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Between Sharia and State: Fatwa Authority and Pandemic Responses in Indonesia, Turkey, and Morocco

Muhammad Taufiq
Universitas Islam Negeri Madura, Indonesia

Muhammad Fauzinuddin Faiz
Universitas Islam Negeri Kiai Haji Achmad Siddiq Jember, Indonesia

Ziyad Ravaşdeh

Istanbul University, Turkey

***** Corresponding Author: mufaddin@uinkhas.ac.id

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Abstract:

The reactions of Muslim communities to the COVID-19 pandemic highlight the importance of the relationship between Sharia and the state in developing a fiqh of mitigation for future pandemics. Muslim-majority countries faced significant challenges in balancing health protocols with religious obligations, such as mosque closures, the suspension of Ramadan and Hajj rituals, and debates over the halal status of vaccines. In this context, fatwa authorities played a crucial role in mediating between state policies and the religious sensitivities of the public. This study explores the Sharia–state relations through the intersection of Islamic jurisprudence (*fiqh*), fatwa authority, and pandemic responses in Indonesia, Turkey, and Morocco. Each country exemplifies a distinct relationship between state and religious authority, influencing how pandemic mitigation strategies are received and implemented. Utilising empirical legal methods and the fiqh of mitigation based on the principles of *maqāṣid al-sharī'a*, particularly *ḥifẓ al-nafs* (preservation of life), *maslahah* (public interest), and *saddu al-dzārī'ah* (preventive measures), this study highlights how religious decrees (fatwas) align with or diverge from public health regulations. The findings reveal that Sharia-state relations are crucial in building the fiqh of mitigation, public compliance, and state–religion cooperation. The study advocates for institutionalising a fiqh of mitigation to prepare Muslim societies for future pandemic crises through a balanced approach that integrates Sharia principles and public health governance.

Keywords: sharia; state; fatwa authority; pandemic.

Introduction

The reactions of Muslim communities to the COVID-19 pandemic highlight

the importance of the Sharia–state relations in developing a fiqh of mitigationfor future pandemics. During the pandemic, widespread panic tested the capacity of Muslim-majority countries to respond to a global health crisis, particularly in balancing the demands of public health protocols with religious obligations.[1] During this global disruption, Muslim societies faced complex social and religious challenges, including mosque closures,[2] the suspension of Ramadan and Hajj rituals,[3] and debates over the halal status of vaccines.[4] Fatwa authorities in various countries played a central role in mediating between state regulations and the public's religious sensitivities.[5] Public responses to these policies were shaped by each country's social structure, religious culture, and Sharia–state relations.

This paper analyses three Muslim contexts—Indonesia, Turkey, and Morocco—to explore sharia and state responses during the pandemic. These countries exemplify unique governance and religious authority models. Indonesia, the largest Muslim-majority democracy, has a diverse religious landscape with influential organisations like Majlis Ulama Indonesia (henceforth referred to as MUI), Nahdlatul Ulama (henceforth referred to as NU), and Muhammadiyah.[6] Turkey, a secular republic, has a centralised religious bureaucracy under the Presidency of Religious Affairs (Diyanet İşleri Başkanlığı).[7] Morocco is an Islamic monarchy under King Mohammed VI, holding the single authority and serving as advisor to the fatwa authority under Majlis al-Ilm al-A'lā.[8] Governmental decrees and fatwa rulings reflect Sharia and state dynamics.

This paper complements existing gap studies on Sharia and the state by

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[1] Leuconoe Grazia Sisti et al., 'The Role of Religions in the COVID-19 Pandemic: A Narrative Review', *International Journal of Environmental Research and Public Health* 20, no. 3 (17 January 2023): 1691, https://doi.org/10.3390/ijerph20031691.

[2] Habeebullah Zakariyah, Turki Obaid Al-Marri, and Bouhedda Ghalia, 'Ighlāq Al-Masājid Man'an Lī Intishār Fayrūs Corona Dirāsah Taḥlīlīyah Fī Ḍaw' Maqāṣid al-Sharī`ah', *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 15, no. 2 (29 December 2020): 326–50, https://doi.org/10.19105/al-lhkam.v15i2.4018.

[3] Achmad Siddiq et al., 'Restrictions on Hajj Pilgrimage for Indonesian Congregation from the Perspective of Sadd Al-Dzari'ah', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 2 June 2024, 35–51, https://doi.org/10.24090/volksgeist.v7i1.9701.

[4] Abd Rauf Muhammad Amin et al., 'Between Ḍarūrah and Halal Integrity: MUI Fatwas on Harm-Derived Vaccines and Medicines', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (31 July 2024): 1239–56, https://doi.org/10.22373/sjhk.v8i2.8938.

[5] Faiz Albar Nasution, 'Implications of Religious Fatwa on the Implementation of the COVID-19 Policy in Indonesia', *Pharos Journal of Theology*, no. 104(3) (June 2023), https://doi.org/10.46222/pharosjot.104.320.

[6] Agus Setiawan, Muhamad Agus Mushodiq, and Mosaab Elkhair Edris, 'Implementation of the Nahdlatul Ulama's Brotherhood Trilogy Concept in Pandemic Covid-19 Mitigation', *Bulletin of Indonesian Islamic Studies* 1, no. 2 (16 December 2022): 159–72, https://doi.org/10.51214/biis.v1i2.392; Hasanudin, Nur Rohim Yunus, and Mufidah, 'MUI Fatwa's Contribution to Legal Policies Related to Covid-19 Vaccination Regulations', May 2023, https://repository.uinjkt.ac.id/dspace/handle/123456789/71799.

[7] Deniz Aşkın, 'The Responses of Turkish Islam to COVID-19 Pandemic: Health and Salvation', *Selçuk Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, no. 46 (20 October 2021): 339–49, https://doi.org/10.52642/susbed.922658.

