

The Effectiveness of Mask Required Regulations for Congregants at Jami Mosque In Gowa District Perspective *Saddu Zari'ah*

Abdul Halim Talli¹, Lomba Sultan²

¹ Faculty of Sharia and Law, Alauddin State Islamic University Makassar, Indonesia. E-mail: abdulhalim_talli@uin-alauddin.ac.id

² Faculty of Sharia and Law, Alauddin State Islamic University Makassar, Indonesia. E-mail: lombasultan456@gmail.com

Abstract: This study raises the issue of how effective the Regional Regulations are Obligatory to Wear Markers for the Jami Mosque Congregation in Gowa Regency Saddu Zari'ah's Perspective. From this main problem, it is limited to sub-problems, namely how the effectiveness of the local regulation on the obligation to wear masks for jami mosque congregations in Gowa Regency, as well as how saddu zari'ah's perspective on the mandatory wearing of masks. This study aims to find out the effectiveness of the local regulation on the mandatory wearing of masks for jami mosque congregations in Gowa Regency, and to find out the saddu zari'ah perspective on the mandatory wearing of masks. This descriptive-qualitative field research uses a juridical-syar'iy approach, by collecting data through questionnaires and in-depth interviews for religious leaders, administrators and jami mosque congregations, the data is processed, analyzed to produce conclusions. The results of this study indicate that the local regulations that require wearing masks are effective for jami mosque congregations in Gowa Regency. As many as 74.4% of jami mosque congregations in Gowa Regency always wear masks outside the home, including at the mosque. The effectiveness of the use of masks is based on several reasons: 1) the congregation knows that wearing masks has been required by the government through local regulations, 2) similarly that with the saddu zari'ah method, the regional regulations that require wearing masks are in accordance with Islamic law..

Keywords: Local Regulations; Congregation Of Mosques; Saddu Zari'ah.

1. Introduction

The Covid-19 pandemic that has appeared in Indonesia since the beginning of 2020 has been responded by the Government of the Republic of Indonesia as a dangerous pandemic.¹ With the consideration that the spread of Covid-19 is so widespread that it has caused so many victims and continues to increase that it has had an impact on the socio-economic sector of the community nationally, then on April 13, 2020 the President of the Republic of Indonesia issued Presidential Decree Number 12 of 2020 concerning Stipulation of Non-Natural Disasters Spreading *Corona Virus Disease (Covid-19)* as a National Disaster.

¹ Hanan Nugroho, 'Pandemi Covid-19: Tinjau Ulang Kebijakan Mengenai PETI (Pertambangan Tanpa Izin) Di Indonesia', *Jurnal Perencanaan Pembangunan: The Indonesian Journal of Development Planning*, 4.2 (2020), 117–25 <<https://doi.org/10.36574/jpp.v4i2.112>>.

This determination is very important and strategic considering that the spread has reached the provinces and regions so that it requires handling synergies between ministries/agencies and local governments.

As a national disaster, the President has taken various steps such as forming a Task Force for the Acceleration of Handling Covid-19 at the central level, and ordering governors and regents/mayors to form task forces at the provincial and city/district levels. The formation of the task force is intended to assist the government in handling the spread of covid-19, increase national resilience in the health sector, and increase the ability to prevent, detect, and respond to covid-19².

In an effort to strengthen the performance of the Task Force and the synergy of ministries and institutions as well as local governments, the President as the person in charge of the central government issued various regulations to support the program to accelerate the handling of the spread of Covid-19 both at the central, provincial and district/city levels. Among these regulations is the Presidential Instruction of the Republic of Indonesia Number 6 of 2020 concerning Increasing Discipline and Law Enforcement of Health Protocols in the Prevention and Control of *Corona Virus Disease 2019*. This presidential instruction aims to guarantee legal certainty, increase efforts and strengthen the effectiveness of the prevention and control of COVID-19 throughout Indonesia.³ This instruction is intended so that the Task Force and Provincial and City District Governments can take efforts to encourage discipline in the community in implementing health protocols. In this instruction, number 6 specifically addresses Governors, Regents and Mayors to socialize the implementation of the health protocol on a massive scale by involving community leaders, religious leaders and other elements of society, as well as establishing governor regulations/regent/mayor regulations that contain obligation to comply with health protocols for individuals, business actors and managers of public facilities⁴. According to the Coordinating Minister for Human Development and Culture, Muhadjir Efendy, the presence of this Presidential Instruction shows that public compliance and discipline in implementing health protocols is a serious matter. Through this Presidential Instruction, it

² (Republic of Indonesia Presidential Decree Number 9 of 2020 concerning Amendments to Presidential Decree Number 7 of 2020). 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (COVID-19), 2020: 3)

³ Presiden Republik Indonesia, 'KEPPRES NO 12 TH 2020 Tentang Penetapan Bencana Nonalam Penyebaran Corona Virus Disease 2019 Sebagai Bencana Nasional', *Fundamental of Nursing*, 01, 2020, 18=30.

⁴ (President of the Republic of Indonesia, 2020: 4–6)

also gives regional governments the authority to apply sanctions to violators of health protocols by taking local local wisdom into account.

