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Application of Al-Darar Yuzal's Maxim in The Practice of Worship During Covid-19 Pandemic in Malaysia

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Abstract

The Covid-19 pandemic, which was first detected in 2019 in China, has had implications for health and the economy globally, and has even affected the practice of worship, especially for the Muslim community in the country. The transmission of infectious diseases among human beings through contact and air is so dangerous that it can take human lives. Islam is a religion that is very concerned with the preservation of life of every human being, even when performing acts of worship. As a result, during a pandemic, the application of the principle of *al-darar yuzal* (damage must be eradicated) in daily life is highly appropriate, as it acts as a life-saving measure, and health care can be prioritised. As a result, the purpose of this research is to look at the opinions of jurists and writings from Islamic law regarding the *al-darar yuzal*'s maxim during congregational prayers among the community in this country. The study employs a qualitative research methodology that involves studying primary and secondary sources such as reference from books (*turath*) produced by past scholars, as well as academic writing from journals, papers, and theses. In addition, unstructured interviews with officials from relevant agencies were conducted as part of field studies to supplement the study data. The findings reveal that the principles or maxims contained in the teachings of Islam are very relevant and appropriate to be utilised as a guideline in determining the ruling of Islam connected to various ritual of worship, including the principle of *al-darar yuzal*. Indirectly, it is also a reflection that Islamic law has a flexibility in allowing current practice as long as to prevent any harm and give priority to human life.

Keywords: Applications, Methods, Fiqh, Covid-19

Introduction

In 2019, the Covid-19 virus was identified in a market selling daily essentials in Wuhan, China. The disease began to spread over the world and eventually becoming a pandemic that claimed many lives. The pandemic took more than six million people all around the world (Asni et al., 2021).

In Malaysia, a total of 35, 669 people have died in the country as a result of being infected with the virus. Malaysia is not immune to the consequences of the spread of this fatal disease in terms of health, economy, and even religious practise in order to prevent new infections, particularly as new varieties such as Delta, Omicron, and others develop (Yusli et al., 2021). The National Security Council (NSC) has released various Standard Operating Procedures (SOP) recommendations to limit the spread of the pandemic to safeguard the community. The same thing happened in the perspective of worship, when the State Islamic Religious Council (MAIN) issuing the same guidelines to Muslims communities as the Islamic jurisdiction in Malaysia is under the jurisdiction of the Sultan/ King for the states and the Yang Di Pertuan Agong for the states that do not have a Sultan/ King (Asni, 2021).

According to records, the same standards were applied while performing activities in mosques and suraus, which were solely based on recommendations from the Malaysian Ministry of Health (MOH). As a result, every aspect of the procedure for performing worship during the pandemic is based on references from reliable sources, ensuring that the worship done is following expert guidance and adheres to Islamic law.

Islam is a religion that is convenient as well as flexible in the practice, which facilitates the Muslims to perform religious rituals safely. . Current difficulties due to the pandemic were handled in a good manner to breach the contagious as well as to safeguard the people. Solutions were compliant with the ruling of Islam which was based on al-Quran and Hadith that taught about avoiding the outbreak as well as staying in a safe place.

Even though the instruction that was provided via the revelation of the Qur'an and Sunnah is limited amidst the difficulties of human life change from time to time, the ruling has not stayed at that sources only. In addition, the existence of secondary sources of law, as well as the norms of fiqh which derive from both sources of law, can assist in the resolution of all problems and serve as a guide and source of illumination on all topics relating to contemporary worship today.

As a result, this article will go more to discuss the fiqh maxims, which become one of the bases of the Islamic ruling that is the application of *al-darar yuzal* (the damages must be eliminated). The maxim was based on hadith when the prophet said to the Companions to avoid any harms that may affect them. In reality, comprehension was one of the aims of the Shariah (maqasid syariah) to provide good conditions and deter any harm. In term of health care, this approach also plays as a preventative strategy for the preservation of life while performing obligations as a servant of Allah SWT.