[8] Meriem El Haitami, 'Religious Diversity at the Contours of Moroccan Islam', *The Journal of North African Studies* 28, no. 5 (3 September 2023): 1265–81, https://doi.org/10.1080/13629387.2021.1978291.

comparing the fatwa authorities and responses of Muslim communities in Indonesia, Turkey, and Morocco. It addresses three primary research questions: First, how do government regulations on pandemic mitigation function in these countries? Second, how do Muslims respond to these regulations? Third, how do they react to the Fatwa Authorities regarding pandemic mitigation? This research aims to advance the fiqh of pandemic mitigation by learning from the experiences of these communities during the COVID-19 pandemic.

This study enhances understanding of Sharia-compliant public health governance by comparing how various legal traditions mediate fatwa and governmental authority in crises.[9] This research includes additional references to show that prior studies have not comprehensively examined the legal interaction between fatwas, state policies, and pandemic governance in various Islamic legal contexts. By addressing this gap, the difference in Muslim responses to the pandemic is influenced by cross-cultural and fatwa authorities in Indonesia, Morocco, and Turkey, highlighting the significance of pandemic mitigation fiqh as a legal framework for governments facing future pandemics.

Methods

This study employs an empirical legal method,[10] utilising an Islamic jurisprudence (*fiqh*) and Islamic legal maxim *(usul al-fiqh)* analysis approach, such as *maslahat*[11], preventive measures *(saddu al-dzārī'ah)*[12] and preserving human life (*ḥifẓ al-nafs*), as one of the primary (*al-ḍarūriyyah*) objectives of *maqāṣid al-sharī'ah*.[13] The data presented here are from qualitative studies on the fiqh of mitigation and fatwa authorities regarding pandemic responses in Indonesia, Turkey, and Morocco. Indonesia was chosen for its Shafii school followers and the plurality of religious authorities, such as MUI, NU, and Muhammadiyah, resulting in diverse fatwa responses.[14] In contrast, Turkey's centralised Presidency of Religious Affairs (Diyanet İşleri Başkanlığı) provided uniform guidance for Hanafi School followers at the national level,[15] while Morocco follows the Maliki school and religious

[9] Keng Yang and Hanying Qi, 'The Public Health Governance of the COVID-19 Pandemic: A Bibliometric Analysis', *Healthcare* 10, no. 2 (4 February 2022): 299, https://doi.org/10.3390/healthcare10020299.
[10] Muhammad Chairul Huda, *Metode Penelitian Hukum (pendekatan Yuridis Sosiologis)* (Semarang: The Mahfud Ridwan Institute, 2021).
[11] Muhammad Taufiq, 'A Critique against the Perspective of Al-Thufy on the Contradiction of Maslahat and the Holy Text', *Millati: Journal of Islamic Studies and Humanities* 5, no. 2 (1 December 2020): 121–28, https://doi.org/10.18326/mlt.v5i2.121-128.
[12] Abdul Jalil and Muhammad Taufiq, 'Al-Âtsâr al-Mutarattibah 'Âla PERPPU (Lawâih al-Hukûmiyyah al-Badaliyyah) min al-Munazhzhamât al-Mujtama'iyyah raqm 2 li 'âm 2017 dlidda wujûd hizb al-Tahrîr Indûnîsiyâ min Manzhûr saddi al-dzarî'ah', *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 14, no. 1 (30 June 2019): 146–77, https://doi.org/10.19105/al-lhkam.v14i1.1982.
[13] Muhammad Taufiq, *Maqâṣid Syariah & Filsafat Hukum Islam* (Pamekasan: IAIN Madura Press, 2023).
[14] Mohammad Syahrul Ra, Yusuf Hamdika, and Sholahuddin Al-Fatih, 'The Impact of COVID-19 Through the Lens of Islamic Law: An Indonesian Case', *Lentera Hukum* 7, no. 3 (23 November 2020): 267–78, https://doi.org/10.19184/ejlh.v7i3.18983.
[15] Sumeyra Yakar and Emine Enise Yakar, 'The Integrationist Policy of Diyanet towards Sectarian Diversity', *Bilimname* 2021, no. 44 (30 April 2021): 671–96, https://doi.org/10.28949/bilimname.865737.

authority, which is unified under the monarchy. The King, as Amīr al-Muʾminīn (Commander of the Faithful), merges religious and state decisions via the Supreme Council of Ulema (Majlis al-Ilm al-A'lā).[16] Data were collected through interviews, focus groups, and observations relevant to the study. Secondary data were obtained from online media reports. The findings suggest that a disaster mitigation model based on a jurisprudential approach is crucial for future initiatives. The study involved stakeholders, including fatwa authorities, religious leaders, organisations, academics, and community members. These included NU, Muhammadiyah, and MUI, local regents in Indonesia, İstanbul Müftülüğü - Diyanet İşleri Başkanlığı, Majlis al-Ilm al-A'lā in Rabat, Morocco and Muslim communities in the three respective countries.

Result and Discussion

Indonesian, Turkish, and Moroccan Government Regulations on Pandemic Mitigation

The implementation of pandemic mitigation policies in Indonesia, Turkey, and Morocco was governed by national legal frameworks that provided the basis for restrictive public health measures. However, these measures also raised concerns regarding human rights and the legal interplay between Sharia and positive law in shaping government responses. In Indonesia, pandemic management was regulated through Large-Scale Social Restrictions (PSBB) and Community Activity Restrictions (PPKM), as outlined in Law No. 6 of 2018 concerning Health Quarantine. These laws enabled the government to impose restrictions for public health while balancing constitutional rights and economic stability. In Turkey, quarantine measures, curfews, and gathering restrictions were implemented under Public Health Law No. 1593 and emergency decrees, enforced by the Presidency and the Ministry of Interior to ensure compliance with domestic law and international health regulations. In Morocco, a health emergency was declared under Decree-Law No. 2.20.292 (2020), providing the legal basis for lockdowns, movement restrictions, and mandatory health measures, allowing the government to enforce public health protocols while considering constitutional rights and religious factors. Each country's approach shows differences in governance structures, with Indonesia relying on statutory regulations, Turkey using executive decrees, and Morocco applying a state-of-emergency framework.[17]