As a follow-up to Presidential Instruction No. 6 of 2020, the Minister of Home Affairs issued Minister of Home Affairs Instruction No. 4 of 2020 concerning Technical Guidelines for Drafting Regional Head Regulations in the Context of Implementing Discipline and Law Enforcement of Health Protocols as Efforts to Prevent and Control *Corona Virus Disease 2019* in the Regions. The Minister of Home Affairs' instruction is addressed to Governors, Regents/Mayors to take 3 steps, namely: 1) Massively promote socialization regarding the implementation of health protocols in the context of controlling and spreading Covid-19; 2) Compile and stipulate regional head regulations regarding health protocols in preventing and controlling the spread of Covid-19 by referring to the format in the attachment to this instruction; 3) In drafting and stipulating regional head regulations, local wisdom must be taken into account⁵.

Gowa Regency Regional Regulation Number 2 of 2020 concerning Mandatory Masks and Implementation of Health Protocols in Preventing the Spread of *Corona Virus Disease 2019* is the fruit of the RI President's Instruction Number 6 of 2020 concerning Increasing Discipline and Law Enforcement of Health Protocols in Prevention and Control of *Corona Virus Disease 2019* which was followed by by Instruction of the Minister of Home Affairs Number 4 of 2020 concerning Technical Guidelines for Preparing Regional Head Regulations in the Context of Implementing Discipline and Law Enforcement of Health Protocols as an Effort to Prevent and Control *Corona Virus Disease 2019* in the Regions. In the consideration of the regional regulation it is stated that considering that the increasing spread of Covid-19 has resulted in causing casualties and material losses, and has a broad impact on social, economic and community welfare aspects, and based on presidential instructions and instructions from the Minister of Home Affairs as mentioned above, then drafted and stipulated this regional regulation. This regional regulation was stipulated in Sungguminasa on September 14 2020 and promulgated on September 21 2020 in the Regional Gazette of Gowa Regency number 2 and Noreg Regional Regulation of Gowa Regency, South Sulawesi Province B.HK.002.08.20.

⁵ (Ministry of Home Affairs Instruction Number 4 of 2020 concerning Guidelines for Drafting Regional Head Regulations in the Context of Implementing Discipline and Law Enforcement of Health Protocols as an Effort to Prevent and Control Corona Virus Disease 2019 in the Regions, 2020: 1)

2. Method

This research is a qualitative *field research*, which is research that describes the effectiveness of using masks for jami mosque congregations in Gowa Regency, as well as a description of saddu zari'ah's perspective on the mandatory wearing of masks by local regulations. This study is discussed using a juridical-empirical approach, namely using a normative legal analysis knife and applicable laws and regulations in discussing the use of masks for jami mosque congregations, as well as the *saddu al-dzari'ah* approach to the formation and enforcement of Gowa Regency Regional Regulation No. 2 2020 concerning Mandatory Masks and Implementation of Health Protocols in Prevention of the Spread and Control of *Corona Virus Disease 2019*.⁶

Data collection techniques were carried out through interviews, observation, and questionnaires. In-depth interviews were conducted with key informants, such as community leaders, religious leaders, government officials and mosque administrators. Observations were made to find out and directly observe jami mosque congregations who wore masks and those who did not wear masks while at the mosque location. The results of this observation are important to use as comparative data with other data. As for data collection through a questionnaire, namely distributing questionnaires as many as 25 at each mosque. By going through the questions in the questionnaire, it was possible to reveal the respondents' knowledge about Covid-19, the enactment of mandatory mask regulations, their opinions on the use of masks, and so on.

In collecting field data, various data collection instruments were used, including cell phones that could be used to take pictures of objects, used to record interview data. Notebooks and other writing materials, as well as interview guidelines and questionnaires are also part of the research instruments to be used. Furthermore, the collected data is processed in the form of sorting between data that is related and not related to the research. Classification and separation between main, supporting, and complementary data. After that, the data were analyzed based on the formulation of the problem, synchronization and triangulation of data were carried out, then formulated in the form of conclusions according to the problem formulation.

⁶ Peter Mahmud Marzuki, *Metode Penelitian Hukum* (Jakarta: Kencana, 2017).

3. Results and Discussion

3.1 The Effectiveness of Using Masks for Jami Mosque Congregations

The word effective means effect, effect, effect, efficacious, efficacious, effective.⁷ In English *effective* means successful, something that is done is effective. According to the Big Indonesian Dictionary, the word effectiveness comes from the word effective which means there is an effect, an effect, a consequence, an impression, efficacious, efficacious, can be effective, brings results. Experts differ in formulating the notion of effectiveness, depending on the point of view of seeing it. Drucker defines, effectiveness is doing the job the right way (*doing the right things*). Chung and Megginsons define effectiveness as the ability to achieve goals and the ability to adapt so that they can survive. Arens and Lorlbecke define effectiveness as referring to the achievement of goals, while efficiency refers to the resources used to achieve these goals. In other words, that effectiveness is a measure of achieving predetermined targets.

In terms of legal effectiveness, according to Achmad Ali, whether a law or regulation is deemed effective or not depends very much on the compliance of legal subjects with said regulation/law. If the legal subject (community) complies with the regulations or laws that apply, the legal regulations are said to be effective. According to Utrecht, as quoted by Asri Lasatu, there are four reasons why people obey the law, namely: 1) the people feel that the regulations are a law that must be obeyed; 2) The community accepts it in the hope that there will be peace; 3) Agree to want it; 4) The regulations contain coercion (sanctions)⁸. Meanwhile, according to Soerjono Soekanto, whether a law is effective or not is influenced by five factors, namely: 1. legal substance/material factors (laws); 2. law enforcement factors; 3. availability of facilities and facilities; 4. environmental/community support factors; 5. cultural factors of social life.⁹

Based on the three expert opinions above, it is formulated that the causal factors or reasons for people to comply with the law are: 1. the public knows about the laws that must be obeyed; 2. legal substances/materials are accepted by the public because it is hoped that there will be security; 3. professional law enforcers; 4. availability of means and facilities that support compliance with the law; 5. environmental/community support; 6. contains forced

⁷ Tri Rini Puji Lestari, 'Questioning the Regulation on Consumption of Alh', *Aspirasi*, 7.2 (2018), 128.

