

## Mosque *Ta'mir* Policy on the Worship at the Mosques During the COVID-19 Pandemic: *Maqasid Al-Shari'ah* Perspective

Hammis Syafaq<sup>1</sup>, Nur Lailatul Musyafa'ah<sup>2</sup>, Marli Candra<sup>3</sup>, Muh. Fathoni Hasyim<sup>4</sup>

<sup>1234</sup>UIN Sunan Ampel Surabaya, Indonesia

Correspondent: [hammissyafaq@uinsa.ac.id](mailto:hammissyafaq@uinsa.ac.id)<sup>1</sup>

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**ABSTRACT:** During the COVID-19 pandemic, the government of the Sidoarjo district in Indonesia implemented regulations regarding worship in mosques, leading to both support and opposition among the community. This article examines the mosque management policies related to the mechanisms of prayer during the pandemic in Sidoarjo. The research adopts an empirical approach empowered by sociological jurisprudence, focusing on how law interacts with society. Data was collected through observations, interviews, and documentation and analyzed deductively using the *maqasid al-shari'ah* theory. The study reveals several key findings. First, nine mosques complied with Regent Regulation Number 31 of 2020, which mandated the suspension of religious activities within mosques. In contrast, two mosques did not follow this regulation. Second, all mosques adhered to Regent Regulation Number 32 of 2020, which permitted religious activities in places of worship, provided that health protocols were followed. Third, none of the mosques complied with Regent Regulation Number 44 of 2020, which stipulated that religious activities must be halted if anyone present tested positive for COVID-19. Based on these findings, mosque management that adhered to the Sidoarjo Regent's regulations in response to COVID-19 was fulfilling the principles of preserving religion and safeguarding life as outlined in *maqasid al-shari'ah*. Conversely, mosque management that did not comply with the regulations was acting contrary to these principles. The impact of the COVID-19 pandemic has thus indirectly influenced mosque management policies regarding worship practices. To align with *maqasid al-shari'ah*, mosque management should comply with the Sidoarjo Regent's regulations to promote benefits and avoid harm.

**Keywords:** Worship, Mosque, *Ta'mir*, *Maqasid Al-Shari'ah*, COVID-19.



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## INTRODUCTION

For Muslims, mosques are central to all worship (Meftah 2015:3). Many activities are carried out in mosques, including the five-time mandatory prayer, Eid al-Fitr prayer, Eid al-Adha prayer, tarawih prayer, Friday prayer, recitation, and other worship services (Dalilah Candrawati, Warjiyati, and Lailatul Musyafa'ah 2018:165). The pandemic swept the world at the end of 2019 (Santiko et al. 2021:190; Suryahadi, Al Izzati, and Suryadarma 2020:175). It affected social and economic life (Amalin, SA, and Maftukhatusolikah 2023; Febrianty et al. 2023; Musyafa et al.

2021). It also influences worship activities and has caused the government and religious organizations to issue regulations on worship during the pandemic, including Indonesia (Heriyanti 2021:162; Zaenurrosyid, Hidayatussholihah, and Shidiq 2021:1072).

Coronavirus, abbreviated as COVID-19, is a virus of animal origin (Adhikari et al., 2020) and can spread through humans (Rothan & Byraredddy, 2020). COVID-19 can cause respiratory infections (Isaacs et al., 1983). The impact of COVID-19 is not only related to the health domain, it affects the economic life of society (Awodiji et al. 2023). The World Health Organization (WHO) states that the spread of COVID-19 can be direct and indirect (World Health Organization (WHO), 2020). Therefore, WHO recommends maintaining health by wearing masks and doing activities from home (World Health Organization (WHO) 2020). Indonesia's first COVID-19 virus infection occurred on February 14, 2020 (Roziqin, Mas'udi, and Sihidi 2021). As of December 2020, there have been 576,000 positive cases of COVID-19 in Indonesia, with 17,700 deaths. The latest data as of June 12, 2023, from the COVID-19 Handling Task Force in Indonesia confirmed 6,810,119 positive cases, 6,637,815 recovered, and 161,821 deaths (Sondakh et al., 2023, p. 349).

The Indonesian government has implemented large-scale social restrictions (PSBB), which include regulations on worship practices in places of worship, such as mosques (Fadli et al., 2020, p. 1; Syafaq et al., 2023). Several cases of the spread of COVID-19 were found in mosques such as in Bengkulu, Sidoarjo and other places of worship (Firmansyah and Ika 2020; Redaksi 2020; Susetyo 2020). The policy of restricting worship is supported by ulama and Islamic religious organizations such as NU and Muhammadiyah (Musyafaah, Wafirah, and Ramadhan 2021). The policy of PSBB has faced significant opposition from various groups within the Muslim community (Rajab et al., 2020, p. 156), particularly in Sidoarjo.

