

The Controversy of Using Non-Halal Ingredients in Vaccine Production: Between Emergency Needs and Sharia Principles

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ABSTRACT

The controversy surrounding the use of non-halal ingredients in vaccine production presents a complex dilemma between public health needs and adherence to Islamic principles, particularly in Muslim-majority countries such as Indonesia. This study examines how the concepts of halal compliance and the doctrine of necessity in Islamic law serve as the basis for legitimizing vaccines containing non-halal elements, especially during pandemic conditions. It also explores how halal and non-halal fatwas issued by religious authorities, particularly the Indonesian Ulema Council (MUI), shape public responses, influence vaccine acceptance, and generate economic implications for both the government and the pharmaceutical industry. Employing a normative juridical method through statutory and conceptual approaches, this research analyzes legal principles, Islamic doctrines, and positive regulations governing halal product assurance. The findings indicate that although the principle of necessity offers legal flexibility for the use of non-halal vaccines, its effectiveness heavily depends on clear public communication and the legitimacy of religious fatwas. Furthermore, the study evaluates the halal vaccine issue from a constitutional law perspective, specifically through the symbiotic paradigm of religion–state relations. It concludes that strengthening interinstitutional coordination, improving public literacy, and providing halal vaccine alternatives constitute strategic measures to ensure an inclusive and effective vaccination policy aligned with both Islamic principles and Indonesia’s constitutional framework.

1. Introduction

Public health is a fundamental aspect that plays a crucial role in maintaining the stability and well-being of a society.¹ The continuity of a nation is highly dependent on the health of its population, particularly in vulnerable situations such as during a global pandemic, for instance, the COVID-19 pandemic that has shaken the world in recent years. In times like these, vaccination emerges as one of the medical interventions proven effective in minimizing the spread of infectious diseases. By utilizing vaccines, an individual's body can be trained to recognize and combat the pathogens responsible for specific diseases, thereby reducing the risk

¹ Indah Pusnita et al., “Pelayanan Kesehatan Dalam Pembangunan Kesejahteraan Sosial Di Kecamatan Gandus Kota Palembang,” *Jurnal Publisitas* 9, no. 2 (2023): 187–98, <https://doi.org/10.37858/publisitas.v9i2.326>.

of contracting or transmitting the disease.² The success of global vaccination programs, as evidenced in the eradication of diseases such as polio, measles, and hepatitis, has encouraged many nations to adopt and strengthen their immunization systems. However, although the efficacy of vaccination has been recognized worldwide by scientists and healthcare practitioners, its acceptance among Muslims is often overshadowed by concerns regarding the permissibility (*halal* status) of the ingredients used in the production process.

In the context of countries with majority Muslim populations, the *halal* status of a product becomes a decisive factor that significantly influences the public's decision to consume or utilize such products, including healthcare products such as vaccines. This is closely related to Islamic teachings and Islamic law (*Sharia*), which strictly regulate what may and may not be consumed or used by its adherents.³ Essentially, Islamic law is derived from divine revelation, namely the Qur'an, which is further elucidated by the Prophet Muhammad (peace be upon him) through his Sunnah and Hadith. This revelation establishes fundamental norms and principles within Islamic law, which at the same time modifies or replaces pre-existing rules and customs that had become traditions within society.⁴

The concept of *halal* refers to the compliance status of a product with Islamic law (*Sharia*), which serves as the foundation for many Muslims in conducting their daily lives as clearly prescribed in the Qur'an.⁵ For example, products containing ingredients derived from pigs or their derivatives are considered haram and are explicitly prohibited in Islamic teachings. When medical products, such as vaccines, contain non-halal elements like gelatin sourced from pigs, this can raise concerns and even lead to rejection among segments of the Muslim community. For many Muslims, the use of such substances is deemed contrary to their religious principles and beliefs, prompting them to be more cautious or even to refuse vaccination.