⁸ Lasatu, Asri, 'Urgensi Peraturan Daerah Tentang Program Pembentukan Peraturan Daerah Terhadap Kinerja DPRD', *Jurnal Ilmiah Kebijakan Hukum*, 2020, 20120: 214)

⁹ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: . PT. Raja Grafindo Persada, 2008).

values (sanctions). With reference to the theory of the effectiveness of this law, the discussion on the effectiveness of using masks is described as follows.

The results showed that the frequency of congregations wearing masks while in the mosque were: very often 31.4%, often 43%, rarely 13.5%, rarely 4%, and never 8.1%. The data indicates that the accumulation of jami mosque congregations who never, rarely, and rarely wear masks when at the mosque is 25.6% or 58 out of 223 people. Meanwhile, the intensity of the congregation always wearing masks when in the mosque was 74.4% or around 165 out of 223 congregations.

Based on the theory of legal effectiveness put forward by Achmad Ali that the effectiveness of a law depends heavily on public compliance with the law, and by looking at the percentage of 74.4% of jami mosque congregations who often/always wear masks when in mosques, it is concluded that local regulations are mandatory masks are very effective for jami mosque congregations in Gowa Regency.

There are 74.4% of jami mosque congregations who often wear masks due to several reasons:

First, the public knows that wearing a mask has been required by the Government of Gowa Regency. The obligation to wear masks for people who are active outside the home, including in mosques, is regulated in Gowa Regency Regional Regulation Number 2 of 2020. Article 8 states that "Everyone who carries out activities outside the home must wear a mask"¹⁰.

The socialization of the obligation to wear masks for everyone in the Gowa Regency area began on October 7 2020. The socialization was led by the Acting Regent of Gowa Andi Aslam Patonangi together with the Forkopimda of Gowa Regency. This socialization was carried out in front of the Minasamaupa Market in the form of a general speech about the regional regulation, as well as the distribution of thousands of masks to the general public.

In addition to outreach in walking speeches, intensive outreach was also carried out in the form of spreading banners, leaflets, billboards at government offices, Community Health Centers, schools and other public facilities, as well as in the form of massive announcements at mosques to mosques at the RW level. This socialization has had a positive impact in the form of the community being aware of local regulations that require the use of masks when doing activities outside the home. As many as 95.6% of the congregation knew

¹⁰ (Gowa Regional Government, 2020: 11)

that there was a Regional Regulation of Gowa Regency which required wearing a mask for everyone who had activities outside the home. This data indicates the success of outreach to the community about the existence of these regional regulations.

Socialization of the existence of a mandatory mask regulation needs to be continuously improved. This socialization will increase the number of people who know the position of regional regulations, will also increase understanding of the importance of wearing masks in maintaining health, and will increase public legal awareness.

Public knowledge about the benefits of wearing masks and knowledge of the importance of legal compliance will encourage public obedience to wearing masks outside the home, as Utrecht's view above states that one of the reasons people obey the law is the public's knowledge that regulations are a law that must be obeyed.

Mosques have an important role in meeting the needs of the congregation/community. According to Dalmeri, Muhammad Syafe'i Antonio stated that the role of mosques can improve the economy of the people in the form of sharia cooperatives that accommodate the economic potential of mosques, in addition to the function of mosques as centers of da'wah activities and the spread of Islamic symbols in various needs of cosmopolitan society. Likewise, mosques in Gowa Regency have many functions. Aside from being a place to perform prayers (especially fardu prayers), the mosque is also used as a place to learn to read the Koran (TPQ), a place to convey Islamic da'wah by preachers, a place to convey information, announcements, socialization from the government and the community. In fact, mosques are often places for meetings and meetings to discuss government programs that are in direct contact with the community. Likewise, the mosque is a place for socializing the use of masks and health protocols, as well as regional regulations that must wear masks. With good knowledge and understanding of the dangers of the *corona virus disease 2019*, the function of wearing masks, and enforcement of local regulations that are required to wear masks, giving awareness to mosque congregations to always use masks outside the home, including when in the mosque.¹¹

Second, institutional and community support. The adherence of jami mosque congregations to wearing masks cannot be separated from the support of other institutions and communities/congregants. Pilgrims who see other worshipers wearing masks will be

¹¹ Rizki Jayuska and Ismail Marzuki, 'Problematika Pembentukan Peraturan Daerah Oleh Pemerintah Daerah Provinsi Kalimantan Tengah Periode 2016-2021', *Pagaranyuang Law Journal*, 4.2 (2021), 149–67 <<https://doi.org/10.31869/plj.v4i2.2464>>.

encouraged to wear masks as well so that togetherness in wearing masks is awakened. The togetherness of the congregation wearing masks encourages concern for the discipline of wearing masks in mosques. Research data shows that as many as 86.5% of the congregation witnessed other worshipers wearing masks, while the remaining 13.5% of the congregation rarely, rarely, never saw other worshipers wearing masks.