Sidoarjo, located in East Java province, has been affected by the PSBB. The Regent of Sidoarjo has issued several regulations pertaining to the PSBB during the COVID-19 pandemic, including those related to religious activities. The first regulation, Sidoarjo Regent Regulation Number 31 of 2020, states that religious activities should be conducted at home, except for rawātib prayers. The second regulation, Sidoarjo Regent Regulation Number 32 of 2020, amended the first by allowing religious activities in mosques, provided that health protocols are observed. Additionally, Sidoarjo Regent Regulations Number 44 and 58 of 2020 stipulate that religious activities may be conducted in places of worship if there are no confirmed COVID-19 cases in the local neighborhood. However, if residents are confirmed to have COVID-19, all religious activities in places of worship must be suspended (Syafaq et al., 2022, p. 40).

The regulations mentioned above do not explicitly call for the closure of places of worship, which is why many mosques continue to hold worship activities. Some of these regulations state that worship in mosques can proceed as long as health protocols are implemented and no individuals are exposed to COVID-19. In response to these regulations, the mosque management (*ta'mir*) devises policies for worship that align with the conditions specific to their mosques. Worship in mosques is governed by Islamic law, known as *maqasid al-shari'ah*, which aims to promote benefits and prevent harm (Musyafaah et al., 2021). It is essential that both government policies and those set by the mosque management regarding worship are grounded

in *maqasid al-shari'ah* (Lailatul et al., 2022). This framework is closely related to five key principles: the protection of religion, life, progeny, intellect, and property (Syafaq et al., 2022, p. 28).

Numerous studies have shed light on the critical interaction between government laws and societal responses, revealing a compelling narrative of both obedience and resistance. The complexity of public religious understanding often fuels disobedience toward government policies, highlighting an urgent need for effective dialogue and resolution (Pabbajah et al., 2022). Moreover, establishing adequate facilities and infrastructure is essential to ensure the seamless implementation of new normal policies (Marpaung et al., 2022). Importantly, the government has put forth regulations aimed at safeguarding children's rights (Tedja, 2020), but we must also acknowledge that the attitudes of the elderly play a significant role in shaping resistance to restrictive measures (Damayanti et al., 2024). Research shows that the religious and cultural identities of worshippers significantly influence their reactions to government policies regarding congregational activities in mosques (Siregar, 2022). The resistance exhibited by the Muslim community serves as a powerful reflection of their ideological consciousness (Fernando et al., 2023), a response that is intricately connected to the potential conflicts between government restrictions and the protection of human rights (Irawan et al., 2022). Furthermore, various articles have explored how religious communities are navigating governmental policies during the COVID-19 pandemic (Sukamto & Parulian, 2020). Others delve into the intersection of social restriction policies and Sharia law concerning infectious diseases (Nurdin, 2021) or examine how these issues relate to Islamic jurisprudence (Junaidi & Dzakiyya, 2023). There are also vital recommendations for tackling pandemic challenges through preventive measures derived from Islamic teachings (Garba & Uthman, 2023). In essence, these insights underscore the imperative for a collaborative approach that respects religious identity while navigating the complexities of public health and governance.

This paper explores the management policy of mosques (*ta'mir*) in Sidoarjo Regency, East Java, specifically regarding how these policies were implemented during the COVID-19 pandemic. The analysis is conducted through the framework of *maqasid al-shari'ah* theory. The research is centered around two main questions: 1. How did the mosque *ta'mir* develop policies based on the regulations issued by the Sidoarjo government regarding worship in mosques during the COVID-19 pandemic? 2. How can we analyze the *ta'mir* mosque policies on worship during the COVID-19 pandemic from the perspective of *maqasid al-shari'ah*? The study aims to describe and analyze the mosque *ta'mir* policies in Sidoarjo Regency concerning worship management during the COVID-19 pandemic, with a focus on the principles of *maqasid al-shari'ah*.

## **METHOD**

The study employs an empirical approach supported by sociological jurisprudence. This means that the research examines how legal regulations interact with societal behavior. The study focuses on the *ta'mir* (mosque management) policies in response to COVID-19 regulations. This field research was conducted in the Sidoarjo district, East Java, between October and November 2020. Sidoarjo was selected as the research location due to its implementation of Large-Scale Social Restrictions (PSBB). The sample consists of 11 mosque management committees (*ta'mirs*)

from different sub-districts in Sidoarjo. The population includes all mosques in Sidoarjo affected by government regulations on worship during the pandemic.

Data collection involved three main techniques: 1. Interviews. Conducted randomly with *ta'mirs* to understand their policies and decision-making processes. Interviews are conducted with several mechanisms, namely in-depth direct interviews, interviews by phone, and written interviews. 2. Observations. Researchers observed how worship activities were conducted in mosques during the pandemic. Observation was carried out by visiting the mosque that was the location of the research. 3. Documentation. Documentation is done by researching the regulations, laws, and publications related to religious practices during COVID-19.

To ensure validity and reliability, the study applied source triangulation: 1. Comparing information from different sources (interviews, regulations, and observations). 2. Verifying whether mosque *ta'mirs* followed government policies.

The data was analyzed qualitatively using the *maqasid al-shari'ah* theory (the higher objectives of Islamic law). The analysis followed a deductive approach, starting from general principles (*maqasid al-shari'ah* and government regulations) and applying them to specific cases (mosque management responses). The study categorized mosque compliance and non-compliance with government regulations and assessed whether their actions aligned with *maqasid al-shari'ah* principles.