On the other hand, Islamic law in fact also recognizes the concept of necessity (*dharurah*), which can serve as a basis for permitting the use of non-halal substances under certain circumstances.⁶ This concept is an important principle in Islamic law that allows for exceptions to general rules when situations threatening life or health occur. This principle derives from the objectives of Sharia (*maqasid al-sharia*), which place the protection of life as one of its primary aims.⁷ In the context of vaccination, the application of the principle of necessity can mean that the use of vaccines containing non-halal ingredients may be considered permissible if no alternative halal vaccines are available. Additionally, this principle can be applied if refusing vaccination poses a risk of harm to individual and public health due to the potential for greater disease transmission. Fatwas from Islamic scholars and religious institutions often utilize this principle to permit the

² Rahayuwati, "Penolakan Vaksinasi: Imajinasi Moral Dan Peran Media Sosial," *Humanika* 28, no. 2 (2021): 128–45, <https://doi.org/10.14710/humanika.v28i2.39912>.

³ Munawwarah Sahib and Nur Ifna, "Urgensi Penerapan Prinsip Halal Dan Thayyib Dalam Kegiatan Konsumsi," *POINT: Jurnal Ekonomi Dan Manajemen* 6, no. 1 (2024): 53–64, <https://doi.org/10.46918/point.v6i1.2256>.

⁴ Dr. Marzuki M.Ag, *Pengantar Studi Hukum Islam*, ed. Aditya Pratama, 2nd ed. (Yogyakarta: Ombak, 2017).

⁵ M.Ag. Dr. H. Sahid HM, *Legalisasi Hukum Islam Di Indonesia, Al-Fath*, vol. 01 (Surabaya: Pustaka Idea, 2016).

⁶ Agus Nurhakim, "Konsep Darurat Dalam Hukum Ketatanegaraan Islam," *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial Islam* 8, no. 1 (2020): 236–46.

⁷ SULAEMAN, "Signifikansi Maqashid Asy-Syari'Ah Dalam Hukum Ekonomi Islam," *Jurnal Syariah Dan Hukum Diktum* 16, no. 1 (2018): 98–117, <https://doi.org/10.35905/diktum.v16i1.524>.

use of vaccines in emergency situations, even if the vaccine contains substances that would normally be considered haram under ordinary circumstances.

The principle of necessity offers a solution in urgent situations, but its application is not always universally accepted within the Muslim community. Controversy often arises between conservative Islamic scholars who adhere more strictly to absolute permissibility principles and more moderate scholars who believe it is important to consider emergency needs in protecting public health.⁸ These differing viewpoints frequently create confusion among the public regarding whether the use of non-halal vaccines can be justified in emergency situations. For example, in Indonesia, the fatwa issued by the Indonesian Council of Islamic Scholars (*Majelis Ulama Indonesia* or MUI) concerning vaccines containing non-halal ingredients serves as the primary reference for both the public and the government. Some fatwas state that vaccines containing non-halal ingredients may be used in emergency situations subject to certain conditions. However, although such fatwas provide clarity for some parties, there remains a segment of society that remains reluctant to accept such vaccines, as they prioritize the *halal* status as a primary concern in their lives.

The issue of vaccine *halal* status carries implications beyond legal and religious aspects, also bearing significant social and economic consequences. Rejection by segments of society of vaccination due to non-halal concerns can impede the success of national immunization programs.⁹ Should a sufficient number of individuals refuse vaccination, this could jeopardize the establishment of herd immunity, which constitutes the primary objective of governmental vaccination programs.¹⁰ Herd immunity is crucial for protecting susceptible individuals who cannot be vaccinated, such as infants who are too young or people with specific medical contraindications.¹¹ To achieve this compliance, manufacturers are often compelled to incur additional capital expenditures in research and development, as well as in *Halal* certification procedures, which ultimately results in escalated production costs. Such cost escalations may subsequently influence market pricing, thereby potentially impeding the distribution and accessibility of these vaccines.