History of The Emergence of The Fiqh Maxims

In general, academicians of fiqh scholars face difficulty in determining the pioneer who compiled the fiqh's maxims which were subsequently accepted all over the Muslim world (Hamat & Ellias, 2010). However, there is an opinion that Sheikh Abu Yusuf Ya'kub bin Ibrahim al-Ansari (113-182H) was the first Islamic scholar who establish the maxims through his book al-Kharaj.

The book of al-Kharaj has become a legal reference which adopted during the reign of Caliph Harun al-Rasyid (Al-Zarqa, 2012). In the recent book of al-Qawa'id Fiqhiyyah (Al-Nadwi, 2018), there were several maxims found in the book of al-Kharaj, among them are:

كل من مات من المسلمين لا وارث له، فماله لبيت المال

Meaning: "Every Muslim who dies without an heir, then his property belongs to Bait al-Mal."

ليس للإمام أن يخرج شيئاً من يد أحد إلا بحق ثابت معروف

Meaning: "A leader has no right to take from his people except with permanent rights, which are already known to them".

All those maxims become methods as well as measures in evaluating Muslim activities, either the deeds or omissions. Meanwhile, there are also views from other scholars such as Ibn Nujaim (1998) from the Hanafi school, who confess that the Hanafiyyah scholars were the pioneers who have started efforts to compile the fiqh's maxim, as he said;

إنا أصحابنا يريد علماء الحنفية رحمهم الله لهم خصوصية السبق في هذا الشأن والناس لهم أتبع
وهم في الفقه عيال على أبي حنيفة

Meaning: "Indeed, our friends, namely the Hanafiyyah scholars, have the privilege of pioneering efforts in the matter of compiling this method. And the people became their followers and they in turn relied on Imam Abu Hanifah in matters of *Fiqh*."

After going through several phases of the formation of *fiqh's* maxims, the scholars began to do the bookkeeping process by writing books and embark on discussing the various methods and solutions of fiqh. The maxims were established and promulgated to resolve the hitches of law to ensure that the ruling can be decided and the valuable fiqh's maxims can be recorded as intellectual achievements.

This phase of bookkeeping of *al-qawa'id al-fiqhiyyah* was started by Hanafite scholar who lived in the third and fourth centuries AH. He was Abu Ṭahir al-Dabbas and his efforts began by collecting a total of 17 general maxims. Then Abu al-Hasan al-Karakhi (d. 340H) continued the efforts of Abu Ṭahir al-Dabbas by expanding the maxims to make the total collection was 39 (Al-Zarqa, 2012).

Next in the fifth century of Hijra, Abu Zaid 'Abd Allah Bin' Umar al-Din al-Dabusi al-Hanafī (d. 430H) compiled 86 maxims in his book *Ta'sis al-Nazar*. Then 'al-Samarqandi (d. 540H) continued the discourse by writing the maxims in his book namely '*Idah al-Qawa'id*. In the seventh century AH, the writing was continued by Al-Jarmi (d.613H) in his book entitled *al-Qawa'id fi Furu 'al-Syafi'iyyah* as well as the work of 'Izz al -Din 'Abd al-Salam (d. 660H) in the book entitled *Qawa'id al-Ahkam fi Masalih al-Anam* (Al-Burnu & Al-Ghazzi, 2003).

In the eighth century of Hijra, the events going on and that phase was recognized as the golden age in the writing and bookkeeping of the fiqh's maxims (*qawa'id fiqhiyyah*). Several fiqh scholars continue the progress, among them was Ibn Wakil al-Syafi'i (m.716H) in his book *al-Asybah wa al-Naza'ir*, then al-Muqarra al-Maliki (m.758H) in his book *al-Qawa'id*, then al-Alla'l al-Syafi'i (m.761) in his book *al-Majmu ' al-Muhadhdhab fi Dabt Qawa'id al-Madhdhab*, then Taj al-Din al-Subki in his book *al-Asybah wa al-Naza'ir*, then Jamal al-Din al-Isnawi (m.772) in his book *al-Asybah wa al-Naza'ir*, then Badr al-Din al-Zarkasyi (d. 793) in his book *al-Manthur fi al-Qawa'id*, then Ibn Rajab al-Hanbali (d. 795H) in his book *al-Qawa'id fi al-Fiqh*, and 'Ali Bin' Uthman al-Ghazzi with his book *al-Qawa'id fi al-Furu'* (Burnu & Ghazzi, 2003).

