

## Implementation of Mudik Ied Al-Fitr 1443 H Regulation: Security, Safety, and Comfortable Mudik from Maqashid Al-Sharia Perspective

Tri Wahyu Hidayati

IAIN Salatiga Indonesia

Email: [hidayatiabid@gmail.com](mailto:hidayatiabid@gmail.com)

### Abstract

*This article aims to show the government's efforts to realize the benefit of mudik (homecoming) travelers on the Eid al-Fitr 1443 H. The regulations issued by the government to realize the benefit are a manifestation of one of the values of Maqashid al-Sharia. The maintenance of religion, soul, mind, property, and offspring is highly considered in the rules set by the government to realize homecoming safety, security, health, and comfort. Homecoming this year feels very different from the previous year. This year it is allowed to go home after two years of being banned to prevent the spread of Covid 19, which is very fast and dangerous. This research was conducted by analyzing the homecoming rules set by the government and the results of observations on the implementation of Eid al-Fitr 1443 H homecoming from print and electronic media. The results of this research are significant as input for the government to establish legal provisions to realize the benefit of the community. In comparison, residents must also obey the rules set as long as they do not conflict with religious principles.*

**Keywords :** Mudik (Homecoming), Regulation, Maqashid al-Sharia

### INTRODUCTION

Mudik is a typical Indonesian annual culture. Mudik means going home, which comes from the word "Udik," meaning village.<sup>1</sup> Homecoming referred to in this paper is Eid homecoming. In Islam, there are two Eids, namely Eid al-Fitr and Eid al-Adha. However, a most typical homecoming activity in Indonesia is during Eid al-Fitr. It is typical of Indonesia because this tradition only occurs in Indonesia, not in other countries. It is called annual culture because this tradition is carried out every year on a large scale until the government makes special regulations regarding Eid homecoming. The government is preparing an adequate fleet/mode of transportation so that all travelers get transportation to get to their hometowns.

Homecoming is mandatory for Indonesian citizens who live far from their hometowns. The essence of going home is an expression of joy and a symbol of victory for Muslims after fasting for an entire month. Besides that, going home is an opportunity to let

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<sup>1</sup> Muskinul Fuad, Meaning Life Behind \_ Traditions of Mudik Lebaran ( Study phenomenology on Homecoming Experience \_ Celebrate Eid al-Fitr in hometown ), Journal Communications, Vol. 5, No. 1 January-June 2011, 107-123

go of longing for a beautiful and calm hometown.<sup>2</sup> Homecoming is an opportunity to be happy, gather with extended family in the village, and visit family graves.<sup>3</sup> Therefore, the moment of going home is a moment that is greatly missed, so every nomad prepares it both in terms of financial provisions, vehicles, and gifts for parents and family.

Mudik is a unique ritual for the Indonesian Muslim community. The government even stipulates special rules for H-7 and H+7 for traffic management. The government has specifically deployed officers to regulate the smooth traffic flow from the police and the Ministry of Transportation. Travelers use various modes of transportation, including planes, trains, buses, travel, and motorcycles. Many travelers ride motorcycles together with other travelers.<sup>4</sup> Homecoming posts were opened in various places to give travelers who want to rest to relieve fatigue for a moment. The increase in ticket prices for Eid transportation fares, usually D-5 to D+5, does not discourage residents from continuing to go home. Even modes of transportation such as trains have opened slots for purchasing tickets a few months before the holiday.

The phenomenon of the homecoming tradition cannot be separated from the meaning of Eid which is unique to the Indonesian Muslim community. Even though Eid Al-Fitr is celebrated by Muslims worldwide, Eid Al-Fitr in Indonesia is very special. Its uniqueness can be seen from the many activities carried out by Indonesian Muslims, such as *Takbir Keliling* or around village, even contested between schools; *Tidur* or beating the drum with a beautiful tone; *Badan* or visiting relatives after the Eid prayer until the next few days; and *Halal bihalal* which is carried out by almost all communities, extended families, institutions, organizations.

For more than two years, the COVID-19 pandemic has hit various regions of the country, including Indonesia. During the pandemic, efforts were made to reduce the rate of spread of the Covid-19 virus, such as the 3M Movement and PSBB (Pembatasan Sosial Berskala Besar or Large-Scale Social Restrictions). The 3M movements are *Mencuci tangan* (washing hands), *Memakai masker* (wearing masks), and *Menjaga jarak* (maintaining distance). These movements are the first step to making a better culture of living and are expected to

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<sup>2</sup> Suud Sarim Karimullah, Review Anthropology Law and Culture Against Yogyakarta Community Eid Homecoming, Social Culture, Vol. 18, No. 1, June 2021, 64-74, DOI 10.24014/sb.v18i1.12725