Given these multifaceted issues, it is imperative to conduct a rigorous analysis of the application of Islamic jurisprudence (*Fiqh*), specifically the doctrine of necessity (*Darurat*), regarding the administration of vaccines containing non-halal constituents. This inquiry seeks to elucidate the manner in which Islamic law provides legal flexibility in specific exigencies while maintaining adherence to fundamental *Halal* principles.

Furthermore, an assessment of the socio-economic ramifications of religious rulings (*Fatwas*) regarding both *Halal* and non-halal classifications on vaccine uptake within Muslim communities is warranted. A more profound understanding of these dynamics is anticipated to yield actionable

⁸ Achmad Muhibin Zuhri, *Islam Moderat: Konsep Dan Aktualisasinya Dalam Dinamika Gerakan Islam Di Indonesia*, ed. Winarto Eka Wahyudi, 1st ed. (Jawa Timur: Academia Publication, 2022).

⁹ Fisipol, "Beragam Survei Sebut Penolakan Dan Keraguan Masyarakat Terhadap Vaksin COVID-19," fisipol.ugm.ac.id, 2021.

¹⁰ Adi Widhiastu and Tri Setyawati, "Peran Vaksinasi Covid-19 Untuk Pembentukan Herd Immunity The Role of The Covid-19 Vaccination for Establishment of Herd Immunity," *Jurnal Medical Profession (MedPro)* 4, no. 2 (2022): 191–200.

¹¹ Feffi Azzainatus Syaffira and Oman Fathurohman S. W, "Industri Obat Halal Di Indonesia Antara Peluang Dan Tantangan," *An-Najat : Jurnal Ilmu Farmasi Dan Kesehatan* 2, no. 3 (2024): 245–61.

recommendations for policymakers navigating future vaccine compliance issues, aiming to strike an equilibrium between public health imperatives and adherence to Islamic Sharia. Through this holistic approach, it is envisioned that the government and relevant stakeholders may formulate more inclusive and efficacious policies to foster vaccine acceptance among Muslim populations."

"Based on the aforementioned phenomena, this study addresses the following research questions: (1) What constitutes the jurisprudential basis for *Halal* principles and the doctrine of necessity (*Darurat*) within the context of vaccination? (2) How do *Halal* and non-halal *Fatwas* influence socio-economic outcomes within the community?

2. Research Methods

This study employs a normative legal research method, analyzing the research problem through an approach grounded in general legal principles and referencing the legal norms codified within Indonesian regulations.¹² This study utilizes secondary data derived from diverse sources, specifically comprising primary and secondary legal materials. Secondary data refers to pre-existing information employed to supplement the research data. Notably, the primary legal materials utilized include Law Number 33 of 2014 concerning Halal Product Assurance and relevant verses of the Quran.

The objective of this research is to aggregate essential components such as theories, concepts, legal principles, and regulations pertinent to the subject matter. By analyzing these theories, concepts, principles, and regulations, the study seeks to ascertain the legal implications of the issues under investigation and to proffer appropriate recommendations or solutions to address the research problem.¹³ This normative legal research necessitates the utilization of several research approaches, including:

a. Statute Approach

This approach involves an examination of relevant domestic legislation or international law pertaining to the research topic. By employing this approach, the researcher is enabled to delve into the *ratio legis* and the ontological basis underpinning the enactment of the respective regulations.¹⁴ The objective is to comprehend the underlying philosophy of the legislation and to evaluate whether a philosophical conflict exists between the statute and the subject matter under investigation.

b. Conceptual Approach

Legal research utilizing the conceptual approach commences with established legal theories and doctrines. By examining these theories and doctrines, the researcher is able to comprehend the relevant legal concepts, ideas, and principles.¹⁵

¹² Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (April 1, 2020): 20–33, <https://doi.org/10.14710/gk.2020.7504>.

¹³ Sigit Supto Nugroho, *Metodologi Riset Hukum* (Sukoharjo: Oase Pustaka, 2020).

¹⁴ Suhaimi, "Problem Hukum Dan Pendekatan Dalam Penelitian Hukum Normatif," *Yustitia* 19, no. 2 (2018): 203–10.

¹⁵ Suhaimi.