Then in the ninth century AH, several more scholars appeared and among them, Muhammad Bin Muhammad al-Zubairi (m.707) with his book *Asna al-Maqasid fi Tahrir al-Qawa'id*, Taqiy al-Din al-Hisni (m .729) with his book *al-Qawa'id* and Ibn al-Ha'im al-Maqdisi (m.815H) with his book *al-Qawa'id al-Manzumah* (Burnu, 2003; Ghazzi, 2003).

Furthermore, in the tenth century, al-Imam al-'Allamah Jalal al-Din al-Suyuṭi (d. 910H) wrote a book entitled *al-Asybah wa al-Naza'ir* (Burnu, 2003; Ghazzi, 2003). The book combines all maxims that were found in the writings of al-'Alla'i, al-Subki and al-Zarkasyi (Hamat, Ellias, 2010). Meanwhile, Zain al-'Abidin Ibrahim Bin Nujaim al-Misri (d. 970) has compiled a book which is also named *al-Asybah wa al-Naza'ir*.

His compilation book contains 25 *fiqh's* maxims which consist of two parts, the first part contains 6 basic maxims, while the second part contains 19 of detailed maxims. After that, a scholar of the eleventh century, namely Ahmad Ibn Muhammad al-Hamawi has discussed the 25 *fiqh's* maxims found in the book *al-Asybah wa al-Naza'ir* by Zain al-'Abidin Ibrahim and Ibn Nujaim al-Misri in his book entitled *Ghamzu 'Uyun al-Basa'ir*. The discussion on maxims have not ended in the middle of the twelfth century H, when Muhammad Abu Sa'id al-Khadimi (d. 1154H) had authored a book of *Usul al-Fiqh* and discussed on about 154 *fiqh's* maxims (Al-Zarqa, 2012). Undoubtedly, the discussion of *fiqh's* maxim has been part of the method of determining the law in the early times of Islamic jurisprudence.

Fiqh's Maxims Related to The Controlling of Diseases

Essentially, Islam is a religion that values humanity in terms of goodness and well-being. All sorts of ugliness, harm, or injury are strongly demanded to be eradicated or prevented from human beings. Human beings must be guaranteed to always be in goodness and stay away from all evil. Therefore under the *fiqh's* maxims, the Islamic scholars have discussed any harm must be eliminated, or in Arabic known as *al-darar yuzal* (Asni & Sulong, 2021; Asni, 2021).

Even though the maxim is too short and simple, the discussions underneath are extensive. The maxim gives a guideline that anything connected with human beings, must always bring good and away from all evil. Based on this foundation, the majority of *fiqh's* issues were resolved accordingly, to avoid any damages and hinder all harmful effects. Al-Quran and al-Sunnah, which are the major guidance of Muslims (Muda, 2021) provide a source on the method of hindering all harmful (*al-darar yuzal*). Allah SWT has said in al-Baqarah (verse 195):

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

Meaning: "And spend in the way of Allah and do not throw [yourselves] with your [own] hands into destruction [by refraining]. And do good; indeed, Allah loves the doers of good"

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا وَادْعُوهُ خَوْفًا وَطَمَعًا إِنَّ رَحْمَتَ اللَّهِ قَرِيبٌ مِّنَ الْمُحْسِنِينَ

Which means: "And do not make mischief in the earth, after (Allah) has repaired it, and pray to Him with fear (not accepted) and hope (will be granted). Indeed, the mercy of Allah is very close to those who do good". (al-A'raf, verse 56)

وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا وَاللَّهُ لَا يُحِبُّ الْمُفْسِدِينَ

Which means: “And they (Jews) strive (to cause) corruption in the earth. And Allah does not love those who do mischief. (al-Ma’idah,verse 64)

The words of the Prophet SAW has said:

لا ضرر ولا ضرار من ضار ضاره الله ومن شاق شق الله عليه

Meaning: “Must not do harm and must not do acts that harm others. Whoever harms others, Allah will surely harm him and whoever makes the affairs of others difficult, Allah will surely make his own affairs difficult ”

(Al-Hakim, 2002).