Legal frameworks intended to safeguard public health have also imposed significant restrictions on individual freedoms, raising concerns about human rights compliance under both national and international law. In Indonesia, movement, assembly, and worship restrictions, including mosque closures, had to comply with protections under the 1945 Constitution. Under Article 4 of the International Covenant on Civil and Political Rights (ICCPR), such restrictions are permitted in emergencies, provided they are temporary, necessary, and proportionate. In Turkey,

[16] Mustapha Tajdin, 'Post-Islamism in Morocco and the Politics of Sharīʿa: Al-Raysuni's Utilitarianism and El-Othmani's Silent Secularity', *The Journal of the Middle East and Africa* 13, no. 3 (3 July 2022): 295–316, https://doi.org/10.1080/21520844.2022.2039039.
[17] Ran Yan and Fuguo Cao, 'Improving Public Health and Governance in COVID-19 Response: A Strategic Public Procurement Perspective', *Frontiers in Public Health* 10 (30 May 2022), https://doi.org/10.3389/fpubh.2022.897731.

curfews and travel bans were enforced under Article 15 of the Turkish Constitution, which permits limited rights during a national crisis. However, European Court of Human Rights (ECHR) precedents stress that these restrictions must adhere to proportionality principles and legal oversight to prevent excessive limitations on civil liberties. In Morocco, strict lockdown measures were enacted under the state of emergency decree, with support from Article 24 of the Moroccan Constitution. Concerns have emerged regarding police enforcement, detentions for violations, and the necessity of due process protections under international human rights treaties, such as the African Charter on Human and Peoples' Rights (ACHPR).[18] Thus, while all three countries implemented legally grounded pandemic responses, their approaches highlight the tension between emergency public health measures and fundamental human rights protections.

Beyond positive law, Islamic legal principles played a crucial role in shaping pandemic responses, particularly through the issuance of fatwas and the application of *maslahah* (public welfare) doctrine.[19] In Indonesia, the MUI issued fatwas supporting pandemic-related health measures aligned with the Sharia principle of *hifzu al-nafs* (protection of life). Public compliance varied, especially in rural areas, where religious scholars had more influence than government mandates. In Turkey, the Diyanet served as a fatwa authority, ensuring consistent religious guidance on mosque closures and health protocols. Turkey's centralised authority led to stronger alignment between Sharia rulings and government policies. In Morocco, King Mohammed VI, as Commander of the Faithful *(Amir al-Mu'minin)*, wielded both religious and political authority, with the Majlis al-Ilm al-A'lā issuing fatwas on matters such as mosque closures and vaccinations. This integration of religious and state authority resulted in higher compliance with Sharia-based public health directives.[20]

Sharia and positive law in Indonesia, Turkey, and Morocco illustrate distinct legal pluralism models shaped by governance and religious authority. Indonesia uses a negotiated approach, where fatwas from the MUI have advisory but non-binding authority.[21] Fatwas shape public perception, but policymaking is ultimately under the control of the state. In Turkey, the state-controlled religious framework integrates the Diyanet into the government, aligning religious rulings with state policies.[22] This structure promotes uniform religious guidance and legal enforcement, minimising discrepancies between religious and state directives. Morocco exemplifies a unified religious and political leadership, with King Mohammed VI holding ultimate authority over both legal and religious matters. Fatwas from Majlis al-Ilm al-A'lā are

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[18] Fariz Ulul Abshar et al., 'Islam and Human Rights: Friend or Foe?', *Addin* 15, no. 2 (1 October 2022): 229–58, https://doi.org/10.21043/addin.v15i2.14868.
[19] Taufiq, 'A Critique against the Perspective of Al-Thufy on the Contradiction of Maslahat and the Holy Text'.
[20] Lea Taragin-Zeller et al., 'Religious Diversity and Public Health: Lessons from COVID-19', *PLOS ONE* 18, no. 8 (Agu 2023): e0290107, https://doi.org/10.1371/journal.pone.0290107.
[21] Hasanudin, Yunus, and Mufidah, 'MUI Fatwa's Contribution to Legal Policies Related to Covid-19 Vaccination Regulations'; Amin et al., 'Between Ḍarūrah and Halal Integrity'.
[22] Rizki Damayanti and Farzad Sattari Ardabili, 'Faith and Modernity: Navigating the Intersection of Islam, Secularism, and International Relations in Contemporary Turkish Society', *Wawasan: Jurnal Ilmiah Agama Dan Sosial Budaya* 9, no. 2 (31 December 2024): 171–86, https://doi.org/10.15575/jw.v9i2.38424.

integrated with state policies, ensuring alignment of Islamic jurisprudence and national law. These variations illustrate how historical, political, and institutional factors shape the relationship between Islamic law and positive law, ultimately affecting the effectiveness of pandemic mitigation policies and public compliance.

This study demonstrates the role of Sharia law in pandemic mitigation through *hifzu al-nafs* and *maslahah*,[23] while discussing positive law for a balanced perspective. The analysis of policies like Indonesia's PSBB and quarantine measures in Morocco and Turkey is framed within a socio-cultural scope rather than a legal one, necessitating a deeper examination of their legal implications within national frameworks. This study explores how national laws accommodate or conflict with Sharia principles in enforcing pandemic regulations. In Indonesia, Law No. 6 of 2018 concerning Health Quarantine provided the legal foundation for PSBB and PPKM measures, raising questions about constitutional rights and the balance between public health and religious freedoms. Similarly, Turkey's Public Health Law No. 1593 and emergency decrees permitted government-enforced lockdowns; however, the legal discourse on state authority and individual rights during a health crisis remains underexplored. Decree-Law No. 2.20.292 (2020) provided the legal framework for quarantine policies in Morocco; however, further analysis is needed to harmonise these measures with Islamic legal traditions. This study examines the role of formal legal institutions, such as courts and legislatures, in shaping pandemic mitigation policies. Analysing court rulings on pandemic-related challenges, legislative discussions on health regulations, and interactions between state law and fatwa authorities provide a comprehensive legal perspective. It illustrates whether Sharia and national legal frameworks worked harmoniously or faced friction in responding to the pandemic. By integrating these legal dimensions, the study offers a balanced examination of Sharia law and positive law, demonstrating their interactions, alignments, and potential conflicts during the pandemic.