This methodology helps to systematically understand how mosque management adapted to pandemic-related worship restrictions while considering religious and legal perspectives.

## **RESULT AND DISCUSSION**

### **Government Regulation to Worship at Home during the COVID-19 Pandemic**

During the COVID-19 pandemic, the Indonesian government implemented various policies to suppress the spread of the virus (Kurahyadi 2021). One of these policies was the Large-Scale Social Restrictions (PSBB), which encouraged residents to work, study, and worship from home (Dharmawan 2021). This approach is outlined in two key regulations: the Regulation of the Minister of Health of the Republic of Indonesia Number 9 of 2020, which provides guidelines for Large-Scale Social Restrictions in the context of accelerating the handling of COVID-19, and Government Regulation Number 21 of 2020, which also addresses these restrictions. These regulations aim to facilitate effective measures to combat the spread of COVID-19 (Lailatul et al. 2022).

Article 3 of the Government Regulation of the Republic of Indonesia Number 21 of 2020 states that the Large-Scale Social Restrictions (PSBB) will be enforced if a. there is a significant and rapid increase in the number of cases and/or deaths due to the disease across multiple regions; and b. There is an epidemiological link to similar events occurring in other areas or countries. Article 4 outlines the types of restrictions that may be implemented, which include: a. involvement of schools and workplaces; b. limitations on religious activities; and/or c.

restrictions on activities in public places or facilities. This indicates that restrictions on religious activities are part of government regulations. These regulations are further reinforced by the Circular Letter from the Minister of Religious Affairs of the Republic of Indonesia Number 15 of 2020, which provides guidelines for conducting religious activities in places of worship to establish a productive and Covid-safe society during the pandemic (Menteri Agama RI, 2020).

In East Java, restrictions on religious activities in houses of worship are governed by East Java Governor Regulation Number 18 of 2020, which outlines the Guidelines for Large-Scale Social Restrictions (PSBB) aimed at managing the COVID-19 pandemic. Articles 11 and 12 state that during the implementation of PSBB, religious activities in houses of worship and/or other designated locations are temporarily suspended. Instead, religious practices are to be conducted at home (Gubernur Jawa Timur, 2020).

Sidoarjo Regency is one of the regions in East Java that is implementing PSBB. The regulations regarding the limitation of religious activities in Sidoarjo are outlined in Regent Regulation Number 31 of 2020. This regulation specifies the Guidelines for Implementing Large-Scale Social Restrictions in response to the COVID-19 outbreak in Sidoarjo Regency. In the Fourth Part, which concerns restrictions on religious activities in houses of worship, Article 11 reiterates that during the PSBB, religious activities in houses of worship and/or selected places of worship are to be temporarily suspended (Bupati Sidoarjo, 2020a).

The Regent's Regulation has been revised with Sidoarjo Regent Regulation Number 32 of 2020, which amends Regent Regulation Number 31 of 2020 regarding the Guidelines for Implementing Large-Scale Social Restrictions during the 2019 Coronavirus Disease (COVID-19) outbreak in Sidoarjo Regency. Article 11 states that during the implementation of the PSBB (Large-Scale Social Restrictions), there will be a temporary suspension of religious activities in houses of worship and other specific locations. However, *rawatib* prayers are permitted and can be performed in congregation by residents in the surrounding community, provided that health protocols are observed. Other religious worship activities may also take place in accordance with applicable laws, regulations, and the fatwas or views of official religious institutions recognized by the government. This includes the Joint Proclamation issued by Forpimda Sidoarjo, MUI leaders, religious organizations, Religious Harmony Forum (FKUB), and community leaders in Sidoarjo Regency.

On June 10, 2020, the Regent of Sidoarjo issued Sidoarjo Regent Regulation Number 44 of 2020 concerning implementing Community Lifestyles during the Transition Period Towards a Healthy, Disciplined, and Productive Society in the Corona Virus Disease 2019 Pandemic in Sidoarjo Regency. In the Second Part of Religious Activities, it is explained in Article 12 that houses of worship can hold religious activities in RW areas/environments where there are no positive confirmed COVID-19 patients (Bupati Sidoarjo 2020). It is as the following table:



**Table 1.** Sidoarjo Regent Regulation on Worship in Mosques during the COVID-19 Pandemic

Sidoarjo Regent Regulation	Article	Prayer Mechanism in Mosques
Sidoarjo Regent Regulation No. 31 of 2020 on Guidelines for Implementing Large-Scale Social Restrictions to Manage the COVID-19 Outbreak in Sidoarjo Regency.	Article 11	During the implementation of the PSBB, religious activities at houses of worship and other designated places are temporarily suspended
Sidoarjo Regent Regulation No. 32 of 2020 amends Regulation No. 31 of 2020, providing guidelines for large-scale social restrictions to address the Coronavirus Disease outbreak in Sidoarjo Regency.	Article 11	During the implementation of the PSBB (Large-Scale Social Restrictions), a temporary suspension of religious activities in places of worship may occur. However, rawatib prayers, which can be performed in congregation by residents or community members around the mosque, are still permitted, provided that health protocols are observed. Additionally, other religious activities and worship practices may be conducted in accordance with applicable laws and regulations, as well as the fatwas or opinions from official religious institutions recognized by the government.
Sidoarjo Regent Regulation No. 44 of 2020 regarding the implementation of community lifestyles during the transition period towards a healthy, disciplined, and productive society in the COVID-19 pandemic in Sidoarjo Regency.	Article 12	Houses of worship can conduct religious activities in local communities where there are no confirmed positive COVID-19 cases.

