Abstract
The covid 19 is a fiqh law product that has been issued by a fatwa institution that competent in Indonesia, which is the Indonesian Ulama Council. It has issued no less than 14 legal fatwas relating to covid 19. Those are the Conduct of Worship in Situations the covid 19 Outbreak, Concerning Guidelines for Prayers for Health Workers who Wear Personal Protective equipment (APD), Guidelines for the management of Bodies Infected Muslim with covid 19, Regarding Utilization Zakat, Infaq and Shadaqah Assets for Covid 19 Outbreak, Guidelines for Takbir Kaifyyat and Eid al-Fitr Prayers during the Covid 19 pandemic, on organization Friday prayers and jamaahs to prevent covid 19 transmission, on Eid al-Adha prayers and jamaahs to prevent covid 19 transmission, on Eid al-Adha prayers and sacrificial animal slaughter the Covid 19 outbreak. The ad-Dharar Yuzalu rule is one of the principles of fiqh which aims to introduce how important it is to protect lives and descendants from the dangers threats of Covid 19. It’s a virus that can actually threaten lives and offspring, so by using this ad-dharar yuzalu rule, the main purpose of religion can be realized in human life.

Keywords: Covid19; the Yuzalu ad-Dharar Rule.

INTRODUCTION
Covid 19 is an outbreak that has threatened humanity throughout the world today, for approximately 1 year Covid 19 has been in the form of human life, both from religious aspects, economic aspects and health aspects. Covid 19 when viewed from the islamic religion, then very much harm caused in human life because covid 19 can threaten the religious practices of a Muslim, can threaten human life, and can threaten children and even threaten the economy and human property may be the enforcer of life.

Therefore, any human being in this world does not want any difficulties in his life, so they always think and try to avoid difficulties and dangers that can threaten their lives. Islam as a religion that pays attention to human happiness, teaches how to avoid danger and how to bring happiness in life. That is why, the scholars try to formulate various rules of jurispruding as a tool in understanding the intentions of God who tencantum in the holy nas of the Qur'an and the prophet's hadith. One of the rules that represent the importance of avoiding danger in human life and bringing happiness is the rule of ضرر يزال.
This ad-dharar yuzalu rule is one of the important things in human life and becomes a guideline for Muslims to solve the problem of covid 19 that can threaten human life. That is why the covid 19 fatwa has been widely issued by fatwa institutions in the Islamic world whose purpose is to save human lives from various harms or dangers that can be caused by covid 19.

The validity of the covid 19 fatwa is an important intrusion in the implementation and implementation of the covid 19 fatwa, because the success of overcoming covid 19 depends on how the community carries out the recommendations of the ulema council to eliminate the dangers that are stimulated by covid 19.

The purpose of this study is to explore the position and population of the rules of ad-dharar yuzalu as one of the legal istinbat methods related to mukallaf deeds. In addition, this study also aims to map the validity of the analysis of fatwa covid 19 hammering the rule method ad-dharar yuzalu mentioned.

METHOD

The scope of this research discussion consists of two objects of discussion, namely, First, the theory or rule of ad-dharar yuzalu and second is the validity of fatwa covid 19.

The method used in research is legal research using a sociological approach to law, which is an approach that examines various social events and events in a society based on the characteristics and character of that society. Another method associated with this research is the method of legal philosophy approach, which is an approach that examines various socio-cultural aspects of the development of the results of reasoning of mujtahids. This philosophical approach rests on various ontological aspects, cosmological aspects, theological aspects and ethical aspects.

RESULT & DISCUSSION

1. Position of Rule Theory ad-Dharar Yuzalu

The rule of اَلضَّرَرُ يُزَالُ It consists of two words. The word القساد The word القساد Etymologically means eliminating benefits, can mean الفساد Etymologically derived from the word زال- بهاء- زوال- يزال- تزال- معال لاحول و انقل عن مكانه (Change and move from its place). Terminology means eliminating everything that is forbidden and leaving it.i From this understanding, it can be understood that the rules القساد يزال It is a rule that means all forms of harm must be eliminated either before it occurs or after.ii

