

The Impact of Health Precautions on the Formulation of Fatwas During the Corona Pandemic

Hafsah Yousuf Sulyman Almusrati, Kawthar Abdullah Bayoumi,
Mohammad Naqib Bin Hamdan, Muhammad Ihsan Ghazali

Academy of Islamic Civilization, Faculty of Social Sciences and Humanities,
Universiti Teknologi Malaysia (UTM), Malaysia.

Email: fekna1996@gmail.com, amkawthar@utm.my, mohammadnaqib@utm.my,
alikhshan.kl@utm.my

To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v12-i9/14821> DOI:10.6007/IJARBSS/v12-i9/14821

Published Date: 07 September 2022

Abstract

The relationship between jurisprudence and medicine is an undoubtedly well-established and strong relationship, and this relationship is reflected in the aspects that entail saving lives in parallel to preserving religion. The rise of the Corona pandemic and the consequent health precautions controlled the world to limit its spread and save the human souls, which necessitated the jurists to reconsider many of the rulings that cannot be complied with in response to these precautions. Therefore, this paper aims to track the impact of the repercussions of the Corona pandemic on the fatwas according to the calamities and developments that resulted from this pandemic. It also aims to classify and identify those effects and data according to the fatwas that were formulated by following the documentary inductive functional approach, as it searches for the relationship between two sciences in order to document their shared evidence and address the common issues between them. So, the researcher, according to this methodology, can prove the overlapping issues, identify them, determine the impact of this overlap, and provide a way to employ it. This can be achieved by tracking the outbreaks of the pandemic and collecting them from sources and documents, and by analysing the trends of fatwas with organized observation. This paper is of great importance as it contributes to tracking and studying the overlap between the pandemics and its developments and the fatwa. The jurist researcher, as well as medical students, can benefit from it. It can also serve as a call for the students of Sharia sciences to follow the interdisciplinary method that considers the employment of sciences that share a common space.

Keywords: Health Precautions, Pandemics, Corona Pandemic, Fatwas.

Introduction

Although accelerated civilizational changes have contributed to improving life, they yet to have severe repercussions. Among these repercussions is the emergence of pandemics (Rubel, 2019). These pandemics result in health precautionary decisions, and the Corona pandemic is an example of that, which has restricted the movement of people around the world. It is well known that societies differ in religions; ways of living and many more, and thus the restrictions vary accordingly. For example, in the Muslim community, which constitutes more than 24% of the world's population, these restrictions affect Islamic worship and transactions, and consequently these health precautionary decisions clash with many rulings, forcing the jurists to strive in formulating rulings to save lives. Since the pandemic is considered an unprecedented outbreak of its kind, especially since it has ravaged the whole world, it is imperative to study and follow the health precautions that clash with some Islamic rulings and how to reconcile them.

Therefore, this research investigates the impact of health precautions in the formulation of rulings, and the extent of the response of the competent jurisprudence authorities. The significance of this research is reflected in focusing on the fixed data from General principles, the five necessities and the convergent structured thinking in determining the relationships between the intertwined sciences. This research is an interdisciplinary research subject to the documentary inductive functional approach based on drawing data from two sciences in order to document their participation in evidence and address common issues between them, so that the researcher, according to this methodology, can prove the impact of this participation and how to utilize them. It has observed many challenges and limitation such as lack of awareness (Alsharif et al., 2022). Contemporary researchers and scholars have used scientific tools/techniques (e.g., eye-tracking, ..., etc.) to study human behaviours toward the society and interactions with other individuals (Alsharif et al., 2021a, 2021b, 2022a, 2022b).

The research aims to track and study the relationship between the pandemic and its developments and the fatwas, which in their entirety are fixed and which are represented in the general and branched jurisprudence rules. Jurisprudence rulings are not variable in their origins, so we can follow them according to the changes in the fatwas according to the developments resulting from calamities after analyzing and extrapolating the data. Thus, the subject of the research calls for the adoption of the functional, inductive and documentary approach, using the appropriate references for the subject of the paper. A changing phenomenon is described by collecting data through organized observation and using it to find the correlation between these data and the formulation of judgments as it is the appropriate mechanism for applying the functional approach to the subject of this paper.