Based on the table above, the policy on worship in mosques during the pandemic has undergone several changes: *first*, worship activities in mosques have been eliminated; second, worship activities may be held in mosques by implementing health protocols. Third, if residents are positive for COVID-19, activities in mosques must be discontinued.

### **Sidoarjo Mosque *Ta'mirs* Policy in Complying with the Regent's Regulation on Restrictions on Religious Activities in Mosques during the COVID-19 Pandemic**

Mosques have an important role in maintaining and minimizing the spread of the COVID-19 virus (Dauda 2023; Sallehuddin Abdullah Salim et al. 2021). During the COVID-19 pandemic, the Regent of Sidoarjo made regulations regarding restrictions on religious activities in houses of worship, including mosques. Every mosque *ta'mir* has different policies in response to the regulation. In this case, the instrument used is the mosque *ta'mir* policy responding to Sidoarjo Regent Regulation Number 31 of 2020, Sidoarjo Regent Regulation Number 32 of 2020, and Regent Regulation Number 44 of 2020.

## 1. Mosque *ta'mirs* policy in response to Sidoarjo Regent Regulation Number 31 of 2020

Sidoarjo Regent Regulation Number 31 of 2020 explains that religious activities in houses of worship are eliminated, and everything is carried out at home. In response to the regulation, some mosque *ta'mirs* are divided into two parts: eliminating activities in mosques (2 mosques) and carrying out worship in mosques (9 mosques). Based on this data, it is known that most mosque *ta'mirs* still hold religious activities in mosques even though there is a regulation of the Regent of Sidoarjo that prohibits religious activities in houses of worship, including mosques.

The first group, mosque *ta'mirs* eliminated activities in mosques. The reason is based on *ta'mir* deliberations and avoiding spreading the COVID-19 virus. Hidayatullah, *ta'mir* of *an-Nur* mosque located on Jl Majapahit Sidoarjo, said that *ta'mir* of *an-Nur* mosque eliminates religious activities in the mosque because the *an-Nur* mosque is located in front of the Regional General Hospital (RSUD). If the mosque is opened, it is feared that there will be worshippers among hospital employees and visitors, which can cause the transmission of COVID-19 (Hidayatullah 2020). Sigit, mosque *ta'mir* of *al-Hidayah*, Gedangan, Sidoarjo, stated that *al-Hidayah* mosque negated religion for two weeks. The closure was based on the deliberations of the foundation and *ta'mir* of the *al-Hidayah* mosque. The mosque's closure caused *al-Hidayah* mosque to have no funds to maintain the mosque (Cahyono 2020).

The second group, mosque *ta'mirs* held religious activities in mosques (9 mosques). Zulfikar, *al-Hikmah* mosque *ta'mir* in Keramaian, Sidoarjo, explained that at the beginning of the COVID-19 pandemic, *al-Hikmah* mosque still holds worshippers in the mosque but only for five-time prayers. *Al-Hikmah* mosque eliminates other prayer activities, such as *tarawih* and Friday prayers. That is based on the deliberations of *al-Hikmah* mosque *ta'mir* in Keramaian, Sidoarjo (Zulfikar 2020).

Syaiful, *Darussalam* mosque *ta'mirs* in Taman, Sidoarjo also conveyed the reason:

*"When there is a government regulation for worship at home only, the LTMC (District Mosque Ta'mir Institution) holds deliberations. The results of the reviews stated that the LTMC agreed to hold worship in mosques as usual by implementing health protocols because it should not prohibit people from worshipping in mosques."* (Syafaiful 2020)

Another reason the mosque was not closed was because of the request of residents around the mosque, as conveyed by Mukarram, *ta'mir* of *an-Nur* mosque in Rewwin, Waru, Sidoarjo (Mukarram 2020). In addition, the reason there are still activities in mosques is the assumption that the COVID-19 virus is not accurate. That is as stated by Abdul Basith, *ta'mir* of *al-Ikhlash* Mosque, Sedati, Sidoarjo:

*"Al-Ikhlash mosque in Sedati Sidoarjo, during the COVID-19 pandemic, has never been closed. There are health protocols, but they are less strict, especially in wearing masks. Some are wearing them, and some are not. Most residents still think corona does not exist"* (Basith 2020).