Dari pengertian kaidah اَلضَّرَرُ يُزَالُ tersebut di atas, maka kemudian ada tiga istilah yang saling berkaitan dengan kaidah القساد يزال, yaitu istilah ad-Dharar atau ad-Dhirar, darurat dan rukhsah.

a. Ad-Dharar/ad-Dhirar

Ad-Dharar in the sense of language can mean إسم للأذى Which means the danger of the opponent from the benefits. In terms
of meaning the term is not much different from the meaning of the language, which is "something that causes damage to others". In the view of Muhammad Husayn Abdullah, dharar or mudarat is the opposite of the word al-naf'u or benefit. For him, this understanding includes when a person causes harm, both to himself and others. These two contexts, namely inflicting harm on oneself and causing harm to others as the meaning of the prophet's hadith "Lâ dharar wa lâ dhîrâr". It is understood that the word dharar in this hadith is a nakirah, so it is included in a common connoted meaning.

In the view of Shaykh Taqiuddin an-Nabhani that the scope of this dharar law, includes two things, namely; 1) that something is indeed dangerous and dangerous even though there is no khitab from al-Shari's that indicates an order to carry out or leave. Danger or harm has become a common proposition of the prohibition of causing the mudarat. 2) In general, something that has been allowed by al-Shari'a or the maker of Shari'ah, but which is permissible there is a danger, thus causing it to be a proposition for its prohibition. Because, al-Shari'ah or the maker of shari'ah has prohibited a matter that can harm or cause harm, even though in general the case is still a bad law. This is based on the prophet's word. to the companions in the Battle of Tabuk, when he had passed a piece of stone, he stopped there, and the people draw water from his well.

While the words dharar and dhirar are dharar words indicate the existence of usefulness for themselves while for others can cause danger or damage. While the word dhirar does not contain benefits for itself but causes damage to others.

The difference between the two is that dharar occurs accidentally, whereas dhirar occurs intentionally. Therefore, dhirar is more dangerous than dharar because dhirar occurs intentionally. Related to that understanding, then the harm that a person imposes on him is haram, because basically a person is not the owner of himself. Similarly, it is forbidden to inflict youth upon others, and that is what is meant by dhirar, so a person must not inflict youth on himself as he is forbidden to inflict on others.

Related to the damage or mafsadat caused by dharar or dhirar, then Izuddin Abdussalam said that mafsadat can be divided into two, namely mafsadat that God forbidden to be approached and mafsadat that Allah does not like (makruh) to do. While mafsadat or corruption that is forbidden by Allah Swt., is consisting of two tabaqat or levels namely al-kabair or major sins that are divided into kabir or major sins, akbar or the greatest sin and the attachment of mutawassit or middle-level sin. The greatest sin is the sin of the most mafsadatnya and vice versa, the sin of kabir is the least sin of the sin of the kabair. The sin of kabair at the lowest level will reach the mafsadah which if reduced again will reach the tingatan of minor sins (shagair) and this is the second level of the forbidden mafsadat. Furthermore, shagair mafsadah or minor sin at the lowest level will reach the mafsadah which if reduced again will reach the highest level of mafsadat makruh and mafsadat makruh the lowest will reach the limit of the loss of the mafsadat, thus entering the category of calamity.

Related to the description above, then actually the hope is divided into three forms, namely; 1) the expectations that have been approved by the makers of sharia, such as the application of hudud, the application of qishash law, the application of ta'zir punishment, textually, the three forms of harm in nature will still bring benefits to humans. 2) The
impediibility that occurs and afflicts humans that are difficult to avoid (تَعُم بِهِ البَلَوَى). For example, smoke coming out of vehicles and the sound of horns on public roads, this form of harm is a misfortune that can be tolerated because it is almost impossible to eliminate it. Another example is in the matter of buying and selling where someone who sells apples one basket then it can not be 100% sure that the apple is all good. 3) The misfortune that befell a person but he has forgiven the one who gave him the pleasure, for example, a woman who will marry a poor man, where the wife will get a blessing because of her poverty, but if the guardian gives her pleasure then it is not a problem. 4) the forbidden impedige, which is aside from the three types of impediibility above.

