various sources such as news reports on various public media channels, scientific journals and other sources that still have links to the main issue.

B. Discussion

1. Differences between *Manhaj* & Legal Perspectives

The discursion of jurisprudence has become a complex discipline and spread to various regions which later gave rise to regional currents after the time of the Prophet (peace be upon him) and his companions, concentrating on the regions of Hejaz, Iraq, Egypt and the Levant. The study was assessed during the era of individual schools with a character base that was constricted on four main perspectives, namely Hanafiyah by Abu Haneefa (80 to 150 AH), Malikiyah by Malik bin Anas (90 to 174 AH), Shafi'iyah by Muhammad bin Idris al-Shafi'i (150 to 204 AH) and Hanabilah by Ahmad bin Hanbal (164 to 241 AH). The legacy of these four schools is then used as a guide in various *mujtahid* activities in expounding (Islamic) law on a matter, which is

based on the thoughts of the *faqih / fuqaha*' contained in many canonical literature or often referred to as "al-kutub *al-mu'tabarah*" or "yellow book". [\[3\]](#)

The actualization of Islamic law in Indonesia is specifically focused by the Indonesian Ulema Council (MUI) as a legal forum that accommodates Muslim scholars and scholars since 1975 with one of the *ijtihad* products in the form of fatwas. Although it is not considered a valid source of material law according to the Indonesian legal system, the existence of MUI is very significant in the resolution of the problems of the ummah (Islam), especially at rare moments (such as the *Covid-19* pandemic). This fact requires Indonesian Muslims to put their attention on the views of the MUI, in this situation the ummah will consider two legal norms, namely state law and Islamic religious law. [\[4\]](#)

Fatwa itself is closely related to the methodological journey of a *mujtahid* over the polemics experienced by *mustafti* and ummah in a general reach. Many aspects must be met in order to squeeze legal conclusions on the basis of codified rationale in various literatures. Among the methodological steps passed are (1) *al-Taswir* as a step of problem visualization, (2) *al-Takyif* as problem adaptation, (3) *al-Hukm* as a legal explanation, and (4) *al-Ifta'* as a stage of fatwa determination. *Ijtihad* is carried out in extorting legal conclusions on the basis of codified thinking in jurisprudence literature. The realization of the *Covid-19* pandemic situation, many phenomena that are rare and have not been recorded in Islamic history, or even the legal provisions are still unstable. Therefore, the request for a fatwa to respond to the pandemic situation will be requested in order to close the legal vacuum. The institution that has the authority to issue fatwas (MUI) is obliged to close the bias space with fatwas that can provide perspective for the ummah. [\[5\]](#)

In the polemic on the issue of the AstraZeneca Vaccine, there are different conclusions expressed by the Central MUI and the East Java MUI. Reported by the Institute for the Assessment of Drug and Cosmetic Supervision (LPPOM) MUI, the AstraZeneca vaccine contains pigs which has an impact on halal status in the context of vaccination for the community. The content comes from trypsin obtained from the pancreas of pigs, then used as a medium to separate host cells from their *microcarriers* when the process of preparing the virus host takes place. Then, pig trypsin also becomes a substance to grow *E.Coli* bacteria which aims to regenerate transfection plasmid p5713 p-DEST ChAd0x1 nCov-19.

The statement about the AstraZeneca vaccine containing pork substances in it was later rejected by several parties. *First*, through an empirical-scientific approach, Virologist of Bandung Institute of Technology (ITB), Dr. rer. nat. apt. Alucia Anita Artarini, stated that trypsin is only used as a substance to separate cells from their media before they can be transferred to new media. [\[6\]](#) The same statement was also made by Molecular Biologist, Ahmad Rusdan Handoyo, who confirmed that the AstraZeneca Vaccine does not contain pork elements. The trypsin content has been lost during the purification process and is not used as a major component in the vaccine. This has also been confirmed by the UK Drug & Health Products Authority Agency through AstraZeneca in Indonesia. [\[7\]](#)