<sup>3</sup> Ibid

<sup>4</sup> Muskinul Fuad, Meaning Life Behind \_ Traditions of Mudik Lebaran ( Study phenomenology on Homecoming Experience \_ Celebrate Eid al-Fitr in hometown ), Journal Communications, Vol. 5, No. 1 January-June 2011, 107-123

significantly impact society in preventing disease. The government approved the regulation in early September in a circular by General Secretary of the Minister of Education and Culture No. 77106/A.A7/EP/2020. The 3M movements continues to be optimized and tightened so that a new regulation appears, namely 5M: *Mencuci tangan* (washing hands), *Memakai masker* (wearing masks), *Menjaga jarak* (maintaining distance), *Menjauhi kerumunan* (staying away from crowds), and *Mengurangi mobilitas* (reducing mobility).

PSBB (*Large-Scale Social Restrictions*) is listed in Government Regulation No. 21 of 2020 as a form of acceleration for handling the Corona-19 virus. These were followed up with regulation of the Minister of Health No. 09 of 2020 regarding guidelines for PSBB. To support the policy of handling the Covid 19 pandemic and maintaining state financial stability, the government issued at Peraturan Pemerintah Pengganti Undang-Undang or Perpu (Government Regulation instead of Law) No. 01 of 2020. The implementation of the PSBB regulation was realized by the Regional Government of Jakarta starting April 10, 2020, and continued in other areas such as Tangerang, Sidoarjo, and Surabaya.

PSBB implementation is carried out by temporarily stopping community activities in large groups such as schools, shopping centers, tourism, music concerts. Fields related to essential public services, such as health services, the food sector, finance, and communications, can continue operating. The implementation of the PSBB regulation to stop the spread of Covid is supported by all lines of government, both central and regional. East Java has implemented PSBB Vol. I since April 20, 2020, and Vol. II since May 12, 2020. Among the provisions during the PSBB: limiting the duration of community activities, implementing physical distancing, and implementing odd-even number vehicles. Activities outside the home, such as in markets, major road junctions, public facilities, and factories, are limited until 21.00. Infraction of these requirements can be subject to sanctions, such as withholding a KTP or not being allowed to apply for an extension of a KTP.<sup>5</sup>

During the Covid pandemic, Indonesia Government banned Eid homecoming activities. The ban on homecoming Eid in 2021 is contained in *Surat Edaran* or SE (Form Letter) No. 13 of 2021. The SE was issued based on Regulation or UU No. 6 of 2018 concerning Health Quarantine. Through the SE, the government banned homecoming

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<sup>5</sup> Pudjo Utomo, Covid =19 Versus Mudik Review About effectiveness policy Prohibition of Eid Mudik during the Covid-19 Pandemic, Journal Scientific QISTIE Law, Vol. 14, No. 1, the Year 2021, 11-125.

from May 6-17, 2021.<sup>6</sup> The ban on homecoming in 2021 also applies to family activities at tourist spots. Both are feared to cause uncontrolled mobility in the community, thus triggering an increase in Covid-19 cases.<sup>7</sup> This prohibition rule is based on a drastic increase in Covid cases after the Eid homecoming 2020, where the first Covid case occurred in Indonesia in March 2020. This prohibition has caused polemics. However, the majority of residents still adhere to these rules.<sup>8</sup> This ban aims to limit homecoming and prevent and control the spread of Covid-19.<sup>9</sup> People who are determined to go home are subject to quarantine sanctions.

The regulation of banning homecoming had raised pros and cons because the government banned going home but opened tourist spots to revive the economy.<sup>10</sup> Some public members consider the ban on homecoming inconsistent but allow tourism activities. They asked the government to lift the ban. DPR Chief, Puan Maharani criticized this regulation, and seeing it as an immature regulation because there was a contradiction between the ban on going home and being allowed to travel.<sup>11</sup>

It is indeed a tough decision to implement the homecoming ban and restrictions. However, this is important to reduce the rate of increase in Covid-19 cases. The homecoming tradition that has taken root in society is the reason. However, it cannot be denied that based on an evaluation of community activities during the extended holiday period, Christmas in 2020 has impacted an increase in Covid-19 cases. Not even just during the Christmas holidays. Tourism and homecoming activities in 2020 are still occurring, although, at 11%, this has had enough effect on an increase in Covid cases.<sup>12</sup>

Efforts are needed to educate the public that government regulations are to create good and benefit in society and set a precedent for the other rules. Moreover, the government needs to make the proper rules for the benefit of society without causing other

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<sup>6</sup> <https://www.kemerkopmk.go.id/larangan-mudik-kurangi-risiko-akibat-covid-19>