Among the rules of derivative rules (الضرر يُدْفَع عَلَى قَدرِ الِْْْمْكَانِ), This means dharar / dhirar or mudarat which has been classified by Shalih bin Ghanim al-Sadlan in his book entitled Al-Qawâid al-Fiqhiyah al-Kubra wa Mâ Tafarra‘a Anha, into 7 derivative rules, namely:

1) The defendant pays the damage that occurred on the plaintiff. For example, if there is a loud noise from the neighbor's house due to the use of air conditioning that makes it difficult for a person who lives there, then the defendant must bear the damage. This means the plaintiff's loss must be borne by the defendant. 2) The damage that occurred can only be recovered from the plaintiff. For example, if a person who sells antifreeze to a customer but later it turns out to be dangerous to health and the customer wants to return it later, then the plaintiff must bear the damage because it is impossible to eliminate it. 3) The damage that befell a person but he has forgiven the one who gave him the pleasure, for example, a woman who will marry a poor man, where the wife will get a blessing because of her poverty, but if the guardian gives her pleasure then it is not a problem. 4) the forbidden impedige, which is aside from the three types of impediibility above.

If good is one of the goals of the lowering of sharia to man, which must be realized, then mudarat is part of the purpose of religion that must be eliminated because if the mudarat is not eliminated, then it will be the cause of the difficulties of human life in the world. Therefore, the problem of youth or difficulties in human life is something of the essence to be eliminated, which is why the Nash Qur'an and hadith legitimize efforts to eliminate mudarat or difficulty. Among the verses and hadiths that recommend that the youth or difficulty be eliminated is contained in the Qur'an.

a) QS. al-Baqarah/2: 233

"Do not let a mother suffer because of her child and not a father because of his child..."

b) QS. al-Baqarah/2: 231.

And when you divorce your wives, and until the end of their wives, hold them in a good way, or divorce them in a good way. And do not hold them with the evil intention of abusing them...

c) QS. al- Ṭalâq/65: 6

Place them where you live according to your abilities, and do not trouble them to constrict them.

d) QS. al-Nisâ/4: 12

After fulfilling the will made by him or after being paid his debt by not giving mudharat (to the heirs).
And (among the hypocrites) there are those who set up mosques to cause harm(to the believers), for unbelieving and to divide between the believers and to wait for the coming of those who have fought Allah and His Messenger for a long time. They swore, "We have nothing but good." And Allah bears witness that they are liars.xiv

And spend it in the way of Allah, and do not throw yourself into perdition, and do good, for Allah loves those who do good..

If surah al-Baqarah/2:233 speaks of harm or hardship that must be eliminated in a mother and father suffering because of their child, then QS. al-Baqarah/2:231 speaks of the harm caused by divorcing wives because of the evil intention of abusing them. While QS. al-Talâq/65:6 describes the harm caused by placing wives in troublesome dwellings. As for QS. al-Nisâ/4:12 advises against harming the heirs for paying the heir's debt. It's different from QS. al-Taubah/9:107 where this verse explains the danger or harm of the munafiq. While in QS al-Baqarah /2:195 is a verse that emphasizes the importance of protecting yourself from destruction that can threaten life, reason, descendants and property. From a variety of youth including the dangers of covid 19.

While the hadith proposition that can be used as the basis for the need to eliminate harm is the hadith narrated by the friend Abū Sa'id al-Khudrī r.a.:  

اَرَاحُ نَفْسَهُ وَلَا يَرَاحُ مِنْهَا نَفْسُهُ

From Abū Sa'id Sa'ad bin Mālik bin Sinān al-Khudrī r.a. that the Prophet said: Neither can do darar nor should it do dirär. Hasan Hadith, narrated by Ibn Mājah, Dāruqutni and besides musnad and Imam Malik narrates in the book Muwaṭṭa mursally from 'Amr bin Yaḥyā from his father from the Prophet,without mentioning Abū Sa'id. This hadith has several paths that strengthen each other.Ad-Durarut  

Ad-Emergancy etymologically according to Ibn Mansur is al-İdtirar which can mean a very urgent need.xvi While according to the term jurispruding is defined by an expression, that is;
A condition is forced to do what is forbidden and forbidden by sharia because if mukallaf does not do the forbidden thing then he will be faced with death or physical harm.