Second, through a jurisprudence approach, as if dismissing the Central MUI's response regarding the status of "haram, but *mubah*", the East Java MUI said that the AstraZeneca Vaccine has a legal status of "halal and *holy*". Although both lead to permissible conclusions, there are differences in methods and points of view in assessing this phenomenon. The Central MUI is firm in seeing that the process of making the vaccine involves pork elements, where the derivatives are also haram to be used in various things, such as food, beverages, medicines, cosmetics and use goods, both used as raw materials, additives and auxiliary materials. When traced back, the Central MUI is guided by the results of the Ijtima Ulama Management of the Fatwa Commission throughout Indonesia V in 2015 in Tegal-Central Java, on the Decision of the B2 Commission *Masail Fiqhiyah Mu'ashiroh* concerning *Istihalah* in the sub-Legal Provisions point 3. [\[8\]](#)

Istihalah itself according to terminological means everything that has undergone changes from its original state and properties, or the transition of a substance mixed with other substances so as to create a new substance with a form or content different from the original. [\[9\]](#)

The Central MUI seems firm in seeing that all elements of pigs and their derivatives (*intifa'ul khinzir*) cannot become holy even if they have gone beyond total change. As the process in preparing the host of the AstraZeneca Vaccine involves trypsin from the pancreas of pigs, this is the trigger why the vaccine is still punished non-halal. [\[10\]](#) Changes in the law, according to the Shafi'iyah and Hanabilah, can occur when three things are fulfilled, namely a natural change (as wine becomes vinegar), in tanned skin (other than pigs and *dogs*), and a change in a new stage of life (as a carcass becomes a maggot).

However, the estuary of the legal determination issued by the Central MUI that the legal status of "haram, but *mubah*" is indeed well-founded. Because based on the deep *ijtihad* contained in the fatwa of the Central MUI, it is explained that treatment, self-preservation / safety against the outbreak of law is mandatory, provided that no halal and holy medicine has been found. [\[11\]](#) In addition, the emergency to accelerate the vaccination agenda (in the context of treatment to maintain life safety) in the midst of the *Covid-19* pandemic, but hampered due to the amount of "halal and holy" vaccine supply, is also the reason why the Central MUI has profited from the status of "*mubah*" in this case. [\[12\]](#)

Unlike the East Java MUI which usually has a *Shafi'i Centris* style, it is now more inclusive by looking at the Hanafiyah and Malikiyah perspectives which state that *istihalah* makes unclean conditions halal and holy according to law. [\[13\]](#) MUI East Java also believes that the component (pig trypsin) used in the vaccine manufacturing process is one that has undergone a deformation process (*istihalah/istihlak*), so it is not visible and no longer characterizes the origin of the component. This is what leads the conclusion of MUI East Java towards halal and sacred. Therefore, this information can be used as a guideline for people not to worry about the halal status and sanctity of the AstraZeneca Vaccine. [\[14\]](#)

The difference between the Central MUI and the East Java MUI is not too extreme, which is still in the corridor of views and legal principles, the conclusion of

both also has the same indication, namely allowing. The Central MUI considers that all pig derivatives in the vaccine manufacturing process will remain haram even though their appearance and original nature have disappeared, but for emergency reasons, it is permissible (*mubah*). Meanwhile, MUI East Java tends to hold the final results for vaccine production that has changed completely and does not show its original nature so that it has halal status. In line with the provisions,

نحكم بالظاهر والله يتولى السرائر

It means: "*Sharia punishes the zahir, the inner matter of Allah's affairs*"^[15]

In more interpretive language, the Shari'a does not go into detail about the origin and process of a case, but the final result becomes an important orientation in punishing the case.

On issues regarding increasingly complex scientific problems seem to make the perspectives of the Hanafi and Malikiyah factions relevant to be applied in the development of modern technology today. Especially with the emergence of various kinds of polemics that have never been encountered by mankind before, especially those related to food, cosmetics and medicine. ^[16]

2. Contestation or Harmonization, What Are the Implications?

Would it be a big polemic if the statements issued by the Central MUI and the East Java MUI were not in line? It seems not, if each of the two parties prioritizes the principle of mutual benefit in efforts to finalize the *nature* of the existing problem. The orientation of *maqasid al-sharia*, or the values embodied in the establishment of a law, is relevant to be used as an essential key direction in the establishment of Islamic law, namely by using the instrument of jurisprudence as a tool to alleviate disparities in Islamic law with existing reality. ^[17]