This argument in the above hadith is further strengthened by the story of Samurah Ibn Jundub who had a *Tamar* tree that grew beyond the area of the house of an Ansar. The Ansar’s neighbour felt uncomfortably worried that the tree could endanger his home and family members. He requested Samurah to sell or give the ownership of the date tree to him so that he can manage the tree. But Samurah was reluctant and the neighbour complained to Rasulullah SAW. After that, Rasulullah persuaded Samurah to sell or gift the date tree, but Samurah still refused and rejected Rasulullah's persuasion and offer. Finally, the Prophet said, “You are a person who harms others” and he ordered the Ansar man to cut the palm tree (Dawud, 2009).

There are various techniques addressed in the implementation of *al-darar yuzal’s* maxim, among which, cannot hurt oneself or others, a harmful act cannot be compensated for by another harmful act, or at a higher magnitude. Thus to eliminate any harm to others, specific harm must also be hindered. To add, between two harms, one needs to opt for the lesser consequence. Something that is required due to an emergency must be provided at a given pace or within a certain time frame (Al-Zarqa, 2012). As a result, any actions or strategies that can be done at limiting the harm and risk, the actions are relevant and suitable as long as the harm can be stopped or controlled (Mahaiyadin et. al., 2020).

History of World Outbreak on Muslims

A sort of virus or disease that can transfer from one person to another or from animals to humans is known as an infectious disease. When the number of cases of disease took a sudden rise, it was known as an outbreak. An outbreak might befall in a public or geographical zone, or may affect some nations (Moshaz, 2021). According to Islamic history, various infectious diseases have infected humans on this planet, including the plague of cholera that took place in Amawas (18 H / 693M), al-Jarif (69 H / 688 AD), and in Fatayat or al-Ashraf (87H /705 A.D.) (Ibn Qutaybah, 1996).

For example, the plague of cholera in Amawas happened during the time of Caliph Umar al-Khattab RA, which is around the year 18 AH. Based on the location, the contagious disease known as Amawas cholera which was a pandemic that spread all over the country – Syria. Amawas is a village where the origin of the virus was happening. The locality of the village is located between Jerusalem and the city of Ramallah in Palestine.

The epidemic occurred shortly after the fight between the Muslim army and the Roman army. At that time, the illness epidemic swept across Syria covering the states of Syria, Palestine,

Lebanon, and Jordan. As a result of the battle which had claimed so many human lives and caused piles of rotting corpses, the spread of sickness was assisted by the wind in Syria. According to Islamic historians' records, the pandemic claimed the lives of numerous Companions and notable Islamic officials, including the commander of Islam himself, Abu Ubaidah bin al-Jarrah, Mu'az bin Jabal, Yazid bin Abi Sufyan, al Harith bin as-Hisyam, Suhail bin Amru, and Utbah bin Suhail (Al-Tabari, 1966; Al-Imad, 1986; Al-Wardi, 1996).

Furthermore, the city of Basrah was struck by the cholera al-Jarif plague under the reign of Abdullah bin Zubair in 69 AH. The disease's outbreak is known as al-Jarif, which means "sweeping", because the epidemic's impacts have swept the country's population, killing almost 214,000 people even though the disease barely lasted only three days (Kathir, 1988).