Indonesian, Turkish, and Moroccan Responses to Government Regulations on Pandemic Mitigation

The pandemic regulations of the Indonesian, Turkish, and Moroccan governments during COVID-19 share similarities and differences influenced by their unique political, social, and religious dynamics. Each country implemented significant public health policies tailored to its local context. Public reactions in Indonesia, Turkey, and Morocco vary due to differing social, cultural, and political factors, as well as citizens' trust in their governments. These factors shape the interaction between authorities and the public, influencing adherence to regulations such as lockdowns, social distancing measures, and vaccination efforts. In Indonesia, the government implemented mitigation measures by establishing a National COVID-19 Task Force that comprises representatives from all sectors, including the Ministry of Health, the National Police, and the Ulema. The actions taken included social restrictions, the enforcement of health protocols, and the temporary closure of crowded places, such as offices, markets, and places of worship, in certain areas,

[23] Taufiq, 'A Critique against the Perspective of Al-Thufy on the Contradiction of Maslahat and the Holy Text'.

particularly when COVID-19 cases surged and vaccination was mandated.[24]

Asrorun Ni'am, a National Covid-19 Task Force member from MUI, emphasised that the regulation benefits the public. He stated, "This regulation ensures public safety. The pandemic's impact is clear, and the government's efforts to mitigate it uphold *syaddud dzari'ah*. This rule does not violate obligations, even if some sunnah practices are impractical. However, sunnah practices may be unfeasible when there is a direct threat to public safety."[25] Government regulations affect public good, including pandemic mitigation rules. This follows the command of Allah and the Prophet: "a believer must obey Allah, the Messenger, and Ulil Amri." During the pandemic, President Joko Widodo appointed the COVID-19 Task Force, led by Ulil Amri.[26] Urban Muslim communities are more compliant with pandemic policies than rural ones, including NU and Muhammadiyah members, who generally complied except regarding mosque closures. Makruf Khozin,[27] Mahrus Ali[28] and Abd Aziz[29] affirm this. The Indonesian government imposed work-from-home orders and closed public places that may spread COVID-19, including markets and mosques, while restricting religious activities.

The MUI supports this by issuing a fatwa on worship protocols during a pandemic, replacing Friday prayers with Zuhur prayers at home and temporarily cancelling Hajj and Umrah pilgrimages.[30] The mosque closures and Hajj restrictions during the pandemic were global mitigation measures. Imam Ghazali Said, "The closure of mosques in Mecca, Medina, and Aqsa makes it very difficult to reject their closure."[31] Moreover, government policies, especially the PPKM (Enforcement of Restrictions on Community Activities), faced criticism for inconsistency and high demands on informal workers. Economic hardships arose as lockdowns diminished daily earnings. This situation required government support, zakat, and alms to address community needs, aid recovery, and mitigate future crises.[32] The Indonesian government's PPKM implementation aimed to manage the pandemic. While it would reduce citizens' incomes, the government supported them. The integrated COVID-19 Task Force, including representatives from the Ministry of Health, National Police, and Religious Authorities, highlighted this commitment. Key actions involved enforcing social restrictions and health protocols, as well as closing crowded venues, especially in areas with rising COVID-19 cases, where vaccination

[24] Hasanudin, Yunus, and Mufidah, 'MUI Fatwa's Contribution to Legal Policies Related to Covid-19 Vaccination Regulations'; Ra, Hamdika, and Al-Fatih, 'The Impact of COVID-19 Through the Lens of Islamic Law'.
[25] Asrorun Ni'am, "Interview" (Jakarta, 2024).
[26] Mustafa Mh, 'Ulil Amri Authority on Limitation of Congregational Worships in the Pandemic of Covid-19 in Perspective of Fiqh Siyasah', *Jurnal Al-Dustur* 3, no. 2 (10 September 2020): 123–35, https://doi.org/10.30863/jad.v3i2.899.
[27] Makruf Khozin, "Interview" (Bangkalan, 2024)
[28] Mohammad Mahrus Ali, "Interview" (Bangkalan, 2024
[29] Abd Aziz, "Interview" (Pamekasan, 2024).
[30] Siddiq et al., 'Restrictions on Hajj Pilgrimage for Indonesian Congregation from the Perspective of Sadd Al-Dzari'ah'.
[31] Imam Ghazali Said, "Interview" (Surabaya, 2024).
[32] Ari Kristin Prasetyoningrum, 'The Role of Zakat in Economic Recovery during and after the Covid-19 Pandemic: A Case Study of Baznas in Indonesia', *Journal of Islamic Economics Management and Business (JIEMB)* 5, no. 2 (10 December 2023): 163–86, https://doi.org/10.21580/jiemb.2023.5.2.20189.

efforts were intensified.[33]

The Turkish government enforced quarantines and curfews during COVID-19 spikes, including Ramadan and Eid al-Fitr, to mitigate the pandemic in accordance with a Diyanet fatwa. Mosques closed, and health protocols were enforced upon reopening. As a fatwa authority in Turkey, Diyanet was widely followed, as noted by Istanbul's Mufti, Mevlana Ahmet Akturkoglu, who stated, "We do not pray tarawih in Ramadan. When there is a government regulation, the fatwa supports the rule, and the Turkish Muslim community obeys the fatwa,"[34] as confirmed by Mevlana Yosef Alfatih,[35] Imam of Al-Fatih Mosque and Khatib Diyanet. Despite political and social differences, Turkish citizens' response to the government's pandemic policies has been mostly cohesive. President Erdoğan's government initially enforced strict quarantines and travel restrictions between cities, which the community broadly accepted, especially with financial aid and health support for the services in impacted areas.[36] Turkey's religious authority, Diyanet, endorsed the government's policy with a fatwa advocating the temporary closure of mosques and home worship. This promotes public adherence to health guidelines during the pandemic. Police patrolled mosques to prevent activities. The Müftülüğü, Turkey's fatwa authority, consistently supports government policies. Despite secularism, mosque imams follow government rules. Diyanet's oversight ensures high compliance among citizens.[37]