The conception of *maqasid al-sharia* clearly refers to the value of expediency that can guarantee aspects of *dharuriyat*, *hajiyat* and *tahsiniyat*. The *dharuriyat* aspect revolves around 5 fundamental interests (*usul al-syar'iyah*) namely the urgency of maintaining religion, soul, reason, honor / offspring and wealth. Then the aspect of *Hajjat* concerns matters that can avoid anxiety and suffering, and the *aspect of tahsiniyat* deals with ethical and moral social affairs. ^[18] To meet the values and goals of urgency, it is necessary to be open in looking at perspectives holistically. The internalization of the real situation in the field must be a significant review by the power holder or interested in it, of course, it must be accompanied by a cognitive reception that can provide data with a valid level of accuracy. ^[19]

Optimal legal achievement can be achieved by instilling values that are absolute and universal, both by avoiding *mafsadat* and taking benefits. As the statement states,

الشريعة كلها مصالح : اما تدري المفساد او تجلب المصالح

It means: "*all the provisions of the Shari'ah are maslahat; either by means of rejection of keafsadatan or by bringing / taking benefits*". ^[20]

This characteristic should be used as a fundamental axis by actors interested in the establishment of Islamic law in Indonesia to produce perspective products with a basis for the benefit of society, especially for Muslims. As in the rules,

تصرف الامام على الرعية منوط با المصلحة

Meaning: "A policy from a leader must refer to the value of benefit (society)"

In this case, MUI holds a mandate as a forum for scholars who are authorized to issue fatwas, which are based on consideration of national-scale regulations and guidelines for the community. Especially during the *Covid-19* pandemic, it is necessary to do deep reflection to avoid *chaos* when the government sets or informs a policy. There is no need for rejection due to the legal status that is still in dispute, but rejection must be prioritized on matters that have been agreed upon by *jumhur*. As stipulated,

لا ينكر المختلف فيه، و إنما ينكر المجمع عليه

It means: "The disputed issue (its *haram*) must not be denied, but must deny the issue on which (its *haram*) has been agreed"^[21]

Concerns arose from several parties who "regretted" the results of the Central MUI fatwa on the AstraZeneca Vaccine study. The lack of informative socialization to the public also opens up the potential for public reluctance in implementing the vaccination program. This probability should be countered, considering that the goal of achieving *herd immunity* must be met as soon as possible, as well as due to the scarcity of sacred and halal vaccines. ^[22]

Instead of creating information that can satisfy the people, the fatwa decision of the Central MUI actually seems very complex by taking the status of "*haram, but mubah*" in the minds of the general public who are still unfamiliar with the discipline of jurisprudence in general. Such a status of legal determination will indeed cause public dissatisfaction and confusion in the midst of the *Covid-19* pandemic. The product of Islamic law should not be intended to make it difficult for the Ummah, especially for all levels of society (Muslims) in carrying out religious orders. Legal products must be able to facilitate people to be able to fulfill all the benefits that lead to benefits and avoid difficulties and harms. ^[23]

This fact has direct implications for people who are bitter about the *Covid-19* pandemic situation, but also worried about information on the legal status of vaccines which "seems" unsatisfactory. Several da'wah channels on social media (Youtube, for example) with a fairly massive follower base by several preachers / scholars responded to this event. Some of them expressed opposition to the AstraZeneca Vaccine and prioritized other vaccines with halal & holy status. But there are also those who are willing to take part in the AstraZeneca vaccination under the pretext of licensing in other countries with a majority of Muslim communities, such as Saudi Arabia and Egypt. ^[24] It seems that the MUI is also aware that there are internal frictions due to differences in fatwas, which have an impact on the level of public confidence in implementing the vaccination program of the AstraZeneca Vaccine. (Tempo, 2021) This is very reasonable, because the public hopes to be able to carry out the program with high confidence, but the public is then anxious after

receiving information about peculiarities, this certainly puts a transcendental burden on them.

In another place, MUI East Java is steady with the ruling on the AstraZeneca Vaccine which is considered "*halal and holy*". This determination is also strengthened by the decision of the Nahdlatul Ulama Bahtsul Masail Board (LBM NU) through the results of Bahtsul Masail NU No. 1 of 2021 concerning Jurisprudential Opinions on the Use of the AstraZeneca Vaccine. It is explained in line with the ruling of the East Java MUI that the vaccine does not have pork elements in it, although the process involves components from pigs but has completely turned into a sacred substance. This recommendation is a breath of fresh air for people who are haunted by concerns about the legal status of the vaccine.