<sup>7</sup> Zainudin, The 2021 Lebaran Homecoming Prohibition Policy by The Government of Indonesia in A State Administrative Law Perspective, *Randwick International Of Social Sciences (RISS) Journal*, Vol.2, No.3, July 2021, DOI 10.47175/ rissj.v 2is.270

<sup>8</sup> AL Tantri, S Waluya, Polemic of Mudik in Indonesia: How People Deal With Government Regulations Related To Covid-19, *E3S Web Conferences*, 2021, e3s-conferences.org

<sup>9</sup> Zainudin, The 2021 Lebaran Homecoming Prohibition Policy by The Government of Indonesia in A State Administrative Law Perspective, *Randwick International Of Social Sciences (RISS) Journal*, Vol.2, No.3, July 2021, DOI 10.47175/ rissj.v 2is.270 .

<sup>10</sup> <https://dprd.jatengprov.go.id/2021/05/10/Masyarakat-perlu-pahami-pentingnya-kebijakan-larangan-mudik/>

<sup>11</sup> <https://www.cnnindonesia.com/nasional/20210408145419-20-627517/ramai-ramai-kritik-government-soal-larangan-mudik-lebaran>

<sup>12</sup> [dephub.go.id/post/read/not-mudik-for-indonesia-yang-better](https://dephub.go.id/post/read/not-mudik-for-indonesia-yang-better)

dangers. This article shows the government's earnest efforts to ensure its citizens' safety and how it makes Eid homecoming in 2022 (1443 H) as security, safety, and comfortable Mudik. What security homecoming means is the condition of returning home activities, and the travelers are protected from danger and not disturbed. Moreover, a safe homecoming is peaceful, unafraid, and free from distractions. So security and safe almost have the same meaning, but there is the added feeling of fearlessness. Healthy is free from pain in both the whole body and its parts. This term is essential because going home during or after a pandemic is closely related to health. Moreover, the third is the comfortable condition of homecoming which a person feels fresh, delicious, excellent, and delicious.<sup>13</sup> Through Maqashid al-Sharia analysis, this paper is expected to give citizens the confidence to obey government regulations as long as they are on the path of goodness and do not violate religious rules.

## RESEARCH METHODS

This research is qualitative to form a research-based scientific building on real societal situations and conditions. So this research aims to observe phenomena in a society that arise from religious norms is the teachings of friendship and mutual forgiveness. This research used a constructive view by observing phenomena in society, examining the norms held in society, and the rules related to the Eid homecoming 2022. The data was taken with a literature review of previous research and the Maqashid al-Sharia theory to analyze phenomena with existing theories and concepts. Moreover, data analysis was carried out deductively and inductively. The deductive method is a method of thinking that originates from general matters to specific matters, and the inductive method is the other way around.

## RESULTS AND DISCUSSION

### Maqashid al-Sharia

The concept of Maqashid al-Sharia is not a thought that exists by itself. The prototype of the thought that leads to Maqashid refers to the actions of the Prophet's companions. Mu'adz takes zakat from the value of the beans. It contradicts the hadith of the Prophet Muhammad: *"Take a seed from seed, sheep from sheep, camel from camel, a cow from a*

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<sup>13</sup> <https://kbbi.we.id>

cow" (HR Abu Daud). Mu'adz does not only understand this hadith literally but also sees the intention of stipulating zakat. Therefore, he believes taking the price or value of zakat assets is permissible. The decision was also based on the convenience of bringing the zakat assets to Medina to be given to poor people from the muhajirin and other Muslims in Medina. Muadz's actions are recorded in the hadith: "Give me one-fifth of clothes, which I will take as zakat because that is easier for you and better for the emigrants in Medina".<sup>14</sup>

Umar bin Khatthab understood the commands of the Qur'an not only textually but also paid attention to its maqasid. It could be, textually, what Umar did was considered 'in violation' of the text in the case of abolishing the share of tribal leaders as recipients of zakat as part of the *al-muallafati qulububum* group in surah at-Taubah [9]: 60. In this verse there are eight groups of recipients of zakat, namely; *Faqir* (indigent), *Miskin* (poor), *'Amil*, *al-Muallafati qulububum*, *al-Ghārim*, *Fi sabilillah* and *Ibn sabil*. During Abu Bakr's time, zakat was given to tribal chiefs who provided political support considered essential for the existence of Islam. However, during the time of Umar ibn Khattab, these tribal chiefs no longer received a share of zakat because it was considered that their support was no longer significant for the development of Islam. Umar bin Khatthab stipulated the punishment for a thief not by cutting off his hands according to what is mentioned in the Qur'an and stipulated the application of three divorces in one majlis as three divorces.<sup>15</sup>

Payment of *Diyat* by *Aqilah* on killing *kbata'* and *syibbul 'amd* interpreted from the father's side. Umar interpreted it as a council. What Umar did in passing disregarded the text. However, Umar thought far away, paying attention to the purpose behind the text, namely *maqāṣid*.<sup>16</sup>

According to Wahbah al-Zuhaili, *Maqashid al-Sharia* exist "meanings and objectives emphasized in all laws or most of them." *Maqashid al-Sharia* is the intent of the Syari'ah and the secrets that the Syari'ah places in every law.<sup>17</sup> Establishing Shari'a law aims to realize the benefit of human life in the afterlife. Islamic law cannot be sent down without a purpose. This can be proven by various verses of the Qur'an, such as al-Dukhan: 38-39, al-Mu'minun: 115, al-Hadid: 25, Ali 'Imran: 19.