Based on the definition above, it can be concluded that an emergency is a difficulty experienced by humans and is very influential in the stability of life because it can threaten and endanger human life that is covered by threats to religious teachings, the safety of the soul, the health of reason, the survival of offspring, the security of property and the guarantee of human honor. On the other hand, the existence of an emergency indicates the elimination of the law and the emergency itself where the emergency can be divided into five forms, namely:

a. An emergency that indicates the condition of a person who, if not getting help, can cause death. An example is a man who is starving, causing his face to turn pale, his body can tremble and sweat coldly. Emergency conditions like this cause the fulfillment of emergency levels so that it is permissible to eat illegal food.

b. Hajat or a condition that causes a person to need help and if not immediately helped, can cause fatigue, but not to death. In such circumstances, the person cannot allow the forbidden goods to be eaten.

c. The benefit, namely the interest of man to make his life more worthy, therefore, the law is applied based on what is the law because actually the law brings benefits. Examples are eating staple foods that include rice, fish, vegetables, side dishes and so on.

d. Zinah, is a need that causes a person to eat something simple, even though he wants a good meal with a fancy side dish.

e. Fudul, is a need where a person eats enough, but he still wants to eat more.

Under these conditions, a person can eat haram or syubhat.

Related to the description above, Abdul Qadir Audah explained that the emergency that causes a person to do an illegal act if fulfilled four things, namely; 1) if he is in a serious condition that is feared to endanger his life or his limbs. 2) a condition or circumstance that is very serious, so it can no longer be delayed to deal with it. An example is if a person who is in a state of hunger cannot eat a carcass unless he has been in a dangerous condition if he does not eliminate his hunger. 3) The solution in overcoming the emergency is no other way but to commit illegal acts. 4) Emergency conditions should only be overcome by doing or taking according to the level of his needs only for the purpose of maintaining his life.

Among the rules that mean emergency, among others, are rules that explain the emergency condition of the emergency of a forbidden emergency, the emergency must be adjusted to the level of emergency, the emergency does not eliminate the rights of others, the need to occupy the place of emergency either general or special emergency, emergency conditions allow other conditions.

ضروارات تبيح المحظورات، الضروارات تقدر بقدرها، ما أبيح للضرورة يقدر بقدرها، بالإضطراراً يبطل حق الغير، الحاجة تنزل منزلة الضرورة عامة، كانت أو خاصة يجوز في الضرورة ما يجوز في غيرها.
1. The rules of the above emergency underlie the ability to leave the law of azimah by turning to the law of rukshah, here are some verses and hadiths that legitimize the emergency condition.

QS. Al-Baqarah: (173);

إِنَََّّا حَرَّمَ عَلَيۡكُمُ ٱلۡمَي ۡتَةَ وَٱلدَّمَ وَلَْۡمَ ٱلِْۡنزِيرِ وَمَآ أُهِلَّ لِغَيِۡۡ ٱللَََّّ بِهِۦۚ إِنَّ ٱللَََّ غَفُور رَّحِيمٌ

Allah only forbids for you carcasses, blood, pork, and animals which (when slaughtered) are called (names) other than Allah. But whoever is compelled (to eat it) while he does not want it and does not exceed the limit, then there is no sin for him. Surely Allah is merciful.

2. QS. Al-An’am: (145)

قُل لآَّ أَجِدُ فِِ مَآ أُوحِيَ إِلَََّ مَُُرَّمًا عَلَىٰ طَاعِم يَطۡعَمُهُۥٓ إِلآَّ أَن يَكُونَ مَي ۡتَةً أَوۡ دَما مَّسۡفُوحًا أَوۡ لَْۡمَ خِنزِير فَإِنَّهُۥ رِجۡسٌ أَوۡ فِسۡقًا أُهِلَّ لِغَيِۡۡ ٱللََِّّ بِهِۦۚ فَمَنِ ٱضۡطُرَّ غَيۡۡ

b. Allah only forbids you (eating) carcasses, blood, pork and what is slaughtered by saying a name other than Allah; But whoever is forced to eat it without persecution or not beyond the limits, Allah is merciful.