The influence of the surrounding environment plays an important role in people's lives. A healthy and free environment from covid-19 will provide a calm, peaceful and healthy atmosphere. Likewise with the use of masks, encouraging the congregation/community to create a healthy, clean environment, and areas where masks are mandatory.¹²

Institutional support, in this case the mosque through mosque administrators, has contributed a lot in supporting government and community programs. The mosque has facilitated the congregation to use masks and implement health protocols. The mosque prepares masks for worshipers who do not carry masks, prepares *hands sanitizers*, handwashing stations, and arranging mosque spaces in such a way that supports sunlight and good air circulation.

The mosque is one of the places that is subject to the obligation to implement health protocols. Article 11 of the Gowa Regency Regional Regulation Number 2 of 2020 states "The health protocol in the context of preventing and controlling the transmission of Covid-19 is intended for: a. public areas; b. businessmen; c. education unit area; d. mourning and funerals; e. workplace, service sector and trade; f. worship place; and g. social and cultural activities. Furthermore, Article 12 states "The health protocol in public areas as referred to in Article 11 letter a is carried out through: a. Public service providers such as places to eat, health facilities, markets, banks, ATM outlets, shops, post offices, places of worship, and other public areas must implement *physical distancing*, provide hand washing/ *hand sanitizer facilities* and attach queue signs in every public service area; b. queue markings can be in the form of tape and/or adhesive with a contrasting color to the floor or chairs/seats; c. queues are prioritized for parents, pregnant women, persons with disabilities and companions as well as people who are sick; d. the queue distance per person is at least 1 (one) to 2 (two) meters; e. every visitor must wear a mask properly; f. every visitor must comply with the protocol set by the local government; g. provide handwashing facilities with soap that are adequate and easily accessible; h. Public service providers are required to clean using cleaning

¹² MUI, 'MUI Tegaskan Pengurusan Jenazah Korban Covid-19', *Majelis Ulama Indonesia*, 2021, p. 1 <<https://covid19.go.id/p/berita/mui-tegaskan-pengurusan-jenazah-korban-covid-19-penuhi-syariat-islam>>.

fluids by wiping or spraying them regularly at least 1 (once) a week at the location and public service facilities they manage ¹³.

The provisions of Article 11 and Article 12 above show that the mosque is one of the areas that must implement health protocols. As a place of worship, mosques are required to enforce *physical distancing* for worshipers in the mosque and provide distance signs, prepare hand washing facilities, and require each congregation to wear masks properly. Furthermore, the management of health protocols in mosques is described in more detail in Article 19 as follows: 1. everyone in the mosque wears a mask properly; 2. cleaning and spraying disinfectants are carried out regularly, before and after the implementation of activities and ensuring the cleanliness of banisters, door *handles and others*; 3. prohibit unauthorized entry; 4. maintain the security of the mosque; 5. prepare handwashing facilities with soap in an easily accessible section; 6. maximizing air circulation and sunlight entering the mosque room; 7. set the congregation's distance of at least one meter and put a special mark on the floor of the mosque; 8. urged the congregation to bring their own worship equipment.¹⁴

support is so important in the success of the Covid-19 prevention program implemented by the Regional Government of Gowa Regency. *Support* is not only in the form of socialization media and delivery of announcements, it is even more involved in preparing facilities, media and managing the implementation of health protocols.

Third, the congregation/community feel comfortable wearing masks.

Corona Virus Disease 2019 (covid-19) is a virus that is dangerous to humans, attacks the human respiratory tract which can cause severe respiratory infections. If not handled quickly and appropriately it can cause death. The corona virus spreads through the oral cavity, nose and cornea of the human eye. It spreads through the patient's sputum (droplets) to other humans. Viruses that are in closed, crowded spaces with poor air circulation can become a medium of transmission. This virus is more susceptible and has complications for the elderly, weak immune systems, and people who have chronic diseases. Covid-19 sufferers can experience respiratory problems such as severe pneumonia, high fever and shortness of breath. Complications can occur such as respiratory failure, acute heart failure, and secondary infections due to other germs if treatment is slow.

¹³ (Gowa Regional Government, 2020: 13–14)

¹⁴ Ni Made Nopita Wati and others, 'Optimalisasi Penggunaan Alat Perlindungan Diri (APD) Pada Masyarakat Dalam Rangka Mencegah Penularan Virus COVID-19', *Jurnalempathy.Com*, 1.1 (2020), 1–8 <<https://doi.org/10.37341/jurnalempathy.v1i1.1>>.

Corona Virus has spread widely in various countries on all continents. It spreads through the mucus and phlegm secreted by sufferers of Covid-19 when they cough, sneeze or talk which splashes mucus. Splashes of phlegm and/or mucus that come out of Covid sufferers can stick to objects or to the human body. The virus can then move after being held by humans or after direct contact with sufferers.¹⁵

The results of this study indicate that the majority of jami mosque congregations in Gowa Regency (82%) think that *the 2019 corona virus* can be inside and outside the mosque.

The spread of the Covid-19 virus is so fast, in just a matter of months, this virus has spread throughout the world. More than a hundred countries have been affected by the spread of the Covid-19. Kompas.com quoted worldometers on July 26 2021 stating that the corona virus had infected more than 180,331,941 people worldwide. Of these, the 5 countries with the highest number of Covid-19 sufferers are the United States with 34,445,561 infected people, followed by India with 30,082,169 infected people, then Brazil with 18,169,881 exposed to Covid-19, France with 5,762,322 infected. , and Turkey with 5,387,545 souls. Meanwhile in Indonesia, the number of Covid-19 infected as of October 3 2021 was 4,219,284 people, 4,044,235 people recovered, and 142,173 people died. In Gowa Regency, the number of infected with Covid-19 was 8,607 people, 8,369 recovered, 118 people were being treated, and 120 people died¹⁶.