Another reason that activities in mosques are still carried out is that these activities have become a spiritual necessity and are a good habit, as conveyed by Fatin, *ta'mir* of *Nurul Huda* Mosque, Candiloka, Sidoarjo. That was supported by Wahyudin, *ta'mir* of *al Husna* mosque,

Mutiara Citra Asri, Sidoarjo, who stated:

*"The policy of continuing to hold activities in mosques during the pandemic is for the sake of benefit. COVID-19 is a calamity from God. We don't need to be afraid because COVID-19 is part of God's secret. We must draw closer to Allah by continuing to perform worship in mosques. For this reason, after each prayer, we have a special prayer to eliminate the coronavirus outbreak immediately. In every shubuh prayer, there is a shalawat to repel the plague. In addition, the pilgrim's prayer is the Sunnah of the Prophet and gets more reward than the prayer of no pilgrim. Worship during this pandemic; after every praying, there is a special prayer to eliminate the corona outbreak immediately. In every shubuh prayer, there is a shalawat to repel the plague. We do not force worshippers to worship in mosques. Although the mosque ta'mir reminds its worshippers at home to keep worshipping, there is no need to fear the corona because it is part of Allah's secret (Wahyudin 2020).*

Based on this, it can be seen that the reason for continuing to hold religious activities in mosques even though there is a Regent's Regulation to eliminate religion in houses of worship is based on *ta'mir* deliberations, the assumption that there is no COVID-19, and the reason for drawing closer to Allah.

## **2. Mosque *ta'mirs* policy in response to Sidoarjo Regent Regulation Number 32 of 2020**

The Sidoarjo Regent Regulation has undergone a vital revision through Regulation Number 32 of 2020, which amends Regulation Number 31 of 2020. This essential regulation outlines crucial guidelines for implementing Large-Scale Social Restrictions (PSBB) aimed at effectively combating the COVID-19 outbreak in Sidoarjo Regency. Notably, Article 11 emphasizes that while religious activities in places of worship and specific locations will be temporarily suspended during the PSBB enforcement, there is still an opportunity for community bonding through *rawatib* prayers. Local residents around the mosque can come together for these prayers, provided that strict health protocols are adhered to, ensuring everyone's safety. It is imperative that all other religious activities comply with the established laws and regulations, as well as the guidelines from recognized religious institutions approved by the government. By following these measures, we can protect our community while continuing to nurture our spiritual connections.

All mosque *ta'mirs* in this study stated that they implemented health protocols in organizing activities in mosques, as stipulated in the Sidoarjo regent regulation. That is as stated by the *ta'mirs* of the mosque in this study. The mosque provides handwashing stations and masks, eliminates carpets and distances on the mosque floor, and regularly sprays disinfectants. In addition, several mosques provide disinfectant booths and check the body temperature of worshippers, especially on Fridays.

The problems in implementing health protocols are the difficulty of maintaining distance in mosques and the lack of compliance of residents in implementing health protocols. That is as stated by Abdul Basith and Wahyudin, who stated that many mosque worshippers do not trust COVID-19, so they do not comply with health protocols. Meanwhile, the problem of social distancing, as conveyed by Mukarram, *ta'mir* of *an-Nur* mosque, Rewwin, Sidoarjo, that



mosques have difficulty implementing health protocols in maintaining distance. The implementation of social distancing in the mosque area cannot accommodate the large number of worshippers who pray in the mosque, especially during Friday and *tarawih* prayers. Therefore, some mosques limit worshippers during Friday prayers, such as the *al-Hikmah* mosque Mutiara Citra Asri in Candi, Sidoarjo. Zulfikar, *Ta'mir* of *al-Hikmah* mosque, said that during the new normal, mosques started holding Friday prayers by limiting worshippers to only 150 people. It required the Muslims to pray at another mosque if it was full. Another way is to reduce the distance from 1 to 0.5 meters, as in *al-Hidayah* mosque, Gedangan, Sidoarjo.

### 3. Mosque *ta'mirs* policy in response to Sidoarjo Regent Regulation Number 44 of 2020

On June 10, 2020, the Regent of Sidoarjo took a significant step by issuing Regulation Number 44 of 2020, aimed at fostering community well-being during the crucial transition period towards a healthy, disciplined, and productive society amidst the COVID-19 pandemic. This regulation, particularly in its Second Part on Religious Activities, highlights the importance of faith in our communities. Article 12 clearly states that houses of worship are permitted to conduct religious gatherings in neighborhood areas (RW) where there are no confirmed COVID-19 cases (Bupati Sidoarjo, 2020b). This important provision not only strengthens prior guidelines allowing religious activities in mosques but also emphasizes our collective responsibility to adhere to health protocols. By doing so, we can worship safely while supporting our community's health and resilience during these challenging times.

In Regent regulation Number 44, there is an additional requirement that houses of worship can carry out religious activities on the condition that no patients are positive for COVID-19 in the mosque area. All mosque *ta'mirs*, except for the *an-Nur* mosque, continued to carry out activities in mosques actively, even though some residents were exposed to COVID-19. That is because of several factors, including economic factors like the *al-Hidayah* mosque in Gedangan. If the mosque is closed, there will be no incoming funds for its operation. Because the mosque only relies on the *infaq* of mosque worshippers as operational funds. In addition, the belief factor of COVID-19 is a disease from God. Therefore, worship in mosques must still be carried out to get closer to Allah.