3. Result and Discussion

3.1. The Principle of Halal Compliance and the Doctrine of Necessity in Vaccination

Halal denotes that which is permissible. Any product designated as *halal* must be manufactured in accordance with Sharia rules and satisfy the *thayyib* standard. Consequently, the product must be safe (non-toxic), trustworthy, non-hazardous, hygienic, legally permissible, and wholesome, spanning from the raw materials stage to the final consumption phase.¹⁶ *Halal* is an Arabic term signifying that which is permitted or lawful under Islamic jurisprudence. In the context of pharmaceuticals, beverages, and foodstuffs, *halal* refers to products deemed fit for consumption by Muslims in strict adherence to Sharia requirements.¹⁷ According to Article 1, section 2 of the Halal Product Assurance Law (Law No. 33 of 2014), a *halal* product is defined as a product that has been certified *halal* in accordance with Islamic Sharia. It can thus be concluded that, in the context of Muslim consumption, *halal* signifies that which is permissible or lawful under Islamic jurisprudence, consistent with Sharia provisions.

Humankind was created to worship Allah SWT, thereby requiring continuous submission and obedience to His commands. One manifestation of this obedience is the consumption of food and beverages that are *halal* and *thayyib* (wholesome). This aligns with the commandment of Allah in Surah Al-Baqarah, verse 168.

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

Meaning:

O mankind, eat from whatever is on earth lawful (halal) and good (thayyib), and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy. – (Q.S Al-Baqarah:168)

The *Halal* concept is not exclusively confined to foodstuffs; rather, it encompasses various facets of a Muslim's life, representing everything that is permissible, acceptable, and authorized by the religion. In the context of manufactured goods, *halal* generally refers to products that are free from prohibited constituents such as pork, alcohol, blood, or additives derived from animals that fail to meet Sharia requirements.

Moreover, the production process must be shielded from contamination by substances deemed ritually impure (*najis*) under Islamic jurisprudence. Consequently, even the cleaning methods employed during manufacturing must align with Sharia provisions, thereby ensuring the final product is genuinely purified and safe for Muslim consumption.¹⁸ Thus, the *Halal* concept

¹⁶ Abid Haleem and Mohd Imran Khan, "Towards Successful Adoption of Halal Logistics and Its Implications for the Stakeholders," *British Food Journal* 199, no. 7 (2017): 1592–1605, <https://doi.org/https://doi.org/10.1108/BFJ-12-2016-0637>.

¹⁷ Nur Aini Fitriya Ardiani Aniqoh and Metta Renatie Hanastiana, "Halal Food Industry: Challenges and Opportunities in Europe," *Journal of Digital Marketing and Halal Industry* 2, no. 1 (2020): 43–54, <https://doi.org/10.21580/jdmhi.2020.2.1.5799>.

¹⁸ Tamer Baran, "A Literature Review and Classification of the Studies on 'Halal' in Islamic Business Journals (2010-2018)," *Journal of Islamic Marketing* 12, no. 5 (2020): <https://doi.org/10.1108/JIMA-10-2019-0206>, <https://doi.org/https://doi.org/10.1108/JIMA-10-2019-0206>.

encompasses the entire continuum, from the raw materials to the final processing stage, to ensure the product's ritual purity and permissibility.

Conversely, if the *Halal* concept exists, its antithesis is *Haram* (حرام), which is a legal ruling declaring that a state or action is religiously prohibited. This concept stands in opposition to *Halal* as it contravenes Sharia and Islamic regulations. *Haram* denotes that which is impermissible, unauthorized, and unacceptable. In the context of commercial products, the *Haram* status is not solely dependent on the ingredients utilized, but also encompasses the method of acquisition, processing, and distribution of the product.

Meaning:

“Prohibited to you are dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah, and [those animals] strangled or beaten to death or fall from a high place or gored [by a horn], and those eaten by a wild animal, except what you [are able to] slaughter [before its death], and what has been sacrificed on stone altars, and [prohibited is] that you seek decision through divining arrows. That is grave disobedience. This day, those who disbelieve have despaired of [defeating] your religion; so fear them not, but fear Me. This day, I have perfected for you your religion and completed My favor upon you and have approved for you Islam as religion. But whoever is forced by severe hunger, with no inclination to sin, then indeed, Allah is Forgiving and Merciful”.