There are four media for the spread of the corona virus, namely: 1. spreading through droplets, namely when a covid-19 sufferer coughs, sneezes, talks, sings, and breathes. During these activities, air comes out through the mouth or nose along with small particles in the form of aerosols at close range; 2. through the air, the covid-19 virus can spread through small particles floating in the air. according to research, the corona virus can live in the air for about 3 hours; 3. through a contaminated surface (fomite transmission), someone who touches or holds a surface contaminated with the virus, then the virus moves to the mouth, nose or eye area until it enters the mouth/nose/eye cavity; 4. Through human waste, namely infected human (*fecal-oral*) waste.

As many as 74.9% of jami mosque congregations agree that *the corona virus* is very dangerous for humans. This view encourages them to use masks when outside the home, including at the mosque. They know that wearing a mask will prevent transmission of *the*

¹⁵ Mela Arnani, 'UPDATE Corona Global 24 Juni 2021: Urutan Negara Dengan Kasus Covid-19 Terbanyak | Warning Penyebaran Varian Baru Delta Plus', *Kompas.Com*, 2021.

¹⁶ Inza Mailana, 'BREAKING NEWS Update Corona 3 Oktober 2021: Kasus Positif Tambah 1.142, Sembuh 2.020, Meninggal 58', *Tribunnews*, October 2021.

corona virus . Wearing a mask is one of the human endeavors in fortifying oneself from the penetration of viruses into the human body. Therefore, the congregation of the mosque agrees that every congregation that enters the mosque wears a mask and implements health protocols. As many as 76.7% of jami mosque congregations agree that mosque congregations must wear masks and implement health protocols when inside the mosque.

Efforts to avoid and protect themselves from contracting *the corona virus* need to be carried out by the congregation/community. Because the congregation/community cannot stay at home, but they have to move, work and earn a living outside, including leaving the house to carry out congregational prayers, self-protection is the right choice. Protecting yourself is a necessity that must be done by people in pandemic areas so they don't become victims of being infected with a virus that can cause illness and even death.

As an effort to protect themselves, jami mosque congregations generally choose to wear masks and implement health protocols as recommended by the government. The government encourages people who are active outside the home to use personal protective equipment (PPE). Personal protective equipment (PPE) is a tool that has the ability to protect a person whose function is to isolate part or all of the body from potential hazards. PPE is a tool to protect the skin/body from exposure to fluids due to direct contact with other people. There are various kinds of personal protective equipment, some protect the whole body and some only protect part of it. Among the personal protective equipment that only partially protects the wearer's body are masks and face *shields* . Masks are part of facial protective equipment, especially to protect the mucous membranes of the mouth and nose when interacting with other people. Masks are recommended to always be used when leaving the house. Masks can protect yourself from transmission of infection through the air. In general, masks are divided into two types, namely standard masks and special masks made to filter small particles or microorganisms. The *Face shield* is a face shield that can protect the eyes and face from liquid splashes or droplets. This face shield is made of clear plastic which can provide good visibility to the wearer. This face shield is moisture resistant and can be adjusted to fit tightly around the head and fit snugly to the forehead. Jami mosque congregations prefer masks to *face shields* as personal protective equipment when in the mosque. Research data reveals that as many as 79.3% of jami mosque congregations agree that the corona virus easily spreads to people who do not wear masks or do not implement

health protocols. This view encourages the congregation to wear masks, and encourages others to also wear masks when leaving the house.¹⁷

Fourth, regional regulations contain coercive values (sanctions). Gowa Regency Regional Regulation Number 2 of 2020, in Article 31 it stipulates administrative sanctions in the form of: verbal warning, written warning, temporary closing of business premises, revocation of business licenses, and fines. Fines of 200,000 thousand for business actors, 150,000 thousand for civil servants, village heads and village officials, and 100,000 thousand for the community, as well as other sanctions in accordance with applicable regulations.

The stipulation of sanctions in this regional regulation is in line with those stipulated in laws and regulations. RI Law Number 12 of 2011 concerning Formation of Legislation, in Article 15 it is emphasized that the contents of criminal provisions can only be contained in: laws, provincial regional regulations, and regency/city regional regulations. Criminal provisions in regional regulations are a maximum of 6 months in prison or a fine of 50 million, and can also be other crimes in accordance with laws and regulations¹⁸. In line with this, Article 238 of Law RI Number 23 of 2014 concerning Regional Government stipulates that regional regulations can contain sanctions for imposing coercive costs of a maximum of 50 million, and can also be in the form of threats of imprisonment for a maximum of 6 months for enforcing the implementation of regional regulations. Sanctions can also be in the form of returning to their original state, as well as administrative sanctions¹⁹.

The regulation of sanctions in regional regulations is reaffirmed in the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 80 of 2015 concerning the Formation of Regional Legal Products. Article 5 stipulates that regional regulations drafted by the regional government together with the DPRD can impose sanctions for the enforcement or implementation of these regional regulations. Sanctions in regional regulations can be in the form of: a. maximum imprisonment of 6 months; b. maximum fine of 50 million; c. the threat of imprisonment or fines in accordance with laws and regulations other than imprisonment for a maximum of 6 months and a maximum fine of 50 million; d. threat of sanctions which are of the nature of returning to the original state; and e. administrative sanctions. Administrative sanctions can be in the form of: verbal warning,

¹⁷ Shirmohammad Davoodvand, Abbas Abbaszadeh, and Fazlollah Ahmadi, 'Patient Advocacy from the Clinical Nurses' Viewpoint: A Qualitative Study', *Journal of Medical Ethics and History of Medicine*, 9 (2016), 5.