After a few years of cholera al-Jarif, a new epidemic known as Fatayat cholera broke out in Iraq and Syria in the year 87 AH. Fatayat refers to adolescent girls because the first victims were ladies and teenage girls before it spread to men and others. In addition, the year of the epidemic is also known as al-Asyraf as a result of many of the fatalities from the wealthy and upper-class elite, referring to an aristocratic group of victims.

Following that, a Muslim cholera pandemic once again broke out under the reign of the Bani Umayyah in 131 AH. Muslim bin Qutaibah was recognized as the first victim who died and as a result, the year's name was referred to him. The disease has been contagious in the city of Basrah, Iraq, for three months during Ramadan, resulting in a large number of deaths, with the death toll reaching up to a thousand each day (Al-Sallabi, 2020). After a little respite, the Islamic world was once again shaken by the outbreak of a disease. This catastrophe occurred in 656 H, when the Tatar (Mongol) army attacked and devastated the Abbasid kingdom's capital, causing a disease outbreak that killed thousands of people in Baghdad.

Concerning the procedures during epidemic to avoid the outbreak, Friday prayers and congregational prayers in mosques have been discontinued for several months. Baghdad, which had once been a bustling metropolis with a wide range of scientific and commercial pursuits, had devolved into a wasteland, with people going insane. The number of deaths has escalated to the point where it can no longer be dealt with effectively. As a result, tens of thousands of bodies were left scattered around Baghdad. As a result, when it rained, the cholera pandemic moved fast to Syria, killing a large number of people (Ibn Kathir, 1988)

During the Mamalik Kingdom, in the year 784 AH, there was also an outbreak took place. The disease is known as al-A'zam cholera, or the plague, and it has ravaged significant towns in Palestine, including Aleppo, Damascus, and Jerusalem, as well as coastal areas. The city of Aleppo was then struck by a plague known as *al-fana 'al-'azim*, which claimed the lives of 150 thousand people in the city and surrounding areas in 795 AH.

The pandemic had previously expanded to areas of Islamic countries bordering Morocco and Andalusia, including Syria, Palestine, Basrah, and Baghdad. In the year 571 AH, a cholera outbreak swept through Morocco and Andalusia, killing about 190 thousand people. Four siblings of Caliph Yusuf bin Yaakub, ruler of the kingdom of al-Murabitun, were among those who died due to the infectious (Al-Sallabi, 2020).

In 165 M, contagious diseases proliferated, resulting in the death of five million people as a result of the Antonine Plague. It is an infection that has spread throughout Egypt, Greece, and Italy. The disease is thought to have been spread by land while the Roman army was at war with the Mesopotamian monarchy, resulting in human deaths (Elliott , 2016, Bruun , 2007).

The Black Death (plague caused by rodents and germs transported by merchant ships by sea) then devastated Europe, Africa, and Asia in the years 1346-1353. As many as 75 million people could have died as a result of this pandemic (Haensch et al., 2010; Kirsten, 2011; Norman,