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<sup>14</sup> HR al Bukhari, book of al- zakah in chap akhdz al- ardh fi al- zakah .

<sup>15</sup>A. Halil Thahir and Zaenal Hamam, " Measuring the History of Interpretation of Maqāṣidi " *Journal Qaf*, Vol. 2, No. 1, January 2018, p. 5.

<sup>16</sup>Subhi Mahmasani, *Turās al-Kbulafā al-Rāsyidin fi Fiqh wa al-Qadha* (Beirut: Dar al-'Ilm al-Malayin, 1984). 11.

<sup>17</sup> Look Wahbah al- Zuhaili , *Usul al- Fiqh al- Islami* , Dar al- Fikr , volume 2, Damascus , 1996, p. 1017

The idea of *Maqashid al-Sharia* was first clearly explained by al-Ghazali (d. 1111 M). He argues that Allah's purpose for passing down Islamic law is for the public benefit, specifically to protect the five essential elements in human life: religion, soul, intellect, lineage, and property. The jurists since the classical period have recognized the importance of the *Maqashid al-Sharia principle*. They regard it as different reasoning and must submit to conclusions based on the Qur'an and Hadith. Meanwhile, modern thinkers regard *Maqashid al-Sharia* as a source of law that stands alone, even overriding literal conclusions from the text. This thinking is expected to be able to adjust Islamic law to the social conditions of society that continue to develop and are constantly changing. Some even broaden the scope of *maqashid* or syariah goals, such as reforming women's rights, justice, and human rights. Syariah is closely related to justice, compassion, wisdom, and kindness. Any law that ignores justice, compassion, or benefit is not included in Sharia law.<sup>18</sup>

The most significant reason for unresponsive fiqh is the absence of a Sharia spirit. Imam al-Syathibi inspired to write the book *al-Muwafaqat fi Ushul al-Sharia* (conformances to Sharia principles) to reveal the spirit of Sharia, and it is more responsive to the times.<sup>19</sup> al-Syathibi made the Maqashid foundation of Islamic law. Before al-Muwafaqat, maqashid was included in the *al-maslahah al-mursalah* and was not considered an independent basis of Islamic law. al-Syathibi considers maqashid as the principal points of religion (*ushul al-din*), Sharia principles (*qawa'id al-Sharia*), and general thoughts (*kulliyat al-millah*).<sup>20</sup> This is the fundamental change created by al-Syathibi, promoting maqashid from something that plays a role behind the scenes to something significant. The wisdom behind the law becomes the basis for the law. Al-Syathibi represents a fresh idea qualified to solve the problems of modernity in the life of Muslims. He built his maqashid concept with a solid reasoning base, namely with an inductive process that many scholars of his time doubted.

Five main things of *Maqashid al-Sharia* must be maintained or realized in every shari'a law. The five types of maintenance are maintaining religion (*hifz al-din*), maintaining the soul (*hifz al-nafs*), maintaining property (*hifz al-mal*), maintaining the mind (*hifz al-'aql*), maintaining offspring (*hifz an-nasl*). Meanwhile, regarding the level of importance,

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<sup>18</sup> Ibid, 56

<sup>19</sup> Ash- Shâtibî , *al- Muwâfaqât* , edition daraz , I: 22.

<sup>20</sup> Al- Syathibi , a l- muwafaqat vol. 2 p . 6 . kindly concise can be seen in (Audah : 2012: 57)

Maqashid al-Sharia is divided into three, *dharuriyat*, *hajiyat* and *tahsiniyat*.<sup>21</sup> The following is an explanation of the three maqashid:

1. *Dharuriyat* (basic needs), which everything that is most important in human life for the good of life in this world and the hereafter. If this need is not met, then life will be damaged.<sup>22</sup> For example, maintaining the *daruriyat* aspects includes establishing prayers. The obligation to face the Qibla is an aspect of *hajiyat*, and covering the genitals is an aspect of *tahsiniyat*. The three cannot be separated from one another; the *dharuriyat* level is the main level, the *hajiyat* level is the refinement of the *daruriyat* level, and the *tahsiniyat* level is the refinement of the *hajiyat* level.
2. *Hajiyat* (secondary needs) are human needs such as ease from difficulties and relief from narrowness. If this is not fulfilled, it will cause difficulties in life.<sup>23</sup> The meaning of maqashid *hajiyat* can be expanded in society, not only in matters of rituals to God. Social life requires much attention from religious texts. If so, maqashid *ash sharia* will solve social problems that always arise and may differ from existing legal provisions.
3. *Tahsiniyat* (life complement) is an interest that is not as urgent as *dharuriyat* and *hajiyat* but needs to be fulfilled to give perfection and beauty to human life.<sup>24</sup> This third level of Maqashid can be translated as a kind of tertiary need to create a beautiful, comfortable living order—for example, the means of transportation and delicious additional food. Creating a beautiful, comfortable, non-flooding environment is part of the benefit of *tahsiniyat*.

Ignoring the *dharuriyat elements* can damage the five main things that must be maintained. Ignoring the *hajiyat aspect* does not destroy the existence of the five essential elements but only leads to difficulties. Meanwhile, neglecting the *tahsiniyat aspect* leads to efforts to maintain the five essential elements, which could be better.

### Regulations of Eid Mudik 1443 H/2022 M

Mudik for Eid 1443 H/2022 M certainly feels different because this year's homecoming is permitted after two years due to restrictions during the pandemic. To provide an opportunity to Mudik, the government has given employees holidays from April

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<sup>21</sup> Ahmad Sarwat, *Maqashid Syariah*, (South Jakarta: Rumah Fiqh Publishing, 2019), p. 53.

<sup>22</sup> Abu Ishaq al- Shatibi, *Al- Muwafaqat fi Ushul al-Shariah*, ( Kaherah : Dar Ibn Affan , cet1, 1417H/1997), Juz 2, page 17

<sup>23</sup> *Ibid.*, p . 17-18

<sup>24</sup> *Ibid.*, p . 21

29, 2022, to May 5, 2022. As usual, homecoming traffic has started to increase from D-7 to D-1. Moreover, the return flow will peak around May 6, 2022. The loosening of the regulations for community activities has started since Ramadan, such as the Tarawih worship at the mosque, which was previously restricted to prevent the spread of Covid-19.

The regulations of Mudik for Eid in 1443 H/2022 M are regulated in SE No. 16 of 2022. This SE was followed up with regulations by the Ministry of Transportation regarding domestic travel instructions through land, sea, air, and rail transportation:

1. Directorate General of Civil Aviation: SE No 36
2. Directorate General of Land Transportation: SE No. 37
3. Directorate General of Sea Transportation: SE No. 38
4. Train: SE No. 30

The requirements for homecoming or Mudik 1443 H in SE 16:

1. PPDN (Pelaku Perjalanan Dalam Negeri or *Domestic Travelers*): aged 6-17 years and received two vaccine doses without showing negative Rapid Test results.
2. Shows negative Rapid Test Antigen results whose samples are taken 1 x 24 hours before departure or; Shows negative RT-PCR results in which samples are taken 3x24 hours before departure and attached during a health check for PPLN (Pelaku Perjalanan Luar Negeri or *Overseas Travelers*) entering Indonesian territory through the entrance to foreign travel via seaports including Batam, Bintan, Tanjung Pinang, Tanjung Balai Karimun, Dumai, Terempa (Riau Islands), Tanjung Bena (Bali), Nunukan (Kaltara). This provision applies to PPLN from Singapore who has stayed for at least 14 days.

Follow-up regulations:

1. SE Kemenhub or Form Letter of the Ministry of Transportation No. 47 of 2022 (amendment to SE Kemenhub No. 38 of 2022) concerning guidelines for implementing Domestic Travelers (PPDN).
2. SE Kemenhub No. 48 of 2022, an amendment to SE Kemenhub No. 38 of 2022 concerning PPDN Using Air Transportation during a Pandemic
3. SE Kemenhub No. 49 of 2022, an amendment to SE Kemenhub No. 39 of 2022 concerning PPDN instructions with rail transportation.

For all of this, those aged 6-17 are exempt from the provision of showing rapid test results, just proof of the second dose of vaccine.

The purpose of these rules is to monitor, evaluate and deal with the spread of the virus, in addition to maintaining a national economic cycle. So that travelers, both PPDN and PPLN, can celebrate their homecoming safely, comfortably, and healthily by complying with protocol rules at the time of departure, at the homecoming location, and when returning. This was conveyed by the Minister of Transportation, Budi Karya Sumadi added that the public must be disciplined in increasing their immune system and administering vaccines. Therefore, they remain healthy and able to carry out their activities even during this pandemic has not yet fully recovered.