The rest of the paper is organized as follow. In Section 1, defining the characteristics of the pandemic and proving that it is a new outbreak of its kind, and showing them in tables, classifying and dividing data according to the precautions for which it was formulated. Section 2, analysing the trends of fatwas and taking into consideration the precautionary health decisions and tracking the calamities that resulted from the pandemic in the Muslim community in particular. Section 3, investigating the impact of health precautions on the formulation of jurisprudential rulings. It is followed by a conclusion that contains a discussion

of the findings of the paper in each of its topics, then, a summary that concludes with the most important recommendations, and finally the sources and references.

Literature Review

The great experimental and humanistic scientific mobilization to confront the Corona pandemic is unprecedented. Accordingly, the research and scientific articles that were devoted to confronting the pandemic and in a short time can be described as the huge scientific revolution. However, based on the topic of the research, only two literature reviews will be considered and examined. The first regards pandemic as calamity that requires jurisprudence to address it, and the second finds that precautionary decisions affected the conduct of this jurisprudence and the formulation of fatwas.

The first literature reviews were carried out by a group of researchers, some of whom collected them in the form of statements and outputs of jurisprudential and international conferences, or came out with the content of jurisprudential trends, based on the decisions of public and international bodies. It was a summary of the final opinion of the majority of jurists based on what health organizations approved on the repercussions of the pandemic (Sabri, 2020). Some scholars considered the repercussions of the pandemic and formulated rulings for it under Islamic jurisprudence, and it was parallel and synchronous with the rapid spread of the pandemic (Al-Dardari, 2020).

Considering the two perspectives, and from a summary of the literature reviews, it is possible to trace the precautions affecting worship and transactions in the Muslim community. The precautions that are adhered to individually and whose adherence does not affect worship and transactions that require groups in their entirety and do not require *ijtihad* for it have been excluded. Health precautions, especially social distancing, prevent the performance of any form of worship and group interactions. The catastrophes that resulted from the Corona pandemic stopped activities outside the home, with the exception of small places that are considered the necessities of life, such as hospitals, food stores and others. So, Friday prayers, congregations, Hajj, Umrah and funerals are acts of worship that take place outside the home, and their completeness is only achieved in congregational prayers (Al-Qabbati, 2020).

Based on this, it is possible to know the extent of the relationship between the calamities resulting from the Corona pandemic and the jurisprudence of it by looking, tracking and observing the foregoing from the literature reviews. This shows the quick response of the fatwa authorities to formulate rulings to the calamity and to issue the jurisprudential ruling to guide the Muslim community and to reassure the validity of their worship and the soundness of their dealings (Al-Hassan, 2021). Therefore, based on the totality of literature reviews, it becomes clear that the most important responding jurisprudence bodies are the general and respected international jurisprudence councils and bodies (Sabri, 2020), which in turn issued a number of jurisprudential statements in response to those health precautionary decisions.

To summarize, we find that there is a strong link between the calamities related to pandemics and the speed of jurisprudence regarding them (Al-Khadidi, 2020). This is mainly due to major axioms in Islamic legislation by which one can understand the extent to which

Islamic jurisprudence responds to the calamities to which the interests of the people relate and ward off harm and embarrassment. They are represented in the universal rules and the five necessities that Islam called to preserve, as well as by following the purposes of Sharia. It is a result that refutes the sayings that question the extent to which Islamic Sharia is keen on the interests of people in this world and the hereafter.

Methodology

The approach adopted during this study is the descriptive approach and the comparative curriculum, by describing the impact of health precautions on the formulation of fatwas during the Corona pandemic, by referring to the previous literature, analyzing it objectively, expressing an opinion and commenting on it. As for the comparative approach, by comparing the relationship between the pandemic and its developments and the fatwas.

Descriptive research aims to accurately and systematically describe a population, situation or phenomenon. It can answer what, where, when and how questions, but not why questions. A descriptive research design can use a wide variety of research methods to investigate one or more variables. Also, the descriptive research is usually defined as a type of quantitative research, though qualitative research can also be used for descriptive purposes.

Data Collection and Analysis

Defining the Characteristics of the Pandemic and Proving that it is an Unprecedented Contemporary Calamity

The Corona pandemic, while the health authorities consider it an epidemic that calls for urgent medical solutions to stop and combat its spread, the scholars of jurisprudence consider it to be an outbreak that resulted in several restrictions that require diligence to formulate provisions for it. In scientific terms, a pandemic is a rampant epidemic that spreads rapidly beyond large areas (Belkamil and Abhi, 2020). The Corona pandemic swept the world, and the health and environmental ministries initially failed to control it. Scientists proved that the relationship between the speed of its spread and large human gatherings is a direct relationship, and therefore stopping its spread is impossible due to the people's need to practice life activities normally (WHO, 2020).