(Q.S Al-Ma'idah 5:3)

This prohibition is substantiated by a *Hadith* (Prophetic tradition) narrated by Bukhari and Baihaqi, in which the Messenger of Allah, peace be upon him (PBUH), stated: 'Verily, Allah has not made your cure in what He has prohibited for you.' However, some jurists, such as Yusuf al-Qaradhawi, maintain the view that the consumption of bats for medicinal purposes is permissible in Islam under conditions of *necessity* (*darurat*). This exception applies only when no effective *halal* medicine remains available to cure the suffered ailment. In such situations, failure to consume the prohibited substance could lead to the worsening of the disease, difficulty in recovery, or even result in death. Nevertheless, if a *halal* pharmaceutical alternative is available, there is no leniency or dispensation (*rukhsab*) for utilizing the *haram* item.¹⁹

The doctrine of necessity (*darurat*) in Islamic jurisprudence refers to situations where urgent or perilous conditions compel an individual or a community to undertake an action normally prohibited by Sharia. Under a state of necessity, actions that are impermissible under normal circumstances may be authorized as a form of legal dispensation (*rukhsab*).²⁰ This doctrine is applied to safeguard the core necessities (life, property, intellect, and honor). Islamic law is designed to alleviate burdens on individuals in difficult situations, operating under the maxim: 'to secure benefits (*maslahat*) and avert harm (*mafsadah*).' However, the exception that permits the use of *haram* substances for medicinal treatment must satisfy the following prerequisites:²¹

- a. A firm conviction must exist that a serious and immediate threat will materialize should the prescribed medication be withheld or not administered.

¹⁹ Adi Asmara, “Tinjauan Biblika Terhadap Kontroversi Halal Dan Haram Vaksin Covid-19,” *Jurnal Teologi Biblika* 6, no. 1 (2021): 37–42.

²⁰ Nurhakim, “Konsep Darurat Dalam Hukum Ketatanegaraan Islam.”

²¹ Yusuf Qardhawi, *Halal Haram Dalam Islam, Era Intermedia*, 3rd ed. (Solo: Era Intermedia, 2003).

- b. No available halal pharmaceutical alternative exists that possesses an equivalent therapeutic function.
- c. The administration of the medication must be predicated upon a formal recommendation from a Muslim physician who possesses both clinical expertise and reliable religious integrity.

The principle of necessity (*darurat*) is not solely applicable to individual life but also extends to social and state/governance contexts. In Islamic jurisprudence, *darurat* empowers the government or religious authorities to take necessary measures to protect the public, even if such actions are typically impermissible.

For instance, during a health crisis such as a pandemic, the government may implement extraordinary regulations for the sake of public safety, such as authorizing the use of non-halal products when no *halal* alternative is available. Crucially, actions taken under this state of necessity must be strictly limited to the exigency and must not exceed what is genuinely required to mitigate the danger or crisis.

The same rationale applies in the context of vaccination. In emergency situations, such as a pandemic where disease proliferation threatens a large number of lives, the use of vaccines containing non-halal constituents may be considered, provided no effective and available *halal* vaccine alternative exists. This principle invokes the Islamic doctrine of necessity, which grants dispensation (*rukhsah*) from specific prohibitions to safeguard human life (*hifz al-nafs*).

Similar to Yusuf al-Qaradawi's view on pharmaceuticals containing *haram* ingredients, the same principle can be applied to vaccination. If refusing vaccination risks causing wider disease spread, and no *halal* vaccine can immediately meet the required demand, then using a non-halal vaccine becomes a permissible option to avert a greater harm (*mafsadah*). However, if an available and accessible *halal* vaccine alternative exists, the use of a *haram*-containing product is no longer justified, as the principle of necessity cannot be invoked when a Sharia-compliant option is present.