Rukhsah

Understanding rukhsan in language among others means the ease and relief, as understood in this statement. While in terms there are several definitions given by scholars of the proposal, among others the definition put forward by Wahbah Zuhaily in his book entitled "Ushul al-Fiqh al-Islamy", namely:
While the definition put forward by Imam al-Thufi, as in the book "al-Rakhshu al-Shari'yyah wa Istbatuha bi al-Qiyas" by Abdul Karim bin Ali bin Muhammad al-Namlah is described as barikut While the definition put forward by Imam al-Thufi, as in the book "al-Rakhshu al-Shari'yyah wa Istbatuha bi al-Qiyas" by Abdul Karim bin Ali bin Muhammad al-Namlah is described as;\textsuperscript{xvi}

Both defenisi indicate that rukhsah is a legal provision that is contrary to the legal provisions that have been established in a kulli that apply to all mukalaf without exception, such as prayer and fasting that are generally accepted regardless of the situation and conditions experienced by an mukalaf. Similarly, the prohibition of carcasses, and pork in all conditions.\textsuperscript{xxi} Therefore, rukhsah means more exclusion from the laws that are appointed by kulli and generally applicable. In the Qur'an the word rukhsah is not mentioned directly but the Qur'an uses another term with the same meaningful emphasis that is the lightening or ability of a person to leave difficult circumstances or circumstances that cause the emergence of mudarat. Here are some of the arguments as the basis of this rukhsah law.

\begin{itemize}
  \item God's Word QS. Al Baqarah/2: 185.
  \begin{center}
  بَيِّنَ اللَّهُ بِكُلِّ شَيْءٍ لَّا يُعْلَمُ بِهِ
  \end{center}
  He said, "God wants you to have ease, and he does not want you to endure difficulties."\textsuperscript{xxiii}
  
  \item God's Word QS. Al Baqarah/2: 286. (2)
  \begin{center}
  لاَ يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَ نَفْسِهِ
  \end{center}
  God does not burden a person except according to his ability...\textsuperscript{xxiv}
  
  \item God's Word QS. An Nisā'/4: 28.
  \begin{center}
  يُرِيُّ اللَّهُ أَنَّ الْحَيَاةَ الْأُمُومِيَّةَ مُفْطَرَةً
  \end{center}
  God wants to give you light....\textsuperscript{xxv}
  
  1) The above verses explain that Allah wants leniency for his servants and does not want the distress behind the shari'ah that Allah imposes on His servant, Allah will not be able to burden a servant beyond the limits of the servant's ability. As for the legitimacy of hadith against the existence of rukhsah in the expression of worship, among others, described in several hadiths of the prophet, namely;\textsuperscript{xxvi}
  
  \begin{center}
  إِنَّ الدِّينَ يُسْرٌ وَلاَ يُعْسَرَ وَبَشِّرُونَا وَلَا تَعْتَرِبُونَا
  \end{center}
  This religion is easy....\textsuperscript{xxvii}
  
  2) \textsuperscript{xxviii}
  
  \begin{center}
  يَسِيرُ وَلاَ تُعْسَرُ وَبَشِّرُونَا وَلَا تَعْتَرِبُونَا
  \end{center}
  This religion is easy....\textsuperscript{xxviii}
\end{itemize}

The mention of rukhsah in the hadith proves that the gift of rukhsah has actually been imposed by the Prophet Muhammad (peace be upon him), but the use of rukhsah in the early generations that is in the time of companions has not been given a clear understanding of the meaning of rukhsah. But in the period after the difference arises then rukhsah means light, easy or easy. These obstacles may be understood considering that scientific codification is still not running let alone the discourse that develops only
limited to standard things because the interaction of science and social problems has not arisen.

The types of waivers granted by sharia, generally divided into two, namely; First, تخفيف الأصلي That is the light that already existed when this shari'ah was revealed. For example, it is easy for man that the origin of all things is permissible. Second تخفيف الطارئ That is the new ease that arises after the presence of uţur from the condition of mukallif which is different types. This second type of lightening consists of several types: 