In order to realize a safe and comfortable homecoming, the government also recommends going home earlier. Mudik is expected to reach its peak on April 28-30.<sup>25</sup> The government waives toll fees if congestion reaches a certain distance to prevent traffic jams during homecoming. The Ministry of Transportation estimates that there are 85 million travelers, and 40 million travelers drive cars.<sup>26</sup> Congestion is very likely to occur on the toll road, with many travelers. It is alleged that there has been an increase of 40% due to the ban on going home in the previous year.

### **Handling Assessment of Eid al-Fitr Mudik 1443 H**

The two-year ban on Mudik for Eid has made the community's people eagerly await going home for the year 2022. The Ministry of Transportation considered the massive mobility of residents during Mudik for Eid 2022 to be successful and smooth (liputan6.com). The success of this homecoming is due to the synergy of society, such as the police, the Ministry of Transportation, civilization organizations, and all members of the society. Citizens' obedience to the regulations set by the government should be appreciated.

Security, safety, and comfortable homecoming are supported by various services provided by the government, such as the Ministry of Transportation's mobile service car. This car is ready 24 hours a day to help travelers who experience problems on their way. This car patrols the priority routes passed by travelers from Jakarta and other big cities to other cities. This patrol car has various materials and essential equipment travelers need, such as packaged food and drinks, jacks and accessories, fuel, first aid kits, umbrellas,

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<sup>25</sup><https://economy.business.com/read/20220421/98/1525460/lebaran-2022-Masyarakat-di-Minta-mudik-lebih-awal>

<sup>26</sup><https://video.kompas.com/watch/124953/gratis-cost-toll-if-jammed-more-than-1-km-saat-mudik#:~>

raincoats, traffic cones, emergency lights, and masks. The existence of this patrol car was responded to very well by the travelers because it helped the smoothness and safety of their trip back to their hometown.<sup>27</sup>

The synergy between the lines and the entire community has produced good results. Homecoming in 2022 is considered safer because accidents have been reduced by up to 40%. The Minister of Transportation revealed this after an evaluation meeting to implement the 2022 Eid homecoming. (liputan6.com). Various survey institutions have also noted the government's success in handling the 2022 Eid homecoming. The Political Indicator Survey Institute or Lembaga Survey Indikator Politik (LSIP) stated that 73.8 percent of the public was satisfied with handling the 2022 homecoming flow. Saiful Mujani Research and Consulting (SMRC) recorded residents' satisfaction in handling homecoming in 2022 by 88%. They also stated that their trip back and forth was safe and perfect. Even though 51% of residents mention traffic jams, the government can unravel the congestion problem with various policies such as contraflow and one-way enforcement for going home and going home.

The ability to go home for Eid in 2022 has a tremendous economic impact. The existence of homecoming supports the circulation of money and economic activity in the countryside. The 2022 Eid Mudik has succeeded in boosting enthusiasm for economic growth, which has been sluggish since the 2020 pandemic. The 2022 Mudik is a stimulant for the rise of MSMEs and industries that have experienced a downturn during the pandemic.<sup>28</sup>

### **Regulations of Eid Mudik in Actualization of Maqashid al-Sharia**

The development of the times, lifestyles, and changes in relations between human beings during *the nation-state era* significantly affected Muslims and all humans. Fundamental changes, such as globalization, migration between regions and even countries, advances in science and technology, and space exploration, have significantly impacted human life. These changes affect the form of legal and constitutional changes to state law. Other individual freedoms limit each freedom. Therefore, it is necessary to formulate the proper Islamic law to solve the problems of life that continue to exist and change.

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<sup>27</sup> Liputan6.com

<sup>28</sup> Liputan6.com

The benefit of human life in this world and the hereafter is an important goal of establishing Islamic law. Humans can find something that brings benefit or harm with reason guided by religion. So Maqashid al-Sharia has an essential role in measuring, considering, and resolving a problem that brings benefits and rejects damage.<sup>29</sup> It is the responsibility of the government and the state's responsibility to establish rules to guarantee the safety and security of souls by adhering to the values and norms that apply in society.

Determination of law based on a benefit is one of the principles in the determination of Islamic law, as stated in the Qaidah: A government action is centered on ensuring the interests and benefits of its people. Therefore, a well-known rule is *tasharruf al-imam 'ala ar-ra'iyati manuuthun bil maslahah*.<sup>30</sup> In realizing life safety from the dangers and spread of Covid-19, the government has stipulated various regulations such as the 3M movement, PSBB, PPKM, regulations prohibiting homecoming in 2020 and 2021, vaccine obligations, and others.