In line with this argument, the Tarjih Muhammadiyah Council stated that the *taysir* principle could be made a top priority in highlighting the issue of the AstraZeneca Vaccine. Muhammadiyah provides the view that if the ummah is being tested in a disaster such as a pandemic, and it is felt that there are many considerations for the benefits that need to be fulfilled, then implement recommendations on opinions that are *sarih* (clear) and *rajih* (strong). Majelis Tarjih Muhammadiyah recommends a view stating that the AstraZeneca Vaccine has halal & holy status, provided that it has gone through tough and argumentative studies. ^[25] Muhammadiyah is committed that if there is no sufficiently extreme polemic debated on the use of vaccines by MUI and BPOM, then Muhammadiyah will adjust. Muhammadiyah considers more humanitarian emergencies which, if not handled quickly, will have a global adverse impact on society. ^[26]

To avoid chaos due to differences in views and arguments (ta'arruduldillah), harmonization of the two perspectives should be carried out. It should be emphasized that the scope of ta'arrud only revolves around the differences in the capabilities of a mujtahid, not on their arguments, because it is impossible for the Shari'a to issue conflicting provisions on one topic and at the same time. In this case, the Central MUI, which brings together many Muslim scholars and intellectuals from various Islamic organizations such as NU, Muhammadiyah, Persis, etc., should be able to sit together to decide which is the best manhaj in determining the law. Because it cannot be denied that the purpose of the institutionalization of collective ijihad is to cover increasingly complex problems.^[27] Compromising the two views is the first step that must be initiated to create harmony, so that society does not become excited due to concerns arising from differences in legal decisions.

The issue of contestation is also in the spotlight of researchers, because there are indications of "counter-fatwas" which actually seem to be a blunder for structural non-coordination in MUI institutions. The constellation of fatwas that occur between two camps in one institution produces legal products that are not integral, this seems less ethical because there is no harmony, unity in issuing legal statements that become guidelines for the ummah. In the perspective of *jumhur ulama*, indeed differences (*mura'ah al-khilaf*) among *mujtahids* are seen as mercy and gifts in the world of jurisprudence, because many things will be obtained if there is a difference of opinion

from them. Call it rich scientific benefits, privileges in ijihad to relief products for the people. Imam Qatadah in *Al-Shatibi's al-Muwafaqat* expresses with the statement,

من لم يعرف الإختلاف لم يشم أنفه الفقه

It means: "He who does not know the difference of opinion (ulama), then his nose cannot smell (the smell of) jurisprudence"^[28]

However, if it is drawn at a general level in the current situation, where there is an issue of differences in fatwas, then this information will easily spread among the public and raise public doubts. Moreover, with the massive transmission of information through various news channels with stunning framing packaging, it has the opportunity to have an impact on the paradigm of the community (especially lay people) regarding the issues that have arisen. MUI should be able to get rid of various "counter" stigmas that arise by considering various aspects of society, creating national unity in a religious approach and being able to accommodate government relations with people in a more positive way.^[29] For this reason, efforts are needed to standardize and systematize the methodology and principles of istinbath so that they are more consistent, both in terms of proving the propositions of the nas, as well as the academic qualifications of the mujtahids.^[30] Especially in structural-administrative issues between the central and regional MUI, a coordinative and aspirational culture should be created. The impact will also be significant to the MUI's observations as an inclusive and integrated forum, not factions that each have their own operational paths.

C. Conclusion

The AstraZeneca vaccine is a South Korean manufacturer's vaccine which is suspected of using pork substances in the manufacturing process, this affects the legal status of halal and purity for public consumption. The occurrence of differences of opinion raises issues of contestation and has an impact on people's willingness to accept the AstraZeneca vaccine. Seeing this issue, structurally MUI should be able to create a coordinative and aspirational culture. This will have a positive impact on MUI as an inclusive and integrated forum, not factions that each have their own way of operating. Initiatives to determine manhaj, standardize mujtahid, systematize methodology and istinbath principles to be more consistent in formulating the right fatwa conclusions for AstraZeneca Vaccines deserve to be consolidated immediately. This is of course to create national unity in a religious approach, and can accommodate the government's relationship with the people in a more positive way.

EndNote

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