The Muslim scholar supports such regulation. Nageb Ta'ez stated that government rules for closing mosques are effective preventive measures that benefit the public, adhering to the legal maxim "The authority of the ruler is exercised following the public interest" *(tasharruful imām maʿnūṭun bi al-maṣlaḥah).*[38] Hüseyin Elmhemit noted that mosques were closed only at the pandemic's start and gradually reopened as it subsided.[39] Furthermore, Diyanet serves as a significant fatwa authority in the vaccination initiative. Turkey is among the countries swiftly administering COVID-19 vaccines. The government collaborates with Diyanet and health authorities to promote vaccination within the community. The Turkish government has executed its vaccination campaign effectively due to excellent teamwork among health officials, agencies, and religious leaders. Initially met with scepticism, the campaign gained support as many citizens chose to vaccinate, particularly after religious leaders affirmed that the Türkovac vaccine was safe and halal.[40]

Some secular groups criticised Diyanet's role in addressing the pandemic, particularly regarding religious authorities' involvement in the vaccination campaign. They felt the government intervened excessively in public matters during the

[33] Prasetyoningrum.
[34] Ahmet Akturkoglu, "Interview" (Istanbul, 2024).
[35] Yosef Alfatih, "Interview" (Istanbul, 2024).
[36] Aşkın, 'The Responses of Turkish Islam to COVID-19 Pandemic'.
[37] Yosef Alfatih, "Interview" (Istanbul, 2024).
[38] Nageb Ta'ez, "Interview" (Beylikduzu, 2024).
[39] Hüseyin Elmhemit, "Interview" (Ordu, 2024).
[40] Mine Durusu Tanriover et al., 'Efficacy, Immunogenicity, and Safety of the Two-Dose Schedules of TURKOVAC versus CoronaVac in Healthy Subjects: A Randomized, Observer-Blinded, Non-Inferiority Phase III Trial', *Vaccines* 10, no. 11 (4 November 2022): 1865, https://doi.org/10.3390/vaccines10111865.

pandemic. This view was echoed by Sarah Aturk, who stated, "Regarding the pandemic outbreak, there is no need to look for religious reasons; Turkish citizens have enough medical reasons."[41] However, this criticism was not very prominent or visible on the surface of society.

Turkey's centralised government enables swift decisions, like school closures and strict restrictions. Nageb Ta'ez remarked, "The Turkish government's handling of the pandemic is very special. The government issues regulations that take into account the public interest. While a few Turks view the pandemic as a conspiracy, most believe it is a reality. Diyanet, through Müftülüğü, responded very appropriately to the pandemic."[42] Turkish citizens respond positively and obediently to the government. Despite its secular nature, the government engages religious and health authorities in pandemic measures.[43] Müftülüğü - Diyanet supports policies with a fatwa, while the health ministry rapidly developed safe and halal local vaccines. Some secular activists criticise Müftülüğü - Diyanet's role, but the collaboration among the government, religious bodies, and the health ministry has led to strong public support and high compliance.[44]

In Morocco, King Mohammed VI's government systematically mitigated the pandemic. He ensured health policies gained religious and cultural support as a single authority. Actions included declaring a national health emergency, implementing strict quarantines, suspending mosque worship, strengthening the health system, and coordinating with religious authorities.[45] The public has generally complied with pandemic regulations, largely due to strong government authority supported by the King. Sidi Abdelmalek Aouich, Dean of Shariah Faculty, Sidi Muhammad Abdillah University, stated, "During the pandemic, we followed the rules of the Moroccan kingdom to close the campus and switch lectures online; only I, as the Dean and Secretary, with stringent health protocols, was allowed to enter the campus."[46]

King Mohammed VI of Morocco is both a religious and state authority, serving as the Commander of the Believers and Chairman of the Mufti Majlis al-Ilmi al-A'lā. At the onset of the pandemic, he declared a national health emergency and imposed strict quarantine measures, closing schools, mosques, and public spaces to curb the spread of the virus. The Majlis al-Ilmi al-A'lā, the fatwa authority, supported this declaration.[47] The level of compliance of Moroccan society with the King is very high. King Mohammed VI provided clear directions regarding pandemic policies, including social distancing measures, mosque closures, and the implementation of worship at home. Because the role of the King in the spiritual life of Moroccan

[41] Sarah Aturk, "Interview" (Marmara, 2024).
[42] Ta'ez, "Interview."
[43] Mimoza Hatixhe et al., 'Kosovar Muslims and the Hanafi School: Legal Interpretations in a Post-Ottoman Context', *Indonesian Journal of Islamic Law* 8, no. 1 (30 June 2025): 113–34, https://doi.org/10.35719/tax7pc07.
[44] Aşkın, 'The Responses of Turkish Islam to COVID-19 Pandemic'.
[45] Ayhan Kaya and Amina and Drhimeur, 'Diaspora Politics and Religious Diplomacy in Turkey and Morocco', *Southeast European and Black Sea Studies* 23, no. 2 (3 April 2023): 317–37, https://doi.org/10.1080/14683857.2022.2095703.
[46] Abdelmalek Aouich, "Interview" (Fez, 2024).
[47] Ismail Rammouz et al., 'Religiosity, Stress, and Depressive Symptoms among Nursing and Medical Students during the Middle Stage of the COVID-19 Pandemic: A Cross-Sectional Study in Morocco', *Frontiers in Psychiatry* 14 (2023): 1123356, https://doi.org/10.3389/fpsyt.2023.1123356.

citizens is decisive, the government's policies in dealing with the pandemic have received widespread support from the community.[48]