In front of the Sidoarjo Regional Hospital, *an-Nur* mosque holds religious activities in a special mosque for mosque worshippers. The mosque prohibits non-worshippers of the *an-Nur* mosque from worshipping at *an-Nur* mosque, especially visitors and hospital employees. That is done to maintain the health of pilgrims so as not to contract COVID-19.

Based on the data above, it can be explained in the following table:

**Table 2.** Ta'mir Mosque's Observance of Sidoarjo Government Regulations Regarding Worship in Mosques

Sidoarjo Regent Regulation	Ta'mir Masjid Policy
Sidoarjo Regent Regulation Number 31 of 2020 permits religious activities in houses of worship and/or designated places of	9 mosques continue to worship in mosques based on ta'mir deliberations, the assumption that there is no COVID-19, and the reason for

worship.	drawing closer to Allah. 2 mosques close worship in mosques on <i>ta'mir</i> deliberations and to avoid spreading the COVID-19 virus.
Sidoarjo Regent Regulation Number 32 of 2020 allows rawatib prayers to be performed in congregation by residents and communities around the mosque, while adhering to health protocols.	All mosques (11) implement health protocols in carrying out worship in mosques to avoid spreading the COVID-19 virus.
Sidoarjo Regent Regulation Number 44 of 2020 permits houses of worship to conduct religious activities in local areas without confirmed COVID-19 cases.	All mosques (11) continue to worship at the mosque even though there are residents exposed to COVID-19. There are several factors: Economic factors, the belief that COVID-19 is a disease from God, to get closer to Allah

Based on the table above, it can be seen that *first*, some mosques (9) obey Regent Regulation Number 31 of 2020, which requires residents to eliminate religious activities in mosques based on *ta'mir* deliberations, the assumption that there is no COVID-19, and the reason for drawing closer to Allah and two mosques disobeyed it because *ta'mir* deliberations and to avoid spreading the COVID-19 virus. *Second*, the entire mosque obeyed Sidoarjo Regent Regulation Number 32 of 2020, which states that religious activities can be carried out in houses of worship by complying with health protocols. *Third*, not all mosques obey Regent Regulation Number 44 of 2020, which added that if anyone is positive for COVID-19, religious activities in mosques must be stopped. That's because of several factors: Economic factors, the belief factor of COVID-19 is a disease from God, to get closer to Allah.

The mosque *ta'mirs'* responses to government regulations not only shaped worship practices but also had far-reaching social effects on trust, community cohesion, and public health behavior. While some mosques prioritized legal compliance and health safety, others upheld traditional religious practices, creating divisions in community responses to the pandemic. Moving forward, stronger integration between religious guidance and public policy is needed to ensure that future health crises do not lead to social fragmentation within religious communities.

### ***Maqasid al-Shari'ah* Analysis of the Mosque *Ta'mirs* Policy in Sidoarjo Regency in Managing Worship in the Mosques during the COVID-19 Pandemic**

The word *maqasid al-shari'ah* comes from two words: *maqasid* and *al-shari'ah*. *Maqasid* is the word *jama'* from *maqsad*, which means destination. The word *al-shari'ah* comes from the word *shara'a*, which means source of water. In terms, *al-shari'ah* means the law of Allah established for man. Thus, *maqasid al-shari'ah* means the purpose of the law that Allah ordained for man (Syafaq, Musyafa'ah, and Wigati 2022:25). There are several dimensions in *maqasid al-shari'ah*, namely: (1) levels of need, which is the conventional arrangement; (2) extent of decisions intending to achieve purposes; (3) extent of individuals incorporated purposes; (4) level of all-inclusiveness of the reason (Sa'adah & Hasanah, 2021, p. 307).

*Maqasid al-shari'ah* aims to protect five main elements in human life: religion, self, mental, descendance, and wealth (Ali, Ramli, and Ahmad 2020:249). *Maqasid al-shari'ah* is very useful in determining the law in modern times (Bendebka, Fettane, and Shogar 2020:3). Under certain circumstances or conditions, a law may change based on the principle of *maqasid al-shari'ah*, namely maintaining benefit and rejecting harm, including during the COVID-19 pandemic (Hanaffie Hasin 2021:323; Qotadah 2020:661). *Maslahah* in *maqasid al-shari'ah* is divided into three categories: *daruriyyat* (primary), *hajiyyat* (secondary), and *tahsiniyyat* (tertiary) (Musyafa'ah et al., 2022, p. 76).

The Sidoarjo regency government issued several regulations in dealing with COVID-19. Among the rules governing religious activities in houses of worship during the COVID-19 pandemic are Sidoarjo Regent Regulation Number 31 of 2020, Sidoarjo Regent Regulation Number 32 of 2020, and Regent Regulation Number 44 of 2020. The *ta'mirs* of the mosque have their attitude when responding to the policy. From the perspective of *maqasid al-shari'ah*, these regulations align with the principles of protecting life (*hifẓ al-nafs*) and religion (*hifẓ al-din*). The government's primary goal was to prevent harm (*dar' al-mafasid*) by limiting mass gatherings while still allowing religious practices under safe conditions.