rukhṣah with the meaning of abortion obligations, such as friday prayers, Hajj, Umrah, and jihad. If all this work cannot be done due to the existence of uţur with the provisions, then the Shari'ah tolerates by removing these obligations. For Friday prayers are replaced with zhuhur prayers as on a normal day. Other examples such as not praying for women who are menstruating or postpartum. تخفيف الإبدل rukhṣah with replacement, for example, bathing and ablution can be replaced with tayamun. The obligation of standing in prayer can be replaced by sitting, sitting in prayer can be replaced by lying down prayer, and lying down can be replaced with a gesture. Likewise, the obligation to free slaves in karafat can be replaced by fasting 2 months, or replacing the obligation of fasting by feeding sixty poor people. All of the above forms of "replacement" can be done if we experience uţur. تخفيف التقدي تخفيف التأخ تخفيف الترخيص, That is, the ease of leniency in a way that is served, such as; Pay ramadan fasting for the sick in another month, perform jama' ta'khir prayer for people who travel because they bring masyaqqah on their journey. تخفيف التخصيص That is, leniency because of rukhṣah, such as eating and drinking that is forbidden in a state of force, because otherwise it can bring death. تخفيف التغير that is, relief in the form of changing the way it is done, such as praying at the time of khauf (worry), for example at the time of war.

While in the case of ease the scholars have also mentioned the reasons that cause the existence of facilities or rukhsah, among others are:

a. Traveling (سَفَر), For example, it is permissible to leave fasting for those who are traveling, it is permissible to pray qašar and make two prayers while traveling.

b. Sick conditions (الأَمْرَضٌ), allowed to do tayammum when it was difficult to use water because of illness, fardhu prayer while sitting, breaking the fast in Ramadan with the obligation to make up after being healthy. It is permissible to leave Friday prayers in congregation when you are sick.

c. Forget (الْسُّيِّان), ie someone who forgets to eat and drink during fasting.

d. A state of compulsion (الْإِعْرَكَةٌ), namely someone who is threatened by another person to break the fast of Ramadan, thereby endangering his life, or a person who is
forced to say a sentence of kufr because his life is threatened.

e. Ignorance (الجهل), namely someone who has just converted to Islam trades with the practice of usury because of his ignorance.

f. Common difficulties (عوقب الملوث), such as dust flying on the roads, make it impossible for people to avoid them.

g. Inability to act legally (القدرة), that is, insane people and small children are not obliged to pray, fast, pay zakat and perform Hajj because of their inability.

The rules related to the law of rukhsah, among others, are

Analysis of the Validity of fatwa Covid 19 through the rule ad-Dharar Yuzalu

Understanding and Nature of Fatwa Covid 19

Origin of the word fatwa comes from the Arabic namely al-fatwa, with the plural form fatawa, which means advice, answer to legal questions, opinions in the field of law.xxix While in Hans Wehr as quoted Rifyal Ka'bah in A. Dictionary of Modern Written Arabic, that fatwa is interpreted as "official legal opinion" or opinion in the field of law.xxx In terminology fatwa is interpreted as an opinion about a law in Islam which is a response or answer to a question asked by the fatwa requester and does not have the binding power.xxxi

The general understanding of the word fatwa can be understood as a legal opinion based on sharia rules on issues raised by a person or group whose nature does not have binding power. This understanding is the conclusion of various definitions that have been put forward by Islamic jurists. For example; Yusuf Qardhawi interprets a fatwa in a syara' way as to explain syara' law in a problem as an answer to a question from an individual or a collective whose identity is clear or not. According to al-Jurjani, fatwa comes from al-fatwa or al-futya. which means the answer to a problem (musykil) in the field of law. Zamakhsyari argues that terminologically a fatwa is an explanation of syara' law about a problem to a person or group's question. According to ash-Syatibi, fatwa in the sense of al-ifta means information about sharia law which is not binding to be followed.xxxii In the science of jurisprudent proposal, fatwa means the opinion expressed by a mujtahid or fakih as an answer proposed by the fatwa caller in a case that is not binding.xxxiii

From this understanding, there are two natures of fatwa that are characteristic in fatwas, namely; 1) Fatwa is responsive, which is a fatwa issued as a legal opinion on a question or fatwa request (based on demand). 2. in terms of the power of law, the nature of this fatwa as a legal answer that is not binding on people who ask for fatwas (mustafti), both individuals, institutions, and the wider community does not have to follow the contents or laws given to him. This is because fatwas are not binding as the court ruled (qadha). It could be that a mufti's fatwa somewhere is different from another mufti's fatwa in the same place. If this fatwa is adopted into a court decision then then it has binding legal force especially if it is adopted into a positive law.xxxiv