The handling of Covid-19 has been carried out to the fullest, and statistically significant results have been seen, so the relaxation of regulations such as the PSBB, and PPKM has begun. Gradually economic activity began to recover. Markets, and shopping centers have been opened as usual. Tourism sites are allowed to operate again, as well as arts and sports activities. These significantly impact increasing economic activity and improving people's welfare. The financial benefits are starting to be felt by traders, travel entrepreneurs, and small and medium entrepreneurs. These easing rules all have an impact on the benefit of human life. From the point of view of Islamic law, the rules set by the government are on the principles of Maqashid al-Sharia.

In 2022 the government allowed Eid homecoming 1443 H, which was previously prohibited. This prohibition is based on maintaining mental safety (*hifz al-nafs*) from exposure to Covid-19 or infecting others. The law also changes to permissibility when there is no reason for the prohibition. Changes to the rules are possible and legally valid because the law revolves around its *illat*, *al-bukmu yaduru ma'a 'illatibi wujudan wa 'adaman*.

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<sup>29</sup>Muhammad Mansif al- Asri , Al- Fikr al- Maqasidi Inda al-Imam Malik, ( Kaherah : Dar al-Hadith, 2008), page 28

<sup>30</sup>Jalaluddin as- suyuthi , al- Ashbah wa an- nazhair, Cairo , Mktab ats-tsaqfa ; tt ., p.83.

Law changes are reasonable because of changes in times and places.<sup>31</sup> In 2020 and 2021, the government will ban going home and activities that invite mass concentration, and in 2022, the government will allow it. The rules prohibiting mass concentration activities do not apply to green zones unaffected by Covid.

In 2022 there has been a significant reduction in the spread of covid. Religious activities have started to return to normal. Communities can congregate at the mosque and perform Friday and Eid prayers together. Recitations, and Islamic holiday celebrations have begun to mushroom and are attended by the Muslim community as before the pandemic. With these easing rules, Muslims can properly maintain their religion (*hifz al-din*). Maintaining religion can be divided into three levels according to their importance:

1. Maintaining religion at the *dharuriyyat* level means maintaining and fulfilling religious obligations contained at the primary level, such as praying five times a day. If prayer is neglected, one's religious existence becomes threatened. *Hifz al-Din* is a general rule that includes the implementation of laws, and maintaining their sanctity. Protecting religion is very important until the Ulama say that *hifz al-din* is the most important *dharuriyyat* among the five types of *dharuriyyat* that must be guarded.<sup>32</sup> Basically, *hifz al-din* includes two parts, the fulfillment of the obligations and provisions of the Shari'a and sanctions for violators. Then Islam stipulates sanctions for people who apostatize so that someone can maintain his religion so that he will be safe in this world and the hereafter. In Islamic criminal law, there are several types of sanctions for violations of Shari'a law, namely *hudud* and *ta'zir*.<sup>33</sup>
2. Maintaining religion at the *hajiyyat* level means implementing religious rules to avoid difficulties, such as *jama'* and *qashar* prayers for traveling people. If this regulation is not implemented, it will not threaten the existence of religion but will only make it more difficult for those who do.
3. Maintaining religion at the *tahsiniiyyat* means following religious instructions to maintain human dignity while fulfilling obligations to God. For example, covering the genitals both in prayer and outside prayer and cleaning clothes and places these three are often associated with commendable morals. If this were not possible, then it would not

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<sup>31</sup> Ibnu al- Qayyim al- Jauziyyah , Ijlam al- Muwaq'if , juz 3, ( ttp ., Dar al- Pole al- 'ilmiyah , tt ., p . 3

<sup>32</sup> Nuruddin Mukhtar al- Khadimi , ' Ilm al- Maqasid al-Shariah, (Riyadh: Maktabah al- 'Abikah , print. 1, 2001), p. 81.

<sup>33</sup> Ibrahim bin Musa Abu Ishaq al- Shatibi , Al- Muwafaqat , ( Mamlakah al- Arabiyah al- Su'udiyah : Dar ibn ' Affan , cet. 1, 1998), volume 2, pp . 18-19

threaten the existence of religion, nor would it make it difficult for those who practice it.

Maintaining religion can be extended to the right to religion, namely the right to worship and carry out religious teachings. Islam commands us to apologize and forgive each other. For this reason, going home is part of implementing the teachings of apologizing and forgiving. Islam teaches hospitality and filial piety to parents. Homecoming is a typical way for Indonesian Muslims to stay in touch and serve their parents by taking advantage of the Eid al-Fitr holiday. This right is not only to maintain the sanctity of religion but also to build a pattern of healthy relations among members of society. Thus, when the government allowed Eid homecoming in 2022, it was an effort to create a conducive situation so that a person could carry out his religious obligations properly while still paying attention to security, safety, and comfortable homecoming.