3.2. The Social and Economic Ramifications of Halal and Non-Halal *Fatwas*

Fatwas issued by religious authorities, such as the Indonesian Ulema Council (*Majelis Ulama Indonesia* or MUI) or other similar religious institutions, play a critically important role in shaping the perception and attitude of the Muslim populace toward vaccination, particularly when the vaccines contain non-halal constituents. When the MUI or a similar body issues a *fatwa* permitting the use of non-halal vaccines under conditions of necessity (*darurat*), this provides a sense of assurance for Muslims to accept the vaccine, as they feel their actions are religiously justified.

Such rulings often serve as the primary guideline for communities that incorporate religious aspects into their decision-making, especially in Muslim-majority nations. However, these *fatwas* can also elicit varied reactions, with some segments of the populace remaining skeptical or resistant if they perceive the declared 'state of necessity' (*darurat*) to be unclear or inconsistent with their personal conviction. This demonstrates that while the *fatwa* serves as a religious guide, public acceptance of vaccination is highly dependent on effective dissemination and

comprehensive communication by the government and religious authorities to articulate the emergency situation.

The following are five crucial points regarding the economic implications and associated challenges related to the *fatwa* permitting the use of non-halal vaccines during an emergency, along with their explanation:

a. Escalation of Expenditures for Public Outreach and Education

A *fatwa* authorizing the use of non-halal vaccines during an exigency necessitates intensive public outreach to ensure the populace comprehends the circumstances and the rationale underpinning the decision. The government must allocate substantial funding toward educational campaigns and the training of healthcare personnel to ensure this message is clearly communicated. Absent effective communication, public vaccine acceptance may remain low, thereby impeding the vaccination program and potentially compromising the efficacy of public health policy.

b. The Dilemma in Balancing Vaccine Pricing

Non-halal vaccines are frequently less costly to manufacture as they circumvent the need for complex halal certification. This poses a dilemma for the government, which must choose between supplying more expensive halal vaccines or more affordable non-halal vaccines that risk public rejection. This decision bears significant economic consequences, particularly concerning state budget allocation and vaccine accessibility for the broader populace.

c. Investment Exposure for Halal Vaccine Manufacturers

Manufacturers who have committed substantial capital to the production of halal vaccines may face financial jeopardy if non-halal vaccines gain wider acceptance during an exigency. This could result in losses for producers who sought to comply with halal standards and adversely affect their business sustainability. Consequently, this uncertainty could stifle manufacturer motivation to develop future halal products should demand for halal vaccines diminish during emergency situations.

d. Distributional Impediments within the Religious Populace

Notwithstanding the *fatwa* authorizing the use of non-halal vaccines, the distribution of such vaccines in regions highly sensitive to Halal compliance continues to face significant challenges. A substantial portion of the community remains hesitant or resistant to non-halal vaccines, despite the authorization granted under the state of necessity. This compels the government to maintain the provision of halal vaccine alternatives in these areas, thereby augmenting logistical complexity and increasing the operational burden associated with distributing multiple vaccine types.

e. The Risk of Eroding Public Confidence

A *fatwa* authorizing the use of non-halal vaccines in a state of necessity can result in the erosion of trust in both religious and governmental authorities should the public perceive the emergency conditions as ambiguous or poorly communicated. This outcome may disrupt social and economic stability, diminish public confidence in health policy, and impede the execution of

immunization programs. Consequently, vaccine distribution may be delayed, vaccination coverage targets may remain unmet, and pandemic mitigation efforts will be hampered.

While a *fatwa* permitting the use of non-halal vaccines during a state of necessity provides a religious foundation for Muslims to accept vaccination, particularly during a health crisis, the implementation of this ruling also confronts various economic implications and challenges ranging from high socialization costs to the potential diminution of public trust in religious and governmental authorities.