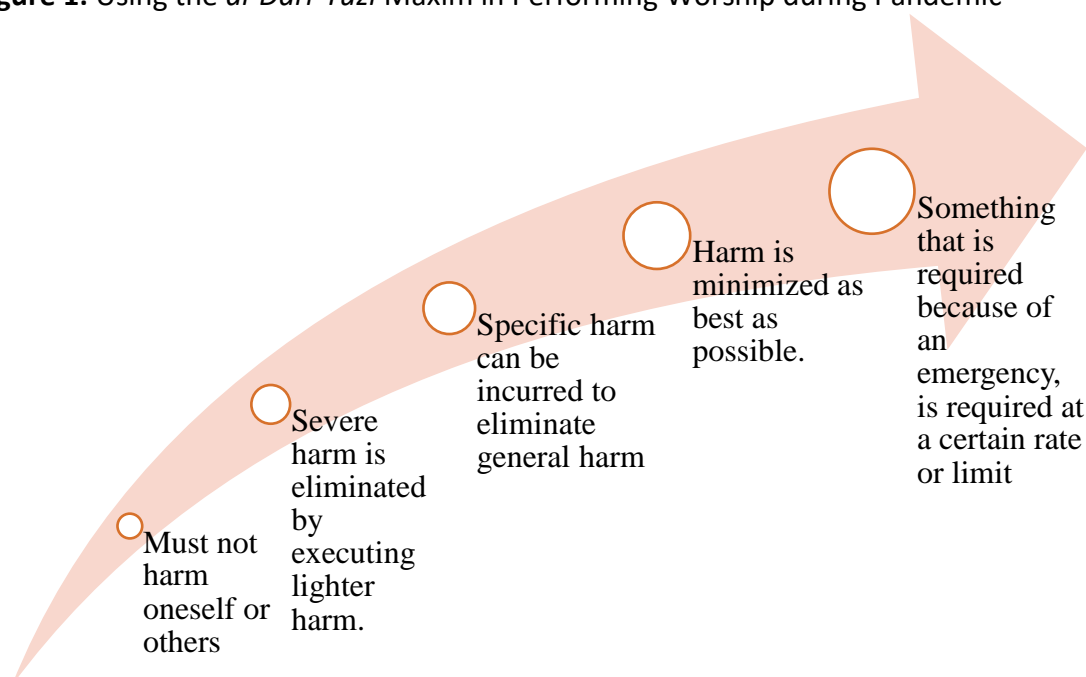
2014). In truth, virus infections such as Ebola, SARS, Rabies, Dengue, Influenza, Smallpox, AIDS, and HIV continue to spread in modern times, and several of these infectious diseases still have no cure (Mahaiyadin and Samori, 2020)

Based on the above discussion, the epidemic in Muslims' countries is not something new. It has happened before and continues to happen, but with certain preventive measures as underlined by the Prophet and practiced by the Companions. Based on those experiences, there are undoubtedly manners that need to be applied according to the Islamic teaching. One of the important teaching from the Prophet SAW was, "If you hear of an outbreak of plague in a land, do not enter it; and if the plague breaks out in a place while you are in it, do not leave that place" (Sahih al-Bukhari). The prohibition from entering or leaving one contagious place is intended to prevent harm to a person who is still healthy. This is the meaning brought by the maxim that something harmful should be eliminated.

Application of Al-Darar Yuzal's Maxim in Religious Worship in Malaysia

As the above discussion, the maxim of *al-Darar Yuzal* is a significant method in preventing infectious diseases during a pandemic. However, the application is not so loose as the Islamic scholars put certain levels to adapt depending on the severity of the epidemic and its impact on the public. The following is the application of *al-Darar Yuzal's* maxim and the fractional methods outlined by the Islamic scholars in per Figure 1 as follows;

Figure 1: Using the *al-Darr Yuzl* Maxim in Performing Worship during Pandemic



Based on Figure 1, the application of the *al-Darar Yuzal* maxim that was comprehended by most religious authorities in Malaysia is as follows;

1) Must not harm oneself or others

(لا ضرار ولا ضرار)

This level is that the epidemic should not cause any harm to self and others. For example, when the COVID-19 pandemic hit the country, the Government introduced the Movement Control Order (MCO) to restrain the spread of the virus. This is to prevent the virus from

transmitting from an infected person to another healthy person, causing it to infect that individual and other communities. As a result, many worship activities are restricted in their implementation, such as during the month of Ramadan, Muslims are not allowed to hold any religious activities involving large communities such as breaking fast, performing tarawih prayers, night prayers at a mosque (*qiam al-lail*) as well as mass preaching (*tazkirah*) during the MCO period (MKN, 2020). Such activities are only allowed to be done individually, in their homes.

The implementation of this control order coincides significantly with the maxim of “no harm to oneself or others”. If there is an individual who does not follow the control order, then he has endangered himself and others, because the virus cannot be seen by the naked eye. When the individual is infected, he or she can also infect others either through contact or droplets of fluid (KKM, 2021). Thus, adherence to this procedure can prevent the spread of the epidemic and prevent the virus from continuing to grow in the community. This makes it easier for the MOH to conduct screening and treatment in identified and specific groups only.