¹⁸ (Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Legislation, 2011: 9)

¹⁹ (Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, 2014: 238)

written warning, temporary suspension of activities, permanent suspension of activities, temporary revocation of permits, permanent revocation of permits, administrative fines, and other administrative sanctions in accordance with applicable laws²⁰.

The enforcement of the Gowa Regency Regional Regulation Number 2 of 2020 has been carried out since October 12, 2020. During the enforcement of the regional regulation, hundreds of two-wheeled pedestrians and pedestrians within the Gowa Regency area were found not wearing masks. For violators of regional regulations, they are subject to social sanctions in the form of *push ups*, cleaning toilets, and sweeping the streets, and some are immediately subjected to swabs, antigen rapids. The activities of the justice enforcement team involved 200 personnel.²¹ Furthermore, the yustisi operation with the imposition of fines for violators was carried out from 3-8 February 2021. The yustisi operation was formed in four teams. The first team led by the regent targeted food stalls, coffee shops, shops and cake shops. The second team led by the head of the attorney handles traditional and modern markets. The team when handling the street area was led by the police chief, and the fourth team led by the deputy regent targeted places of worship. This judicial operation succeeded in finding the violators and imposing fines as stated in the regional regulation.

The data shows that in general (69.1%) the jami mosque congregation agrees if the Gowa Regency Government applies the sanctions as stated in the regional regulations for people who are active outside the home who do not wear masks.²²

The number of mosque congregants who agree to imposing sanctions on people who do not use masks when doing activities outside the home synergizes with the number of views stating that Covid-19 is more easily transmitted to people who do not wear masks and do not implement health protocols. It can be understood that the spread of Covid-19 is easier for people who do not wear masks and do not implement health protocols, so the use of masks and the application of health protocols must be tightened. Mosque congregation must be disciplined in wearing masks and implementing health protocols. Therefore, in order to increase the discipline of using masks for mosque congregations, sanctions (coercion) are enforced, so that people can comply with the obligation to wear masks in mosques and others outside the home.

²⁰ (Regulation of the Minister of Home Affairs Number 80 of 2015 concerning Formation of Regional Legal Products, 2015: 8)

²¹ Herni Amir, 'Perda Wajib Masker Di Gowa Berlaku, Ratusan Orang Kedapatan Melanggar' (Makassar, 2020), p. 1.

²² Andi Yuliani, 'Daya Ikat Pengundangan Peraturan Perundang-Undangan', *Jurnal Legislasi Indonesia*, 14.4 (2017), 429–38.

Theoretically, enforcement of sanctions is intended to encourage legal subjects to comply with the law. For those who break the law, they are given sanctions to be deterrent so they do not repeat their violations, and for other legal subjects they are afraid not to commit violations of the law. Likewise, enforcement of sanctions is expected to educate legal subjects to do good things, such as wearing masks and implementing health protocols, so they are protected from the corona virus. Being free from Covid-19 means being free from transmitting the Corona virus.²³

The application of sanctions by Regional Regulation of Gowa Regency Number 2 of 2020 is a consequence of law enforcement for law violators. This regional regulation was issued to increase public discipline in implementing health protocols and using masks. The regional regulations are intended to serve as a basis for implementing efforts to prevent and deal with the risk of transmission of Covid-19 in the regions, and to provide a legal basis for everyone and law enforcers to optimize the obligation to wear masks and implement health protocols. While the purpose of regional regulations is to prevent and reduce the risk of transmission, optimize efforts to prevent and treat health due to Covid-19, and provide effective protection to everyone from the dangers of Covid-19.²⁴

The effectiveness of the law (perda obligatory masks) can be seen from the compliance of legal subjects (community/congregants) implementing the provisions in the local regulation. The purpose of drafting and enforcing the regional regulations as stated above, namely preventing and reducing the risk of transmission of Covid-19, as well as optimizing efforts to prevent and treat health due to Covid-19, will be fulfilled if the community/congregation of the mosque adheres to the provisions for using masks and implementing health protocols. As many as 85.2% of mosque congregations agree that wearing masks and implementing health protocols can protect themselves from the spread of Covid-19. This view is in line with the regional regulations requiring masks to be mandatory. This view is in accordance with the purpose of establishing regional regulations and supports the realization of the objectives of enforcing regional regulations. Thus it can be said that the mandatory mask regional regulation has effectively applied for jami mosque congregations in Gowa Regency.

²³ Amanda Roberts and others, 'Alcohol and Other Substance Use during the COVID-19 Pandemic: A Systematic Review', *Drug and Alcohol Dependence*, 229.PA (2021), 109150 <<https://doi.org/10.1016/j.drugalcdep.2021.109150>>.

²⁴ Pemerintah Daerah Gowa.

3.2 Saddu Zari'ah's Perspective on Mask Mandatory Local Regulations

a. The argument for the use of masks from the saddu zariah perspective

Facing the Covid-19 pandemic, the Government of Gowa Regency issued Regional Regulation of Gowa Regency Number 2 of 2020 concerning Mandatory Masks and Implementation of Health Protocols in Preventing the Spread of *Corona Virus Disease 2019*. This regional regulation requires the use of masks for everyone who has activities outside the home.²⁵ This regulation was enacted with the aim of:

1. prevent and reduce the risk of transmission;
2. optimizing health prevention and treatment efforts due to covid-19;
3. provide effective protection to everyone from the dangers of covid-19.