Therefore, a collaborative effort among the government, vaccine manufacturers, and religious authorities is imperative to ensure that the decisions rendered are not only compliant with Sharia principles but also effective in safeguarding public health. Clear communication, the provision of suitable alternatives, and sensitivity to social conditions are pivotal to overcoming existing impediments and achieving success in vaccination programs, particularly in Muslim-majority nations.

3.3 Constitutional Law Perspective on the State-Religion Relationship Regarding Vaccine Halal Compliance

From a theoretical standpoint, Prof. Dr. Djokosoetono defines the state as an organization or collective of individuals subject to a single government.²² Consequently, the foundation of a nation's governance reflects the character of its populace. Indonesia, for instance, is founded upon the Pancasila ideology and the 1945 Constitution (UUD 1945). The Basic Data on Religious Life (DDKB) indicates that the Indonesian populace possesses a diverse religious character.²³ Although religion holds a significant position in social life, Pancasila remains the state philosophy amidst the models of atheist, secular, and theocratic states.²⁴ Juridically, Article 29 of the 1945 Constitution (UUD 1945) recognizes the existence of religion and guarantees the freedom to embrace it; however, this provision does not establish religion as the primary consideration in state policy. Consequently, Indonesia may be understood as a non-theocratic state one that neither separates itself from religious values nor subjects itself to religious authority.

Indonesia's existence as a non-theocratic state emphasizes a relationship between the two elements of religion and state that gives rise to the symbiotic paradigm. As elaborated by Denny Noer Wahid, the symbiotic paradigm posits that the state and religion are two distinct entities that are mutually dependent and thus cannot be strictly separated.²⁵ Empirical evidence substantiating the existence of the symbiotic paradigm within the Indonesian governance concept can be observed in the formulation of vaccine regulations pertaining to the livelihood of the Indonesian populace in recent years.

The dynamics surrounding the use of the Sinovac vaccine in disrupting the chain of Coronavirus Disease transmission centered significantly on public aversion, fueled by doubts concerning the

²² Dani Muhtada and Ayon Diniyanto, *Dasar-Dasar Ilmu Negara* (Semarang: BPFH UNNES, 2018).

²³ BRIN, "Data Dasar Kehidupan Beragama (DDKB) 2024," brin.go.id, 2024.

²⁴ Evy Septiana Rahman, "Analisis Relasi Negara Dan Agama Dalam Perspektif Pancasila," *Jurnal Progress Administrasi Publik* 1, no. 1 (2021).

²⁵ Febriansyah Ramadhan, Deny Noer Wahid, and Nabil Nizam, "Hubungan Negara Dan Agama: Telaah Hukum Dan Putusan Pengadilan," *JAPHTN-HAN* 2, no. 1 (2023).

vaccine's ingredients. A segment of the Muslim community questioned the *halal* status of the vaccine from the perspective of its raw materials and production process.

In response to the concerns of the predominantly Muslim Indonesian populace, the Food and Drug Authority (BPOM) issued an Emergency Use Authorization (EUA). Following this, the Indonesian Ulema Council (MUI) immediately issued a *fatwa* declaring the vaccine to be *halal* and safe, based on the clinical trial results provided by the authorized body (BPOM). Through the MUI *fatwa*, the Government concurrently sought to provide clarification as a form of legal certainty regarding the vaccine's *halal* status.²⁶ The emergence of this complementary relationship between religious institutions and the government can manifest the concept of Mutual Accommodation, whereby religion and the state, in this context, mutually adjust to accommodate the needs of the national populace.

The MUI's validation regarding the vaccine's ingredient safety inherently underscores the concept of religious value integration, as elaborated by Nasaruddin Umar. The integration concept proposed by Nasaruddin originates from the idea of modern law, wherein law possesses the capacity to bridge the universal values prevalent within society.²⁷ Thus, the implementation of modern law serves as a manifestation of justice for the involved parties, grounded in existing social realities. Therefore, *halal* validation in vaccines is not an attempt to glorify a single religious doctrine, but rather serves as a pathway to integrate universal values concerning biomedical ethics and product integrity, aligned with the Muslim community's requirement for *halal* products.