As both religious and state leader, King Mohammed VI mobilised the Ulema to support government health policies, including health protocols in worship. He established a clear structure for fatwas in Morocco. Unlike Indonesia, Morocco has a distinct separation between central and regional governments, which minimises policy disagreement. The King heads the Masyikhah Mufti, with fatwa responsibilities divided between the Majlis al-Ilm al-A'lā, which handles national and international issues, and the Majlis al-Ilm al-Mahalli, which addresses local matters.[49] Ulema in Morocco and local leaders backed government policies and fatwas from the Majlis al-Ilm al-A'lā during the pandemic, facilitating the acceptance of measures such as closing places of worship and banning gatherings. Mohammed Dimagh of Rabat emphasised, "Including the closure of the mosque, even though there are differences of opinion among scholars, when the Majlis al-Ilm al-A'lā decides, everything is obedient. In the *Al-Dharuriyāt* al-*Khamsah* method, the pandemic period is an emergency in which the protection of life *(hifdu al-Shihhah)* takes precedence over the protection of religion *(hifdu al-Dīn).*"[50]

The local Ulema leader's attitude reduces resistance to royal pandemic policies. While some conservative or remote groups initially resisted vaccinations, this quickly declined after a campaign from religious authorities and kings. Mosques suspended worship, including Friday prayers, and the hajj implementation was cancelled. Ulema in Morocco issued a fatwa supporting these closures to ensure the safety of citizens. In Fez City, Wail noted, "At the beginning of the pandemic, there were movement restrictions (*hijr sihhi*) and the closure of mosques, including Al-Qurawiyin. We prayed on the house balcony (*suth*). All Moroccans must be vaccinated; without it, we cannot work. Violation of health protocols may lead to fines or imprisonment."[51]

This demonstrates a high level of health awareness and compliance with regulations. Moroccan citizens adhered to health protocols, including wearing masks and maintaining social distancing. The government runs an intensive public awareness campaign, supported by religious leaders and local governments. It allocates significant resources to enhance health infrastructure and provide social assistance. Additionally, the vaccination campaign was executed efficiently, making Morocco one of the African nations with successful large-scale vaccination initiatives. According to Ebad, health workers at one of the hospitals in Casablanca said, "During the pandemic, there was quarantine and the closure of mosques to maintain health and prevent the transmission of the virus. Likewise, we have been vaccinated three times to travel outside the city. The King is of the view to protect the community *(himāyatu al-muwāthinīn)."*[52] Morocco ran an effective vaccination

[48] Shalah El-Dien, "Interview" (Rabat, 2024).
[49] Btissame Zarrouq et al., 'An Investigation of the Association between Religious Coping, Fatigue, Anxiety and Depressive Symptoms during the COVID-19 Pandemic in Morocco: A Web-Based Cross-Sectional Survey', *BMC Psychiatry* 21, no. 1 (22 May 2021): 264, https://doi.org/10.1186/s12888-021-03271-6.
[50] Mohammed Dimagh, "Interview" (Rabat, 2024).
[51] Wail, "Interview" (Fes, 2024).
[52] Ebad, "Interview" (Casablanca, 2024).

program in Africa, efficiently distributing vaccines and receiving a positive public response. The high vaccination rate reflects trust in the government's health efforts during the crisis.[53]

Responses in Indonesia, Turkey, and Morocco vary based on government structure, religious authority, and socio-economic conditions. Urban areas in Indonesia complied more closely with pandemic regulations than rural ones, and this attitude was shaped by local culture and access to information. Religious organisations promoted compliance but faced criticism for having inconsistent policies that affected the informal economy. Turkey experienced high compliance due to Diyanet's support and health awareness, but faced criticism from secular groups that affected economic sectors. The government-religion collaboration bolstered the vaccination campaign. Conversely, Morocco's positive response stemmed from strong political and religious leadership, leading to high compliance due to the King's dual role and significant public support for vaccination. Overall, community compliance reflects governance, fatwa authority, and socio-economic dynamics.

The response of the Indonesians, Turks, and Moroccans to the Fatwa Authority on Pandemic mitigation

During the pandemic, the public response to fatwa authorities in Indonesia, Turkey, and Morocco illustrates the complex relationships between Sharia and the state. While fatwas in these three countries serve a significant role in shaping the conduct of Muslims, citizens' responses to these fatwas during the pandemic diverged based on their beliefs, levels of compliance, and attitudes towards the religious authorities in their respective nations.[54] In Indonesia, the community has a diverse relationship with the fatwa authority due to several prominent religious organisations like MUI, NU, and Muhammadiyah. Public reaction to the fatwa during the pandemic includes compliance levels with the MUI fatwa and the influence of local religious leaders, such as the "Kampung". This has sparked controversies over the vaccine's halal status, leading to varied responses among the populace.[55]

The community usually follows the MUI's fatwas, the largest fatwa authority in Indonesia. During the pandemic, the MUI issued various fatwas, including those on mosque closures, substitutes for Friday prayers, and halal-haram vaccines.[56] Adherence is firm in more religious areas where MUI-affiliated organisations like NU and Muhammadiyah have influence. As stated by Asrorun Ni'am, the MUI evaluated benefits and emergencies when issuing a fatwa on pandemic mitigation. He asserts that the fatwa is appropriate and adheres to established rules. The assembly examines each case individually, recognising that the emergency level of

[53] Andrew Hanna, 'What Islamists Are Doing and Saying on COVID-19 Crisis', 14 May 2020, https://www.wilsoncenter.org/article/what-islamists-are-doing-and-saying-covid-19-crisis.
[54] Ismail Fajrie Alatas, *What Is Religious Authority?: Cultivating Islamic Communities in Indonesia* (New Jersey: Princeton University Press, 2021).
[55] Mutimmatul Faidah, 'Astrazeneca Vaccine Fatwa and Netizen's Responses: Indonesian Experience', *Journal of Contemporary Islam and Muslim Societies* 6, no. 1 (19 August 2022), https://doi.org/10.30821/jcims.v6i1.11242; Amin et al., 'Between Ḍarūrah and Halal Integrity'.
[56] Hasanudin, Yunus, and Mufidah, 'MUI Fatwa's Contribution to Legal Policies Related to Covid-19 Vaccination Regulations'.