Wearing a mask outside the home is a new rule that is expected to become a new normal habit for everyone. Wherever a person is active outside the home, whether in mosques, schools, offices, markets in various political, economic, educational, religious, cultural, health and other activities, it is mandatory to wear a mask. Because using a mask for people who are active in crowded places is an optimal effort to avoid the spread of Covid-19. A number of health experts recommend using masks for everyone who has activities outside the home. Masks can protect those who have not been infected with Covid-19, as well as prevent sufferers from spreading viruses and other infectious agents through the air. The United States Centers for Disease Control and Prevention (CDC) released laboratory tests to control the spread of Covid-19 by optimizing the use of masks. The spread of Covid-19 through droplets, breath, mucus coming out of the mouth or nose is very effective with prevention through the use of masks, both by sufferers and other people. Thus it can be concluded that wearing a mask is an antidote to the spread of the corona virus at this time.

Saddu dzari'ah is one of the methods of establishing law in Islamic law, namely by closing the door so that it is not used as an intermediary for damage to occur. *Saddu dzari'ah* is to prevent permissible things from being used as intermediaries towards something that is forbidden, whether the perpetrator intends to make that something as an intermediary towards something that is forbidden, or has no intention.

Related to *al-dzari'ah*, Wahbah al-Zuhaili explains it in two forms, namely *saddu al-dzari'ah* and *fath al-dzari'ah*. It is not permissible to use something as a means/intermediary

²⁵ Parman. Bm.; Markoni Nainggolan Markoni; Susetio, Wasis, 'Law Enforcement Analysis Against the Night Entertainment Business Owner During Covid-19 Pandemic', *Journal of Multidisciplinary Academic*, 05.Vol 5, No 2 (2021): Science, Engineering and Social Science Series (2021), 155–60 <<http://www.kemalapublisher.com/index.php/JoMA/article/view/566/559>>.

because it is feared that it will cause mafsadat/damage, in other words, if the result of using the suggestion is mafsada/damage, then the use of that facility (which is called *al-dzari'ah*) is not permissible. This is what *saddu al-dzari'ah means* . While it is permissible to use means/intermediaries because they will lead to goodness/benefits, in other words the result is towards goodness/benefits, then the use of these facilities/intermediaries (which is called *al-dzari'ah*) is permissible. Because goodness / benefit must be realized. This is called *fath al-dzari'ah*²⁶

Taking into account the objectives of establishing the Gowa Regency Regional Regulation as mentioned above, the analysis of *saddu al-dzari'ah* for the three objectives is described as follows.

a. prevent and reduce the risk of transmission

The order to use a mask is a means/intermediary (*al-dzari'ah*) to prevent transmission of Covid-19 as a goal to be achieved. So the benefit/goodness in the form of preventing the transmission of covid will be obtained by (*fath al-dzari'ah*) wearing a mask.

Wearing a mask in normal conditions is basically permissible (*mubah*), while wearing a mask during prayers is prohibited. However, if conditions are not normal, such as fears of being infected with a dangerous virus (such as Covid-19), wearing a mask is mandatory. The obligatory/*fardu* legal determination of wearing masks is through the *fath al-dzari'ah method* .

The *fath al-dzari'ah* method is a developmental method of *saddu al-dzari'ah* . *Fath al-dzari'ah* means/ intermediaries used to realize good/benefit. Meanwhile, realizing benefit and preventing damage/mafsadah is the main goal of shari'ah. *Fath al-dzari'ah* is based on several reasons, namely:

Fiqhiyah rules are mentioned

مَا لَا يَتِمُّ الْوَجِبُ إِلَّا بِهِ فَهُوَ وَاجِبٌ

Anything (obligation) is incomplete without being accompanied by something, then that something also becomes obligatory.

الْأَمْرُ بِالشَّيْءِ أَمْرٌ بِوَسِيلَتِهِ

Order do something make orders for _ something to be means for carry out order the .

b. Optimizing health prevention and treatment efforts due to Covid-19 .

²⁶ (Al-Zuhaili, 1986: 173)

Effort prevention the spread of covid-19 that has done Government Regency Gowa enough varies , like gift information to Public about danger of covid-19, socialization method protect self from transmission of covid-19, and action temporary in handling symptoms of covid-19. efforts the it seems not yet maximum result , increase case keep going growing and caring Public still not enough in operate protocol health .

As step enhancement discipline Public in use a mask and apply protocol health , then Government Regency Gowa together with the DPRD draft and determine regulation area . Regulation area this , with its nature remember and load threat fine intended for could optimizing effort prevention and treatment health due to the covid- 19 .

So determination local regulations _ force with load fine for the offender is *fath al-dzari'ah* for realize kindness / benefit that is optimal effort prevention spread of covid-19. With he obeyed mask use and application protocol health will impact to optimal prevention transmission of covid, so handling for Covid-19 sufferers can done in a manner maximum . When total less covid-19 patients , then opportunity gift service maximum health _ could materialized .

- c. provide effective protection to everyone from the dangers of covid-19.