The presence of validation through the *fatwa* that underpins vaccine policy demonstrates that the *fatwa* possesses a unique legal status derived from social legitimacy. Although not codified within the formal legal hierarchy, the *fatwa* is frequently regarded as a form of *living law* trusted by the majority of the Muslim populace in Indonesia.²⁸ Consequently, the *fatwa*'s status lacking formal legal binding force and general applicability (*erga omnes*) reinforces the existence of a concept defined as social delegation without juridical delegation. Following this *fatwa*, the constitutional law perspective posits that religious *fatwas* possess a strong social legitimacy that frequently serves as the basis for public policy.

When religious considerations are applied within administrative policy, these values undergo an adjustment process to comply with the mechanisms of positive law, which demands certainty and accountability.²⁹ In the context of vaccines, the *halal* status initially normative and religious in nature is subsequently translated into regulation through certification standards, distribution guidelines, and supervisory procedures. This transformation allows religious values to function technically within public policy without losing their ethical substance, while simultaneously upholding the principle of the rule of law, which requires every governmental action to be

²⁶ KH Asrorun Niam, "BPOM Terbitkan EUA, Komisi Fatwa MUI: Vaksin Sinovac Halal Dan Boleh Digunakan," kemenag.go.id, 2021.

²⁷ Nasarudin Umar, "KONSEP HUKUM MODERN : Suatu Perspektif Keindonesiaan , Integrasi Sistem Hukum Agama Dan Sistem Hukum Nasional," *Walisono* 22, no. 1 (2014): 157–80.

²⁸ M Faiz Kurnia Hadi, "Konsepsi Hukum Nikah Siri Di Indonesia : Upaya Sinkronisasi Antara Living Laws Dengan Positive Laws," *Indonesian Journal of Islamic Law* 1, no. 1 (2018): 18–40.

²⁹ M Saifullah Rohman, "Dinamika Implementasi Kebijakan Keagamaan Di Indonesia," *Jurnal Masyarakat & Budaya* 20, no. 2 (2018): 287–96.

grounded in clear and accountable rules. Thus, the integration of religious values into vaccine policy proceeds within a measurable administrative framework.

Conversely, when potential tension arises between religious belief and public health policy, the state is obligated to balance both through the principle of proportionality.³⁰ This step is essential to ensure that the guarantee of religious freedom and the protection of public health can proceed concurrently. Assessment is conducted by evaluating the policy objective, the availability of less restrictive alternatives, and the balance between the benefits and the limitations imposed.

In practice, inter-institutional coordination among health authorities, *halal* certification bodies, and relevant government agencies is paramount to ensuring the vaccine policy is accepted both legally and socially. Through this mechanism, the state-religion relationship remains within constitutional boundaries, characterized by mutual support without mutual domination.

4. Conclusion

The controversy surrounding the use of non-halal ingredients in vaccine production reflects the dynamic tension between adherence to Sharia principles and the urgent need to safeguard public health. The Islamic principles of *halal* and *haram* emphasize the necessity of clear ingredients and production processes compliant with Sharia. However, the doctrine of necessity (*dharurah*) provides a degree of flexibility under specific conditions, particularly when the threat of disease poses a serious risk to human life and no *halal* vaccine alternative is available. Religious *fatwas* subsequently play a crucial role in bridging this emergency requirement with Sharia principles, although public acceptance remains varied and is often influenced by levels of literacy, trust, and understanding of the health urgency.

Conversely, the issue of vaccine *halal* compliance also carries significant socio-economic ramifications. The government, religious authorities, and vaccine manufacturers are confronted with the challenge of ensuring vaccine availability, distribution, and acceptance within the populace, including the need for adequate education to mitigate public skepticism. While a *fatwa* permitting non-halal vaccines during an emergency can enhance immunization acceptance, it still requires robust communication to avoid public confusion or the erosion of trust. Thus, collaboration among various stakeholders is key to balancing the obligation to safeguard public health, comply with Sharia principles, and overcome socio-economic impediments in vaccination programs.

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