2) Severe Harm is Eliminated by Performing Lighter Harm

(الضرر الأشد يزال بالضرر الأخف)

This level means the harm should be eliminated accordingly by starting on the easier and lighter. For example, in the issue of funeral arrangements involving the remains of COVID-19 patients, the guideline for the first time has been issued by the Federal Territory Mufti's Office, especially on the application of funeral baths by morticians. The prevention was taken according to the decision of the Special Meeting of the National Council for Islamic Religious Affairs (MKI) on 15 March 2020 who had decided that the process of bathing the corpse could be replaced by performing *tayammum* (on the body bag) only. The Mufti, Dr. Zulkifli al-Bakri explained that this view was taken after a thorough and lengthy discussion with the MOH, medical experts, and infectious disease control experts to prevent the impact and threat of this epidemic, that might harm others if the normal procedure still in practise (Al-Bakri, 2020).

Based on this method, the harm that may happen is the risk of infection to the mortician. This impact can be eliminated by implementing the lesser harm by substituting the ritual with *tayammum* on the remains of the COVID-19 deceased. At the same time, the Islamic rulings remain to be carried out before the funeral. Clearly, as long as there is relaxation (*rukhsah*) in the religion, it should be taken and practiced to not burden those who are involved directly with the patients of Covid-19.

3) Specific Harm can be Incurred to Eliminate General Harm

(يتحمل الضرر الخاص لدفع الضرر العام)

MoH action in imposing a quarantine on individuals infected with the virus or individuals who have symptoms and are suspected of carrying the virus should be continued to prevent it from infecting the community and spreading the disease more widely. This is in line with the meaning of fiqh's maxim which is to acquire specific harm in eliminating the general harm (Mamat, 2020). Although this quarantine order may be detrimental to the individual such as isolating him from relatives, depriving his right to go to work, to be in a public place or to perform the Friday prayer at a mosque. Sheikh Abdullah Bin Bayyah, Head of the Shar'i Fatwa Council of the United Arab Emirates (UAE) has issued a fatwa related to COVID-19 stating (Bayyah, 2020):

“It is illegal according to Islamic law for anyone who is infected with the virus or has symptoms of fever to be in a public place, or go to the mosque, for congregational prayers or Eid prayers, and it is obligatory for him to take all necessary preventive measures by quarantining and treated by the Ministry of Health so as not to contribute to the spread of the epidemic to others”.

The government's action of vaccinating each individual to achieve cluster immunity also coincides with the maxim. While there may be a risk of side effects for individuals taking the vaccine, such small harms have to be borne in order to ward off greater harm to the public.

4) Harm is Ruled out as Best as Possible

(الضرر يدفع بقدر الإمكان)

This level means that all harm must be deducted or controlled as best as possible, either through physical activity or through the expense of purchasing tools and medicine. In restraining the spread of this epidemic, the government through MOH has issued guidelines to be followed such as physical distancing of 1 meter, wearing face masks, self-quarantine if there are symptoms of fever, frequent handwashing with soap or disinfectant (MOH, 2020). These measures coincide with the maxim to prevent any harm as much as possible. The application of these standard procedures (SoP) applies to all activities including worship rituals in the mosque such as congregational prayers. For example, the SoP of physical distancing during prayers during the COVID-19 pandemic was discussed and accepted by authoritative scholars and muftis. In an official statement the Penang State Mufti stated that the Penang State Fatwa Committee Meeting held on 22 April 2020 had decided that (Salim, 2020):

- a) “It is permissible to pray in congregation at a distance between the makmums at the time of the epidemic if the congregational prayer is still safe from the spread of the epidemic.
- b) The distance between the imam and the makmum is one (1) meter and the distance between the makmum is also one (1) meter.’