In Islam, the government must make decisions based on the benefit and interests of its people. During COVID-19, government regulations must not conflict with *maqasid al-shari'ah*. From the perspective of *maqasid al-shari'ah*, Sidoarjo government regulations in dealing with COVID-19 have been according to the principles of maintaining religion and protecting the soul. From the perspective of *maqasid al-shari'ah*, government regulations regarding worship during the COVID-19 pandemic are closely related to *hifẓ al-din* (guarding the religion) and *hifẓ al-nafs* (guarding the soul) (Musyafaah et al. 2021:78). The government regulates the religious activities of its citizens so that they can still carry out their worship calmly while maintaining their health and the health of surrounding residents so as not to contract the COVID-19 virus. The regulation must be obeyed when it does not contradict the *maqasid al-shari'ah*. Residents can carry out worship even if they are not in a house of worship, and they can still maintain their health so as not to contract COVID-19. Not obeying the rules without proper reason is certainly contrary to the concept of *maqasid al-shari'ah* because it can endanger his soul and the souls of others, even for worship.

However, the study found non-compliance among mosque *ta'mirs*, particularly regarding continued congregational prayers despite restrictions, limited enforcement of health protocols, and worshippers' skepticism about COVID-19. This non-compliance contradicts the principle of *maqasid al-shari'ah*, which emphasizes the balance between religious obligations and public safety. The mosque *ta'mirs* have their own attitude when responding to the policy:

1. Sidoarjo Regent Regulation Number 31 of 2020 requires residents to eliminate religious activities in mosques. In this case, most mosque *ta'mirs* (9) decided to continue holding religious activities because of their assumption that there is no COVID-19 and their desire to draw closer to Allah. Only two mosque *ta'mirs* decided to eliminate religious activities in mosques to avoid spreading the COVID-19 virus. From the perspective of *maqasid al-shari'ah*, then nine mosques are not in accordance with *maqasid al-shari'ah*, and two mosques are in accordance with *maqasid al-shari'ah*. The number of mosques that remain open for worship

shows that the majority of people do not yet know the dangers of COVID-19 and the high level of belief in God who created and cures diseases. Therefore, it is necessary to increase worship by getting closer to Allah, including by continuing to carry out congregations in mosques. Meanwhile, mosques that close as places of worship show the principle of obedience to the government in an effort to minimize the spread of the COVID-19 virus. Obedience to leaders is a form of obedience to God.

2. Sidoarjo Regent Regulation Number 32 of 2020 states that religious activities can be carried out in houses of worship by complying with health protocols. All mosque *ta'mirs* in this study comply with the regulations to avoid spreading the COVID-19 virus. The obstacles faced are implementing social distancing and regulating pilgrims who violate health protocols. In this case, the mosque *ta'mir* policy is in accordance with *maqasid al-shari'ah*. This shows that there is public awareness of the importance of maintaining health during the COVID-19 pandemic, especially when carrying out worship at mosques.
3. Regent Regulation Number 44 of 2020 added that if anyone is positive for COVID-19, then religious activities in mosques must be stopped. All mosque *ta'mirs* do not stop religious activities in mosques, even though some are exposed to COVID-19. Their reasons are several: economic factors, the belief that COVID-19 is a disease from God, and the desire to get closer to Allah. They only tightened health protocols for worshippers who will pray in mosques. It is not in accordance with *maqasid al-shari'ah*. This shows that economic factors and obedience to worship to the mosque affect the mosque's *ta'mir* policy to keep the mosque open as a place of worship during the COVID-19 pandemic. As is known, mosques require a lot of money for their operations, both for cleanliness and employee salaries. The cost comes from donors who come to the mosque. When the mosque is closed, it will reduce the income to the mosque. In fact, during the pandemic, mosque operational costs are increasing because they have to be routinely cleaned and sprayed with disinfectant, the mosque also provides disinfectant booths, hand washing stations, masks, and others. In addition to economic factors, the factor of belief and belief that disease and death are Allah, so we must further increase worship and get closer to Allah, including by continuing to carry out congregations in mosques.

**Table 3.** *Ta'mir* Mosque's Observance of Sidoarjo Government Regulations Regarding Worship in Mosques from *Maqasid al-Shari'ah* Perspective

Sidoarjo Regent Regulation	<i>Ta'mir</i> Masjid Policy	Perspective of <i>Maqasid al-Shari'ah</i>
Sidoarjo Regent Regulation Number 31 of 2020 (religious activities in houses of worship and/or certain places of worship is carried out)	Nine mosques continue to worship in mosques	Not in accordance with <i>maqasid al-shari'ah</i>
	Two mosques close worship in mosques	accordance with <i>maqasid al-shari'ah</i>
Sidoarjo Regent Regulation Number 32 of 2020 allows for rawatib prayers to be conducted in congregation by local	All mosques (11) implement health protocols in carrying out	accordance with <i>maqasid al-shari'ah</i>

residents near the mosque, while still worship in mosques adhering to health protocols.	
Sidoarjo Regent Regulation Number 44 of 2020 (Houses of worship can hold religious activities in RW areas/environments where there are no positive confirmed COVID-19 patients)	All mosques (11) Not in accordance with <i>maqasid al-shari'ah</i> continue to worship at the mosque even though there are residents exposed to COVID-19