It is well known that Islamic legislation views Muslims as one unit, and according to this, interdependence, rapprochement and the unity of the nation are among the most important features of Islamic legislation. Therefore, you will find many rulings whose completeness is not achieved except within groups, for example the acts of worship that include group prayer, whether in the five daily prayers, Friday prayers or Tarawih, as well as the funeral, raindrops, the eclipse prayer, as well as Hajj and Umrah and others, as well as in transactions. Also, some customs are not fully achieved except within groups, for example, marriage contracts, holding occasion's banquets, and a number of transactions that require a number of witnesses.

This calls for achieving reconciliation between health security and religious security alike, because the general Muslims are keen on matters of their religion and achieve their interests (Al-Haraq, 2020). From the above, the logical jurisprudential hierarchy is reflected in how to prove that this pandemic is a new outbreak of its kind, which requires jurisprudential mobilization with the aim of preserving souls and giving jurisprudential licenses. The pandemic affected the conduct of fatwas, and from the above, the pattern of the relationship

between pandemics and jurisprudential jurisprudence is reflected in the developments that affect the formulation of rulings. The discretionary activity shall be in accordance with the consequences of the pandemic.

This became evident after observing the impact of the pandemics in the formulation of provisions for the calamities, and in the areas that were identified above in the chapters of worship and transactions in particular (Al-Idrisi, 2021). Therefore, this research does not subject the parameters to the experiment, as this is absurd. The total jurisprudential rules represent the universals and constants in Islamic legislation. Considering the health precautions and based on the major general jurisprudential rules, upon which the fatwas are drawn for the developments, the rulings are decided for the developments (Al-Subki, 1991). This general knowledge is not for the people of ijtihad and jurists in particular, but for the general Muslims. Let it be known that these rules were formulated with the most consideration, and this does not mean that no part of them is left behind, but rather considering that all that were formulated and new rulings are based on them, and thus they fall under their subject.

Therefore, let it be known that the provisions that were formulated for calamities are based on the established rules of Sharia, because only the jurists are the ones who decide their provisions (Abu Zaid, 2020), as it is considered one of the conciliation spaces in Islamic Sharia.

Tracing the catastrophes that resulted from the pandemic in the Muslim community in particular, and counting and analysing the trends of fatwas, considering the precautionary health decisions

Based on the nature of the pandemic, the speed of its spread, and the damage that the world has suffered as a result, health and international organizations have rushed on a global scale to adopt health precautions to save lives. As a result, some of the worship and transactions were not completed, such as the congregational prayer in each of the five daily prayers, Friday prayers, the two Eid prayers, funeral prayers, prayers for rain, and the eclipse, as well as Hajj and Umrah, and it was also impossible to wash the dead Corona in some cases. Accordingly, fatwas were issued, which was proven by empirical science, and according to which precautionary decisions were formulated.

In any calamity, the mujtahid must figure a solution for it after collecting data from approved sources. This is an opportunity for researchers to bridge the rift between theory and application in collecting data in which sciences overlap due to the difference and diversity of their sources. This method produces practical scientific results as much as possible, especially in a time of accelerating growth of experimental sciences.

It is evident how the people of jurisprudence rush to derive the rulings for calamities from the established texts and rules. The Corona pandemic was an example for this by identifying the scope of the Corona pandemic, and investigating the simultaneousness of precautions based on the severity of its spread, and the simultaneousness of fatwas in light of the damage caused by the pandemic. Thus, the practical steps for collecting data for this research have been summarized. The limitation of the research requires not to dwell on the

details, and to strive not to miss the important ones at the same time. Nevertheless, it should be known that the collection mechanism was characterized by caution, as it focused on the period of the epidemic sweeping the world, the health precautions and the judicial practices. Sabri (2020) identified the trends of fatwas of jurists on the Corona pandemic and concluded three trends. The research views the opinions of majority of contemporary jurists, as well as respected public groups and bodies, in order to be accurate. Otherwise, there may be many other trends, but the methodology of the research is limited.