each pandemic varies.[57] However, fatwas from MUI and Islamic groups permit flexible interpretations within the community, especially among NU, which can provide guidance. For instance, even though the MUI fatwa recommended closing mosques, local groups probably considered cultural and traditional factors that did not fully align with it.[58]

The fatwa authority's decision to close the mosque sparked controversy, alongside debates about the vaccine's halal status. While MUI and NU affirmed vaccination was acceptable, scepticism persisted within the community. The East Java MUI Chairman stated that disputes over halal status should not arise during the pandemic due to public uproar. He also criticised the Central MUI fatwa on the AstraZeneca vaccine, which was thought to contain porcine trypsin, despite its transformation making it halal. Support from religious leaders has gradually shifted this perspective.[59] To avoid vaccine debates, the MUI fatwa should be clear. Imam Ghazali Said stated, "Vaccines are related to composition, so in an emergency, all vaccines are permitted. Given the global pandemic, using any vaccine does not require debate; the most important aspect is the efforts to mitigate the pandemic. This aligns with the legal maxim "necessity permits the prohibited" *(Darūratu tubīhu al-Makhdūrāt)*." Pandemic is a global emergency that demands flexibility rather than controversy, and engaging in disputes during a pandemic is counterproductive.[60]

In response to the controversy, Muslim scholars reacted critically. Husnul Haq emphasised that the government, medical experts, and the MUI should collaborate to address the crisis effectively. Regarding pandemic mitigation, the government can implement laws supporting community welfare *(himāyatu al-muwāthinīn)*. However, Gufron[61] and Farid[62] appreciated MUI's significant role in providing religious guidance during the pandemic and serving as a discussion forum with the government. This controversy highlights inconsistencies in Indonesia's fatwa response, as fatwas are non-binding and lack a single authority. Citizens view the fatwa authority differently, with some holding positive and others being sceptical, often debating the vaccine's halal status. Therefore, Indonesia's fatwa authority is not uniform; each civil society organisation has its own assembly. Differences also exist

[57] Yusuf Hanafi et al., 'Indonesian Ulema Council Fatwa on Religious Activities During the COVID-19 Pandemic: An Investigation of Muslim Attitudes and Practices', *Journal of Religion and Health* 62, no. 1 (1 February 2023): 627–49, https://doi.org/10.1007/s10943-022-01639-w.
[58] Syaugi Mubarak, 'Implementing the Fiqh of Disaster in Islamic Criminal Law Perspective and Legal Relevance of Mui's Fatwas during the COVID-19 Pandemic', *International Journal of Criminal Justice Sciences* 18, no. 1 (18 May 2023): 79–96; Naura Safira Salsabila Zain, Haekal Adha Al Giffari, and Abda Kamalia Putri, 'The Role of Nahdlatul Ulama in Strategizing Vaccine Communication during Covid-19', *Journal of Comparative Study of Religions* 2, no. 2 (15 July 2022), https://doi.org/10.21111/jcsr.v2i2.7257.
[59] Anisah Alkatiri, Idaul Hasanah, and R. Tanzil Fawaiq Sayyaf, 'Studi Komparatif Metode Ijtihad Majelis Ulama Indonesia Dan Bahtsul Masail Nahdlatul Ulama Tentang Fatwa Vaksin Astrazeneca', *Asy-Syari'ah* 24, no. 1 (30 June 2022): 141–60, https://doi.org/10.15575/as.v24i1.16858; Andini Rachmawati, 'The Review of Emergency Concept in Islamic Law Towards the Fatwa of the Indonesian Ulema Council No. 14 of 2021 on the Use of Astrazeneca's Covid-19 Vaccine', *JOURNAL OF INDONESIAN COMPARATIVE OF SYARI'AH LAW* 5, no. 2 (December 2022): 122–39.
[60] Said, "Interview."
[61] Gufron, "Interview
[62] Sufyan, "Interview."

between Central and regional MUIs regarding AstraZeneca's halal status. Indonesia's pluralistic society yields varied responses, shaped by religious affiliation, education, and access to information. Urban communities tend to align more closely with government recommendations and fatwas, whereas rural areas often react based on local customs.

In Turkey, the Diyanet, a Sharia-state authority, issued fatwas and directives on worship during the pandemic, receiving favourable public reaction. Despite controversies among secular factions, obedience to the Diyanet remains high, and public participation in vaccination efforts is noteworthy.[63] As Turkey's official authority on religious affairs, the Diyanet has a significant influence on citizens' religious perspectives. Its fatwa, issued through the Müftülüğü, advocated for closing mosques, observing prayers at home, and promoting vaccination. This guidance was widely followed, as Diyanet is viewed as a representative of both religious and state authorities.[64] This compliance is attributed to the Müftülüğü - Diyanet, which oversees fatwas, continuing the legacy of Shaykhul Islam from the Ottoman Turkish Sultanate. After the Ottoman collapse, Turkey established laws and a Diyanet that included the Republic's Müftülüğü, supervising the Fatwa authority. Thus, the issued fatwa is regarded as sacred and closely followed by the Turkish people. Although compliance levels are very high, there is controversy among secular communities. In more secular societies, there is criticism of Diyanet's role, which is viewed as overly influential in state affairs. However, in the context of the pandemic, these issues are more political than directly religious, and most citizens adhere to religious guidelines related to public health. Elyf followed the government's vaccine rules without considering the fatwa from the fatwa authorities.[65]

Diyanet supports vaccination with a fatwa. The public response is positive, and Turkey has a high vaccination rate among the Muslim world. Authorities focus less on vaccine halal status since the health ministry and halal institutions manage this. The mufti of Istanbul stated, "Regarding the fatwa, authority has not issued a halal fatwa on vaccines, citing sufficient Ministry of Health results. There is no fatwa on vaccine mandates in Turkey; unvaccinated individuals cannot enter mosques, public places, or use public transportation."[66] This fatwa from Müftülüğü, Diyanet supports government vaccine mandates while mitigating the pandemic. As Hüseyin Elmhemit stated, "As a form of mitigation, government authorities also require vaccines for government employees."[67]