Therefore, the formalization group of Islamic law fatwas is of the view that the structural approach will have more power that binds the covid 19 fatwa, so that the legal power against the implementation of the covid 19 fatwa is considered more effective against efforts to improve the community's living system that ignores the dangers of...
covid 19. Fatwa covid 19 actually has a close relationship with the community because it has characteristics such as takamul, tasamuh and harakah that are able to maintain its existence in the community.xxxv

2. Esensi Fatwa Covid 19

The Indonesian Ulema Council (MUI) issued two important points for the issuance of the COVID-19 fatwa, namely eliminating harm or danger that could threaten human life and eliminating harm or danger that could threaten offspring. Eliminating harm or danger means that by itself has realized the benefit of life for humans.xxxvi Therefore, the Indonesian Ulema Council (MUI) as a fatwa institution in Indonesia has issued 7 types of fatwa covid 19 which are all intended to eliminate mudarat and realize benefits for humans that include maintaining the soul and maintaining offspring.

Protecting the Soul from the Dangers of Covid 19

Nurturing the soul in the context of maqashid al-sharia contains several notions, the word an-nafs can mean soul and can mean life. The content of meaning contained in the word an-nafs can be potential when humans strive. Actualization of an-nafs forms personality, whose development is influenced by internal and external factors.xxxvii In other words, that the guarantee of the salvation of the soul is the guarantee of the salvation of the honorable and noble right to life. Included in the scope of the general understanding of this guarantee, among others, is the guarantee of the safety of life, limbs and the guarantee of humanitarian honor.

More clearly it can be said that the guarantee of the salvation of the soul is the guarantee of salvation of the honorable and noble right to life, including in the scope of the general understanding of this guarantee, is: the guarantee of the safety of life, limbs and the guarantee of human honor. About the latest, including the limitations of choosing a profession, freedom of thought or opinion, freedom of speech, freedom to choose where to live and so on.xxxviii

Therefore, maintaining the soul according to the rank of its importance can be divided into three levels, namely; 1) Maintaining the soul at the daruriyat level is fulfilling all the needs and basic needs of food and drink to sustain life. If these needs and needs are not met, they can threaten human life. 2) Maintaining the soul at the level of hajj is usually exemplified by allowing the hunting of animals to then enjoy its delicious meat. If this act is ignored then it does not threaten the existence of man but will only complicate his life. 3) Nourishing the soul at the level of tahnisiyat as established by the ordinance of eating and drinking. The issue of tahniiyat actually only relates to the issue of decency and will not threaten the life of any human being or can complicate human life.xxxix

Related to covid 19 which has caused many fatalities, both due to negligence and intentionality. The rule of ad-dharar yuzalu teaches parents not to commit suicide, deliberately violating health protocols on the grounds of pursuing the primacy of worship when there are children who need the protection of their parents. If a parent dies from covid 19, it is certain that the children he left behind will have difficulty in continuing their lives. That is why the prophet reminded worshipers not to be too busy
in worship but to forget social responsibility to family and others, as the prophet's hadith did;

ليس الرحيم من يرحم نفسه حفصة ولكن الرحيم من يرحم نفسه وغيۡه

A person who worships the dangers of covid 19 and then infected and returned to his family and infects the children of wives / husbands or other families, then negligence is the same as intentionally killing others, killing one soul likened to the Qur'an by killing many souls. Preferably, guarding yourself from the dangers of covid 19 means also taking care of the family and likened by the Qur'an to taking care of the soul as a whole, such as the affirmation of QS al-Maidah; 5/32.

He said, "Whoever kills a man, not because he killed another man, or because he caused damage to the earth, it is as if he has killed all mankind." And whoever preserves the life of a man, it is as if he had preserved the life of all men.

Eliminating the youth or difficulties that can threaten offspring Keeping and maintaining offspring is a form of worldly benefit and ukhrawi benefit because maintaining and maintaining the offspring aims to ensure the survival of humans from generation to generation. That is why, Islamic sharia always gives his view of the importance of maintaining the human instinct to continue the development and regulate the maintenance of offspring. In Islam the issue of nurturing offspring and granting the rights of children and guarding their souls is a very important teaching, because the child is the beginning and the slowness of human development. Therefore, Islam encourages men and women to continue their offspring by marriage and Islam also recommends choosing the best life partner by always paying attention to his religion because living couples who always pay attention to religious values become the basis of the formation of their religion.