The first trend: The scholars issued a fatwa that it is permissible to stop collective worship, in response to health precautions. This trend represents the majority of contemporary jurists, and includes most of the jurisprudence councils and major fatwa bodies, such as: The Council of Senior Scholars in Al-Azhar, the Council of Senior Scholars in the Kingdom of Saudi Arabia, the International Union of Muslim Scholars, the European Council for Fatwa and Research, the Supreme Scientific Council in Morocco, and other ministries and bodies which represent the opinion of the contemporary audience (Sabri, 2020).

The second trend: the scholars required those infected to respond to health precautions and prevented them from gathering in mosques. However, the trend stipulates that holding collective worship is obligatory, and it is performed at the minimum level by which all acts of worship are achieved unless specialists decide that holding the congregation will cause the spread of the disease, so the congregation would be held by the imam and a few with him, and this is what the Fatwa Committee of the North American Jurisprudents Assembly stated (Sabri, 2020). The third trend: It stipulates the obligation to hold collective worship in any case. This opinion was not issued by a collective ijthad, or a reputable party, but rather the opinion of some of the muftis and mujtahids (Sabri, 2020).

Investigating the Impact of Health Precautions in Formulating Fiqh Rulings

Since health decisions formulated for pandemics include preventive as well as curative precautions, these decisions require special procedures and measures to respond to them and for people to be assured of their health and their religion alike. Based on the foregoing, the studies related to the investigation of the relations between calamities and fatwas can be taken as an important reference for the Muslim community. A concerned person of the Muslim community finds that the escalation of religious questions and referendums coincides with these health precautions as Medical authorities state the necessity of social distancing. Thus the immediate response by the mujtahids is crucial, which is undoubtedly a commendable response against intellectual tampering (Al-Aghbari, 2020).

Conclusion

Discussing the Results of the Research in each of its Topics

- After collecting the data related to the pandemic, it becomes clear that it is the first of its kind, and thus it is considered one of the calamities that require jurisprudence and diligence because there are no legal texts for it. It is possible that these legal texts can be applied in the future to all epidemics and pandemics, and only by analogy with their provisions.
- It turns out that the ijthad activity for the development of jurisprudential texts for calamities is done by scholars, as is the case in the medical field. Jurists and mujtahids take

into account the data of the authorities' reports to help them identify the nature of calamities.

- In addition to that, it becomes clear that the difference is a reality among the jurists at all times, and it is a commendable difference that does not affect people's understanding of the rulings. It is advisable for people to adopt what the majority of scholars of every era have striven for.
- From the investigation of the impact of the pandemic in the formulation of rulings, and the extent of the hierarchy of rulings based on the damage caused by the pandemic, the effectiveness of Sharia is evident in deciding the total jurisprudence rules by which the preservation of the five necessities is achieved.

Most Important Recommendations

- Unifying jurisprudential efforts and bringing together its cadres to establish a global jurisprudential organization that covers contemporary jurisprudence issues and seeks to include international, regional or otherwise jurisprudential bodies and complexes, under one banner that addresses the Muslim community all over the world.
- Taking care and benefiting from scientific research methods, especially those that take care of interdisciplinary research, in addition to seeking to employ them in legitimate research for calamities and contemporary issues, especially in a time of material inflation and the expansion of modern sciences. Taking advantage of these available approaches in scientific research refutes many doubts, and thus, the distances between researchers are brought closer.

References

- World Health Organization, UNICEF, Childhood Organization, National Centre for Health and Population Education and Information. (2020). Guideline for the Prevention of Coronavirus Disease (Covid_19).
- Health Improvement and Promotion Affairs, National Centre for Disease Prevention and Control. (2020). Comprehensive Awareness Guide on the Novel Coronavirus.
- The Ministry of Labor and Professional Integration. (2020). Protocol for Managing the Risk of Infection with an Epidemic.
- World Health Organization. (2020). Infection prevention and control during health care for probable or confirmed cases of infection with the Corona virus.
- Al-Qubati, A. (2021). The Impact of Conservative Consideration on the Calamities of Corona, an intentional study in the fatwas of the councils in the chapter on worship, the International Conference on Islamic Studies.
- Al-Hassan, A. (2021). Jurisprudence Provisions for Corona Virus.
- Suleiman, T. (2020). Illuminations on the Doctrinal Scene in the Corona Pandemic, Chairman of the Scholars and Preachers Authority in Germany.
- Organization of Islamic Cooperation, The Unified Voice of the Islamic World (2020). The Novel Coronavirus and Related Medical Treatments and Shariah Provisions.
- Al-Aqfhasi, H. (2020). Fatwas of Dar Al-Iftaa related to the emerging corona virus.
- Alsharif, A. H., Salleh, N. Z. M., Baharun, R., Abuhassna, H., & Alsharif, Y. H. (2022). Neuromarketing in Malaysia: Challenges, limitations, and solutions. International Conference on Decision Aid Sciences and Applications (DASA), 2022, Chiangrai, Thailand. 740-745.