The decision taken by the fatwa institution in Malaysia is in line with the maxim in preventing the epidemic, although the original ruling needs the makmum to get closer between them. But due to the harm that exists, the ruling should be applied as best as possible parallel to the social distancing orders. The National Security Council (NSC) has also issued Social Sector SoPs related to activities and protocols in mosques and Friday prayers to Muslims who wish to attend the mosque. The NSC (2020) had stated:

- a) Actions for the control of transmission and infection
 - i) Have a counter at the entrance which is limited in number to check body temperature, hand sanitization, and attendance records of the congregation.
 - ii) Sanitize the prayer room and the surrounding area, including toilets and ablution rooms before and after prayers.
 - iii) The use of toilets should be limited according to the number of toilet rooms available at one time.
- b) Actions for control and identification
 - i) Members of the congregation must bring an identity card
 - ii) Attendance is recorded in the attendance book.
 - iv) The door of the mosque is opened one hour before the call to prayer and

closed immediately after the prayer is recited.

c) Marking of the congregation

i) The management of the mosque must mark the distance between the congregation by at least 1 meter.

The preventive control measures taken by the government are very much following the maxim of rejecting harm as best as possible. All aspects that provide safety and benefits to save the lives of the Muslims were well implemented.

5) **Something that is Required because of an Emergency, is Required at a Certain Rate or Limit**

(ما أبيح للضرورة يقدر بقدرها)

This level means that even if religion gives flexibility when preventing disease and harm, that flexibility has its limits. As the COVID-19 pandemic spread across the country, the government through religious authorities has decided in the Special Muzakarah Committee Meeting which convened on 15 March 2020 that the congregational and Friday prayers which involve the public need to be postponed as well as all activities at mosques. Although the postponement of the rituals is required due to emergencies, such activities are still permitted to mosque committee members of a limited number. During the MCO, the number of congregational prayers that were permitted was varied according to the seriousness of the contagious as well as the size of the prayer hall (Daily News, 2021) This is in line with the maxim to prevent something on a certain limit, according to the level of harm to the public.

Clearly, when the epidemic situation was declining, the Perlis Islamic Religious and Malay Customs Council (MAIPs) in a release letter dated 8 May 2020 announced the conditional permission to perform Friday prayers starting on 15 May 2020. This situation saw more Muslims able to attend congregational prayers. Taking into account the view issued by the Perlis State Fatwa Committee, the Special Muzakarah Committee for Islamic Religious Affairs (MKI), and the Ministry of Health Malaysia, the MAIPs (MAIPs, 2020) has decided as below:

a) The number of congregations including imams/preachers is not more than 12 people and not less than 3 people.

b) The mosque is not open to the public, except those who are allowed to perform Friday Prayers such as the mosque officials and Mosque Committee Members.

The stands taken by MAIPs, MKI, and MOH at that time were in line with this maxim, so the application of Shariah is still in practice under a certain limit

Conclusion

Based on the above discussion, a pandemic is not a new thing in the Islamic world. Islamic country has experience in handling contagious disease, especially when coming into the ruling as well as to safeguard the well-being of the people. Therefore, the use of Islamic maxim, namely the principle of *al-darar yuzal* (any harm must be eliminated) portrays the concern of Islam as a religion that values health and life. In a meantime, the maxim proved the sustainability aspect of Islamic teaching to achieve one of its objectives, to sustain human life. As a result, with the emergence of the Covid-19 epidemic, Islam was seen as a flexible religion that does not work on a rigid dogma but is adaptable in applying a duty that is easy and convenient for the ummah in worshipping Allah SWT as well as on community engagement.

The maxim of *al-darar yuzal* plays a vital part in ensuring safety for the people, but at the same time insists on the practice of the ritual. This maxim becomes a method in the implementation of Islamic law, without leading to the abandonment of the law directly. The law still exists but its implementation is different. This is the flexibility of Islamic ruling to deter any harm from Muslims and in a meantime still worshipping Allah in the best way for their situation. The meaning of the maxim also shows that Islam is always centered on goodness, and rejects all harms. There is no worship if it is harmful, and no good if it leads to harm. Hence, prevention of all harms is paramount, according to rate and priority.

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