The enactment of this Gowa Regency Regional Regulation is not only intended for people who are exposed to Covid-19, but is also intended to provide protection for healthy people who are not/have not been exposed to Covid-19. In this condition, the policy of the Gowa Regency Government in enforcing regional regulations on the mandatory wearing of masks and implementing health protocols is to protect residents from the spread of the corona virus. So, the strict enforcement of regional regulations (*fath al-dzari'ah*) with the aim that citizens who are healthy/not exposed to Covid-19 can be protected as a *maslahah*/good thing that will be realized.²⁷

The Regional Government of Gowa Regency is the holder of the mandate to carry out various policies in carrying out its responsibilities in realizing the effectiveness of regional government administration, accelerating the improvement of people's welfare, increasing the quality of public services, and others. Therefore, various government policies in the context of realizing the goals of government that are effective, efficient, accountable, just and have legal certainty must be supported by the community.

b. Wearing a mask is in line with Islamic teachings

²⁷ Soerjono Soekanto, *Efektivitas Hukum Dan Penerapan Sanksi* (Bandung: Ramadja Karya, 1988).

The use of masks by the jami mosque congregation is based on the consideration of protecting themselves from being contaminated with the corona virus. The very small corona virus is estimated to be 125 nanometers or 0.125 micrometers (one micrometer is equal to 1000 nanometers). This measure was discovered by US researchers Anthony R Fehr and Stanley Perlman. The virus can survive on surfaces for more than 10 minutes. According to WHO, the corona virus can live for several hours or even days. This virus can die at a temperature of 56 degrees Celsius.

- a. Wear a mask and implement health protocols in accordance with Islamic teachings.

Wearing a mask and implementing health protocols is a very important effort in protecting yourself from the transmission of the corona virus. This view raises the urge to be consistent and disciplined in using masks outside the home. Protecting yourself from disease, as well as protecting yourself from harm, is an effort that is ordered in Islamic teachings. QS al-Baqarah/2: 195 states:

التَّهْلُكَةِ وَأَنْفٍ قُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى

Translated:

And spend (your wealth) in the way of Allah, and do not throw (yourself) into destruction with your own hands, and do good, indeed Allah loves those who do good.

Term (التَّهْلُكَةِ) means something that leads to destruction, destruction, death. Or the possible meaning: prohibition of suicide or doing things that cause someone's death; prohibition against spending; prohibition of abandoning jihad. this verse instruct for spend in the way of Allah and it is prohibited drop himself in destruction because his stinginess . Do good , because Allah likes people always _ do especially do good to self alone .

Order do good at verse this beside have mean special that is do good in form spend treasure for matter related jihad , also do good in understanding wide that is apply courtesy on all something , if kill enemy so do please in kill , if slaughter animal so do please in slaughter . In other words, an order do all activity positive ²⁸

Explanation above _ show that wearing a mask is deed good because the mask becomes tool protector self from the spread of the coronavirus. So is implementation protocol health is effort protect self from infected with the dangerous corona virus for human .

²⁸ (Shihab, 20 Shihab, M. Quraish, *Tafsir Al-Mishbah: Pesan, Kesan Dn Keresasian Al-Qur'an*, Volume 1 (Jakarta: Lentera Hati, 2006

b. Using a mask gain reward

Using a mask and implementing health protocols requires seriousness because it is a "new" activity that is mandatory in daily life, a new pattern of activities outside the home. According to Anis Baswedan, "Using a mask when doing activities outside the home is not comfortable, it requires sincerity. Wearing a mask is a symbol of respecting others while protecting others from the spread of Covid-19. Wearing a mask not only protects yourself, but also helps protect others from the spread of Covid-19.

Being active outside the home by wearing a mask to protect yourself and others from being contaminated with Covid-19 is a kindness. Namely efforts to maintain and maintain health in order to stay healthy in daily activities. QS al-An'am/6 verse 160 indicates that doing any good will be rewarded tenfold. Likewise QS al-Baqarah / 2 verse 245, that whoever lends Allah with a loan of goodness, Allah multiplies it in exchange for him. QS al-A'raf/7 verse 56 that God's mercy is very much to those who do good. QS al-Isra/17 verse 7, that the good that a person does then it will have a good effect on him, and vice versa.

4. Conclusion

Gowa Regency Regional Regulation Number 2 of 2020 Concerning Mandatory Masks and Implementation of Health Protocols in Preventing the Spread of *Corona Virus Disease 2019* is effective. Jami mosque congregations always use masks based on several reasons, namely: 1) they know that wearing masks when outside the home including at the mosque is mandatory because it has been regulated in regional regulations. 2) institutional and community support. 3) The congregation's view that *the corona* virus is a very dangerous virus, and 4) regional regulations contain coercive values (sanctions). Fines of 200,000 thousand for business actors, 150,000 thousand for civil servants, village heads and village officials, and 100,000 thousand for the community, as well as other sanctions in accordance with applicable regulations. In the perspective of *saddu zari'ah*, the efforts of the Regional Government of Gowa Regency to enact a regional regulation requiring people to wear masks in public places, such as on roads, markets, mosques and crowded places are in accordance with Islamic law. Its suitability is based on several arguments, namely: a) The obligation to protect oneself from harm/danger, b) Prohibition of spreading and accepting harm. In the rules of fiqhiyah "لاَضْرَرُ وَلَاضِرَارَ" does not spread harm and does not accept harm. Likewise, someone who knows or should be suspected of having a virus somewhere, is not allowed to visit that place for fear of harming the virus. Considering that human activity cannot be completely stopped, because it is necessary to make a living and fulfill other basic needs, the

way to protect yourself and others from the spread of the corona virus is to wear a mask. Therefore, for _ protect yourself and avoid virus spread with wearing a mask is very good effort.

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