The positive responses from most Turkish citizens highlight that, although the Turkish government is secular, it maintains a centralised religious authority, namely the Diyanet. The Diyanet has centralised control over religious fatwas. This, in addition to minimising differences in local interpretations, also creates consistency in

[63] Svante Cornell, 'The Rise of Diyanet: The Politicization of Turkey's Directorate of Religious Affairs', 10 September 2015, https://www.turkeyanalyst.org/publications/turkey-analyst-articles/item/463-the-rise-of-diyanet-the-politicization-of-turkey's-directorate-of-religious-affairs.html.
[64] Aşkın, 'The Responses of Turkish Islam to COVID-19 Pandemic'.
[65] Elyf, "Interview" (Istanbul, 2024).
[66] Akturkoglu, "Interview."
[67] Elmhemit, "Interview."

accepting fatwas throughout the country.[68]

Most Turkish citizens respond positively to the fatwa authority in pandemic mitigation, though some secular activists feel there is no need for religious interference. Their voices are not prominent. The majority view the Müftülüğü as a sacred fatwa authority, showing high compliance and trust. During the pandemic, all mosques closed, strict health protocols were enforced, and efforts to boost immunity with the Turkovac vaccine involved collaboration between the government, Diyanet, and the Ministry of Health. In Morocco, religious fatwas during the pandemic had a significant impact on society due to the close ties between religious authorities and the state. Often backed by King Mohammed VI, the Commander of the Believers and Al-Malik, fatwas reflect a strong religious tradition emphasising obedience to Allah, the King *(al-Malik)*, and love for the homeland *(al-Wathan)*.[69] The Mufti of Majlis al-Ilm al-A'lā in Rabat, Maulana Younes Boualam, stated, "During the pandemic, the muftis conducted Jama'i ijtihad and compiled fatwas related to it. The fatwa supports the King's policies and serves as a guideline for scholars across Morocco, including directives on closing mosques, conducting Eid prayers, and purifying corpses. Moroccan citizens widely observe this fatwa."[70]

In a monarchical country where the King plays both religious and political roles, fatwas from the Majlis al-Ilm al-A'lā are generally accepted by citizens, especially with the King's endorsement. For instance, the 2020 closures of mosques and the hajj pilgrimage, though shocking, were respected due to the strong legitimacy of Morocco's religious authorities. Moroccan religious authorities fully support the government's vaccination program. The fatwa on vaccination emphasised the importance of health in Islam, leading to strong public participation. Rashed el-Haddawy remarked, "As for vaccinations, the king has made them mandatory, and the al-Ilm al-A'la council agrees with his decision."[71] Morocco has a strong religious tradition with closely followed fatwas and guidelines. The King's religious leadership enhances their authority, leading to widespread compliance. While local customs influenced some rural communities, public health fatwas gained significant acceptance during the pandemic due to clear distinctions in scope. Maulana Younes Boualam states that Majlis al-Ilm al-A'lā addresses national and global issues, while Majlis al-Ilm al-Mahalli focuses on local problems. There is no difference for pandemic matters as the fatwa is issued by Majlis al-Ilm al-A'lā and followed by Majlis al-Ilm al-Mahalli to avoid controversy.[72]

The responses from Indonesian, Turkish, and Moroccan citizens to the fatwa authority vary due to the perceived sanctity and legal standing of fatwas in each country. Indonesian citizens show diverse responses due to various Islamic organisations issuing fatwas, yet the MUI's authority is respected, and most pandemic-related fatwas are followed, particularly in urban areas. In Turkey, responses are more uniform as Diyanet is the official religious authority, and the fatwas are seen as legitimate guidance from a strong state. Similarly, Moroccans obediently accept fatwas because religious authority is tied to political leadership,

[68] Ta'ez, "Interview."
[69] El Haitami, 'Religious Diversity at the Contours of Moroccan Islam'.
[70] Younes Boualam, "Interview" (Rabat, 2024).
[71] Rashed El-Haddawy, "Interview" (Rabat, 2024).
[72] Boualam, "Interview."

specifically King Mohammed VI, resulting in minimal debate over compliance. Fatwa authorities played a crucial role in guiding behaviour during the pandemic, although cultural and political dynamics influenced compliance and citizen responses.

Conclusion

Sharia–state relations significantly influence a country's fatwa authority and pandemic policies. In Indonesia, COVID-19 regulations lack a fatwa authority, raising concerns about the halal status of vaccines and mosque closures. The unclear Sharia-state relationship contributes to numerous fatwa authorities and vaccine misinformation. Compliance with mosque closures and vaccinations was supported by MUI and NU Fatwas, with interpretations like local "zoning" rules reflecting Indonesia's pluralism. In Turkey, adherence was driven by the centralised Diyanet, which issued directives, including banning Friday prayers, leading to widespread compliance. The absence of competing authorities ensured a uniform message. In Morocco, the King and the Supreme Council of Ulema combined their authority, with a March 2020 fatwa mandating temporary mosque closures widely followed. Centralised regimes in Turkey and Morocco enabled rapid enforcement, while Indonesia's decentralised landscape required community negotiations. The findings have significant implications for the Sharia–state relation, especially regarding the fiqh of mitigation and public policy. Islamic legal principles, particularly *maqāṣid al-sharī'a* relating to *ḥifẓ al-nafs* (preservation of life), support exceptional measures. The analysis shows that better coordination between the state and fatwa authorities improves compliance with public health policies. Where governments obtain clear fatwas endorsing restrictions, public resistance tends to lessen. In contrast, misalignment between secular mandates and religious advice hinders effectiveness. Policymakers should collaborate with religious councils, consulting Ulema on lockdown rules or vaccine requirements and using fatwa channels to communicate with communities. The pandemic underscores the necessity of governance in Muslim societies, merging secular and sacred elements. With integrated fatwa authorities, countries like Turkey and Morocco can respond decisively, but must guard against state overreach. Meanwhile, pluralistic societies like Indonesia benefit from inclusive consultations, despite more extended consensus-building periods.

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