- Makhda, A. A., Raqibi, F. (2021). The Impact of the Corona Epidemic on Worship, *Al-Thakhira Journal of Islamic Research*, 5, 1-1.
- Alsharif, A. H., Salleh, N. Z. M., & Baharun, R. (2021a). The neural correlates of emotion in decision-making. *International Journal of Academic Research in Business and Social Sciences*, 11(7), 64-77.
- Al-Idrisi, T. (2020). Jurisprudence Rulings Related to the Deaths of Corona.
- Alsharif, A. H., Salleh, N. Z. M., Baharun, R., & Effandi, Y. M. (2021b). Consumer behaviour through neuromarketing approach. *Journal of Contemporary Issues in Business and Government*, 27(3), 344-354.
- Al-Alawi, S. (2021). Jurisprudence rules related to the outbreak of the emerging corona virus and their application, Faculty of Law, Millet Rouh of Law.
- Alsharif, A. H., Salleh, N. Z. M., Baharun, R., Abuhassna, H., & Alharthi, R. H. E. (2022a). A global research trends of neuromarketing: 2015-2020. *Revista de Comunicación*, 21(1), 15-32.
- Alsharif, A. H., Salleh, N. Z. M., Ahmad, W. A. B. W., & Khraiwish, A. (2022b). Biomedical Technology in Studying Consumers' Subconscious Behavior. *International Journal of Online and Biomedical Engineering*, 18(8), 98-114.
- Al-Harraq, M. (2020). Fiqh issues in the time of Corona, stopping gatherings and groups as a model.
- Beltaji, S. (2020). The felony of transmitting the emerging corona virus infection, (Covid_19), *Journal of the Saudi Jurisprudence Association*.
- Sweden, B. (2020). Controls of Jurisprudence in the Calamities of Epidemics, The New Corona as a Model, *Journal of the Saudi Jurisprudence Association*.
- Al-Zayati, Y. (2020). Preventive Measures from Epidemic Diseases in the Light of Islamic Law.
- Sabri, M. (2020) *Fatwas of Scholars on the Corona Virus*, Dar Al-Bishr.
- Mubarak, A. (2021). Fatwa in Calamities in the Light of Contemporary Changes, *Fatwa and Foresight for the Future, Arbitrated Research*.
- Al-Dardari, M. (2020). Jurisprudence of Reality and the Importance of Downloading Judgments, *Nawazil Corona as a model, Qabas Journal for Research and Legal Studies*, 6.
- Ramadan, H. (2020). Summaries of the International Conference, The World in the Light of the Corona Crisis, *Problems and Solutions*.
- World Bank Group. (2020). *Integrated Policy Responses to Efforts to Combat the Novel Coronavirus*.
- Amer, Suleiman, T. (2020). *Jurisprudential Mobilization in the Light of the Corona Pandemic, Society Magazine*.
- The Final Statement of the Emergency Fiqh Conference, *Post-Corona Fiqh Milestones*. (2020).
- Al-Khadidi, N. (2020). Will the Corona epidemic establish a new fatwa movement, circulating article.
- Khamis, S. (2020). The Impact of the Corona Pandemic on the Daily Worship of the Muslim, *World International Conference in the Light of the Corona Crisis*.
- Ashor, W. (2020). The methodology of issuing fatwas in the calamities of Corona, the International International Conference in light of the Corona crisis.
- Al-Aghbari, A. (2020). The approach of Islam in dealing with epidemics, the World International Conference in light of the Corona crisis.
- Al-Sadlan, S. (1997). *The Great Jurisprudence Rules and their Branches*, Valencia House.
- Al-Maraashli, M. (2008). The development of jurisprudence rules from phenomenon to science, and its impact on Islamic jurisprudence.

Belkamil, B., Abhi, M. (2020). Pandemics throughout the history of Morocco, types, causes and measures.

Al-Ansari, F. (2020). The ABCs of Research in Forensic Sciences: An Attempt at Systematic Rooting. Dar Al Salam for printing. Cairo, Egypt.