Likewise, the fetus in the womb of a mother has rights that must be considered by parents during this pandemic, namely by protecting the fetus from various things that can endanger and threaten the safety of the mother from the dangers of transmission of covid 19. During pregnancy, a mother must be careful Be careful in breastfeeding your child because it is feared that the mother can be infected with covid 19, even though during the pandemic a mother must still try to breastfeed her child for two years, parents only take care of the mental and psychological health of a child by diligently cleaning the environment to avoid the danger of spreading covid 19, in this pandemic period, parents must continue to provide the best education to their children by not allowing them to take offline lessons but directing their children to take online lessons for the safety of the child. And the most important obligation of parents during this pandemic is to pay attention to getting along with the surrounding environment while still not neglecting the health and safety of these children.

Therefore, the principle of keeping offspring contained in the rule of ad-dharar yuzalu teaches that our offspring are the next generation of parents, so that children must get care and supervision from the dangers of covid 19, a husband / wife must maintain health protocols by ensuring he is safe if he wants to fulfill obligations to his partner.
Even the Qur'an educates every parent not to be afraid of the dark in this pandemic period by still convinced and trying that there is always a way from Alah to give reski to humans, as in QS al-An'am/6151.

وَلاَ تَقۡتُلُواْ أَوۡلَٰٓدَكُم مِّنَ إِمۡلَٰقِ نََّّۡنُ نَّرۡزُقُكُمۡ وَإِيَّّهُمۡ

And do not kill your children for fear of poverty; We will give you and to them. Meanwhile, it is well realized that the covid 19 fatwa that uses the application of the rule ad-dharar yuzalu which emphasizes the importance of eliminating mudarat or dangers that can be life-threatening and threatening to children requires parents and children to stay at home, as a result of which the family’s economic life is in decline because parents can no longer make a living outside the home. Thus, there are two young people who face each other, namely staying at home to find safe from the dangers of covid 19 on one side and on the other hand can threaten the lives of parents and children due to hunger, then in this case used rules إذا تعارض مفسدتان رعي أعظمهما ضررًا بإِرتِكَابُ أَخَف ِهما, That is, when we are faced with two choices where both have their youthful side, then we must choose one whose youth value is smaller and lighter and parents can be creative in trying to make a living to maintain their lives.

However, in this new era, the Indonesian Ulema Council (MUI) has again issued a COVID-19 fatwa by allowing worshiping in mosques to return to work and allowing them to return to work outside the home by emphasizing the importance of maintaining distance, washing hands and wearing masks. These three efforts are believed to be the best way to maintain religion and protect property but protect the soul but become a priority in worship and work, that's why the application of health protocols in worship by keeping a saff distance, wearing a mask in prayer is rukhsah which is justified by Islam.

In this new era, an important step taken by the government in eliminating the danger of covid 19 which threatens life and offspring is to vaccinate the community, but this vaccination policy is still have positive and negative response in the community because there are various negative assumptions about the vaccine that the vaccine can actually threaten human life because there are bodies that cannot accept and neutralize the vaccine content, there is even an assumption that the vaccine contains pork oil which can threaten the existence of religion. Therefore, the role of the Ulama Council as a fatwa institution is needed to ensure the existence of the vaccine for the safety of the human soul and the preservation of the existence of religion in human life.

CONCLUSION

Based on the description above, there are two points that can be concluded in this paper, namely; First, The ad-dhahar yuzalu rule is a basic rule that emphasizes the need to eliminate harm or difficulties in the life of a servant. The ad-dhahar yuzalu rule raises three interrelated terms, namely dharar or dhirar, emergency and rukhsah. Second, The validity of the covid 19 fatwa can be accepted as an application for legal istinbat because the ad-dhahar yuzalu rule is legitimized by the Qur'an and hadith and emphasizes the aspect of human safety where human safety is at the core of the purpose of the Shari'ah revealed by Allah SWT.
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