The *ta'mir* policy responses varied, with some mosques following regulations strictly, while others continued activities despite restrictions. From an Islamic legal perspective, mosque *ta'mirs* should have prioritized *hifẓ al-nafs* (preserving life) over *hifẓ al-din* (preserving religion) in situations where public health was at risk. However, some mosque leaders justified non-compliance by arguing that: 1. Worship in mosques is an obligatory communal act (*fard kifayah*). 2. COVID-19 is a divine test requiring Muslims to strengthen their faith. 3. Health protocols disrupt religious traditions. This reasoning contradicts *fiqh al-awlawiyyat* (the jurisprudence of priorities), which states that when two religious obligations conflict, the one preventing greater harm takes precedence. In this case, protecting life should have been prioritized over unrestricted mosque worship.

When the government has made regulations, the people are obliged to obey them. It is as stated in the Qur'an sura An-Nisa [4]: 59:

*“O you who believe! Obey Allah and obey the Messenger (Muhammad ﷺ), and those of you (Muslims) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allah and His Messenger (ﷺ), if you believe in Allah and the Last Day. That is better and more suitable for the final determination”*

The letter emphasizes the importance of Muslims always obeying their leaders. This obedience is reflected in various actions, including adhering to the legitimate government's policies. It parallels the necessity for the Indonesian population to comply with the regulations enacted by local leaders to prevent the spread of COVID-19. These policies are not harmful; rather, they are designed to benefit everyone. Islam also encourages adherence to sound policies (Farida & Handoko, 2021, p. 7).

The study applies sociological jurisprudence, which examines how law interacts with society. This theory suggests that legal compliance depends on:

1. Public perception of the law's legitimacy. Some mosque management committees did not see the COVID-19 regulations as legitimate religiously or legally.
2. Community norms and traditions. Mosques are places of worship deeply embedded in Muslim practice, making it difficult for some to accept restrictions.
3. Religious leadership influence. Some mosque *ta'mirs* encouraged compliance, while others resisted due to theological beliefs.



In line with Weber's theory of legal authority, mosque compliance depended on whether they viewed government policies as rational-legal authority. Those who resisted saw divine authority (Islamic teachings) as superior to government laws, leading to selective adherence.

## CONCLUSION

The Sidoarjo Regency Government issued several regulations to deal with COVID-19. Sidoarjo Regent Regulation No. 31, 32, and 44 of 2020, were designed to balance public health and religious worship. The government has established strict policies to facilitate worship in mosques while managing the spread of COVID-19. However, mosque management committees (*ta'mirs*) have not fully adhered to these policies for various reasons. Compliance among mosque *ta'mirs* varied, while some strictly followed regulations, others continued worship activities despite restrictions. Health protocols were implemented, but challenges remained, including difficulties in social distancing and skepticism about COVID-19 among worshippers. This non-compliance has resulted in less effective handling of the COVID-19 crisis.

From the perspective of *maqasid al-shari'ah*, the regulations implemented by the Sidoarjo Government in response to COVID-19 align with the principles of preserving both religion and life. Residents are allowed to worship, even outside a house of prayer, while also taking measures to protect their health and avoid contracting COVID-19. Disregarding these regulations without valid justification goes against the concept of *maqasid al-shari'ah*, as it can pose a threat to one's own life and the lives of others, even during worship.

Mosque committees should align their practices with government policies to ensure that the objectives of the law (*maqasid al-shari'ah*), which aim to promote benefit and prevent harm, are effectively realized. Sociological jurisprudence theory explains that legal legitimacy, religious leadership, and community traditions influence compliance levels.

By analyzing the study findings through *maqasid al-shari'ah*, sociological jurisprudence, and legal authority theories, we see a disconnect between religious governance and community compliance. While government regulations aimed to protect both religious practices and public health, mosque *ta'mirs'* responses reflected a mix of theological reasoning, cultural norms, and skepticism about COVID-19. Future policies should integrate both religious and legal frameworks to ensure greater alignment and compliance. Additionally, the government should take an active role in bridging communication with *Ta'mir* in dealing with emergency situations that hinder direct physical communication.

The study focused only on 11 mosques in Sidoarjo, limiting its generalizability to other regions. The findings are based on qualitative data (interviews and observations); quantitative data on infection rates within mosques was not analyzed. The study was conducted during a specific period (October–November 2020), meaning long-term compliance trends were not observed. From this limitation study, we recommend expanding the scope for future research. Future studies should analyze a larger sample of mosques across different regions to compare compliance levels by Quantitative analysis (Examining COVID-19 case data within mosque communities can provide insights into the direct impact of religious gatherings).

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