*Hifẓh an nafs* can be divided into three levels:<sup>34</sup>

1. *Dharuriyyat*. Taking care of the soul is urgent; if it is not fulfilled, it can threaten the existence of human life. If a person lacks food for a long time, it can cause death. The soul's salvation must also be realized from various physical threats such as murder, famine, and acts of violence. If care is not realized, it can cause death.
2. *Hajjiyyat*. If someone is sick and the weather is freezing, Islam gives rukhsah to be allowed to do tayammum. Sick people are also allowed not to fast during Ramadan, with the consequence of having to make up for it on another day. Sick conditions for fasting can slow down healing or make the pain worse.<sup>35</sup>
3. *Tahsiniiyyat*. Including complementary needs, such as the Syariah, allows transactions such as buying and selling. In order to achieve comfort, Islam allows delicious food, which is essential as halal.

Meaning *hifẓh an nafs* can be expanded into the right to life. The right to life means the right to defend oneself and realize a better quality of life. The Mudik of Eid 2022 regulations, where the government requires travelers; to have the covid-19 vaccine to protect their lives from the spread of the covid-19 virus to stay healthy, they also do not transmit the disease to their families. To keep the souls of travelers safe and secure on their journeys, the government has deployed officers to smoothen traffic so that fatal accidents

<sup>34</sup> Dr. H. Zamakhsyari, *Theories Inner Islamic Law Fiqh and Usul Fiqh*, (Bandung: Pioneering Media Citapustaka, 2013), p. 18.

<sup>35</sup> HA. Djazuli, *Ushul Fiqh: Methodology of Islamic Law*, (Jakarta: Rajawali Press, 2001), p. 185.

do not occur that threaten the safety of travelers. Officers are stationed at points prone to congestion.

The government and various mass organizations set up homecoming posts in various places. This is very useful to provide opportunities for travelers to rest comfortably and safely from thieves/robbers. The posts also provide packaged food ingredients for travelers in need. Adequate food intake will be able to provide energy for travelers. So they can drive safely to their destination. The Command Post is also equipped with health workers and medical equipment if needed, such as masks and medicines.

Guarding the soul is crucial, so it is placed after guarding religion. In order to protect the soul, Islamic law prohibits killing and prescribes severe sanctions for the perpetrators.<sup>36</sup> During the Covid-19 pandemic, Muslims should have tried to prevent exposure by following the health protocols set by the government and other regulations. So the government's ban on going home during a pandemic is part of protecting the soul. Avoiding damage (sickness or death due to a pandemic) must be avoided, even though going home for silaturrahmi is a kindness. This is by the rules of *dar'u al-mafsid muqaddamun 'ala jalb al-mashalih*.<sup>37</sup> Even though silaturrahmi is a religious order, Islam does not make things difficult for its followers (al-hajj: 78). Therefore, people are expected to obey the rules regarding going home. Obedience to leaders is also part of religious orders (QS an-Nisa: 59). For everyone to stay healthy, the government is still campaigning for awareness to care that Covid-19 is not over. With a healthy soul, a person can practice his religion well. Therefore *hifz al-nafs* can be a prerequisite for fulfilling *hifz ad-dein*.<sup>38</sup>

## CONCLUSION

*Maqashid al-Sharia* means the sharia puts in every law. The main principle of *Maqashid al-Sharia* is that Islamic law is prescribed to protect five main things: religion, soul, mind, property, and lineage. It is a necessity that if there is a change in legal status, it will necessitate a change in the law. In making regulations, the government must consider the benefit of citizens, not cause damage. The rules set by the government regarding the

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<sup>36</sup> Ibid p . 20

<sup>37</sup> Shalih Bin Ghanim As- Sadlan , Al- Qawaid Al- Fiqhiyyah Al-Kubra Wama Tafarra'a ' Anha , (Riyad: Dar Balnasyah , print 1, 1997M/1417H), page 514.

<sup>38</sup> Hudzaifah Ahmad qatada , Covid-19: Overview maqashid al- shari'ah to suspension implementation Worship Pray on the spot Worship ( Hifz an- nafs More Major than Hifz ad-din ), Greetings: Journal Social and Culture Syar'I FSH UIN Syarif Hidayatullah Jakarta, vol. 7 NO.7(2020), pp 659- 672, DOI :10.15408/sjsbs.v7i7.15676

handling of a pandemic are by the Maqashid al-Sharia principles. Likewise, the rules regarding the ban on going home in 2020 and 2021 and the permissibility of going home for Eid in 2022 are, in principle, to safeguard the safety of the Indonesian people. Detailed policies, including vaccine requirements, alertness of traffic officers, involvement of various elements of society, and provision of homecoming posts, are all part of efforts to create security, safety, and comfortable homecoming. Therefore, the community should comply with the rules set by the government as long as it is for the good and benefit and does not cause harm.

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