

Fiqh Response to Disease Pandemic (Analysis of the Application of the Rukhshah Concept in the Procedures for the Implementation of Some Worship during the Covid-19 Pandemic)

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Abstract

On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic. The decision was issued by the WHO when the corona virus has spread in 118 countries and infected more than 121000 people in Asia, Europe, the Middle East and America. Along with this decision, WHO also issued guidelines on preventing COVID-19, namely by wearing masks, keeping a distance and washing hands. In Indonesia itself, this change has raised a few pros and cons among the people. Some people seem enthusiastic about following guidelines called health protocols, while others seem reluctant to follow them, especially in worship activities. This is evidenced by the emergence of some negative reactions when the scholars, either institutionally or personally issue a fatwa that seems to legitimize the health protocol submitted by the government. In fact, if studied further and objectively, Islam through its jurisprudence has prepared such a concept that accommodates the difficult situations faced by humans. One of the principles of fiqh law is to facilitate the practice of law when humans are in difficult conditions by changing the practice procedures from the usual form to an easier form. This principle is known as rukhshah. When an area is being hit by a disease outbreak, especially since the outbreak has spread globally to the point of being called a pandemic, fiqh of course does not remain silent in responding to the situation. Based on the above, This paper seeks to research and see further whether the current situation related to COVID-19 is included in the category that deserves legal relief or not. This research was conducted by measuring the current situation with the concept of rukhshah which was initiated by the scholars.

Keywords

rukhsah; worship; plague



I. Introduction

Islam was revealed to be nothing but for the realization of the safety and welfare of human life in this world and in the hereafter. To realize this, Allah SWT as Shari' set various binding rules so that every human behavior is always under the control of the law. As the most wise, Allah SWT makes these rules according to the level of ability and potential possessed by a servant, because in essence the Shari'a is not for the benefit of Allah, but for the benefit of the servant himself. As a religion that carries a mission of universal benefit, Islam is very concerned about the elements of difficulties experienced by humans. If the situation is considered difficult, Islam is here to provide legal relief to the legal object, even

sometimes a law can change from its basic provisions due to the difficulties experienced by humans. More than that, Islam makes the provision of lightness and ease in times of difficulty as a basic principle.

The process of life and the conditions experienced by humans often change, sometimes it is normal and sometimes people are stuck in difficult situations caused by various triggers. Among other things, when humans have to face situations that make them pressed or live in the middle of the season when certain epidemics arise that can threaten their safety. In accordance with the principle of ease that it carries, Islam accommodates the difficult conditions experienced by humans by providing relief and legal changes from its original form to an easier form, where the change is then known as rukhshah. However, humans as legal subjects should not arbitrarily choose an easy way of practicing law except in accordance with the rules that have been set, because if not, the principle of convenience stipulated by the Shari'a can be used by humans as they please, put it no longer in its place, even sometimes it seems to be played with. This will result in them getting out of the signs of the Shari'a itself. Therefore, an understanding of the criteria and signs for changing the law from the original form to a simpler form is absolutely necessary so that in practicing the ease of law, humans remain on the paths and corridors recognized by the Shari'a.

Based on the description above, this short article will present the problems surrounding rukhshah, its criteria, and its relation to the way of worshiping during the epidemic pandemic.

II. Review of Literature

2.1. Definition of Rukhsah

Linguistically, the word rukhshah (رُخْصَة) in the form of zhammah letter ra` and sukun the letter kha` means easy, lightening and permission. The form of the verb that shows the past (fi'il madhi) is rakhusha (رُخِصَ) which means cheap, soft and smooth. The original form of the sentence mashdar from (رُخْصَة) is رُخْصًا. Thus, the word رُخْصَة is a fractional mashdar sentence from the original mashdar form. As for the term ushul fiqh, the Syafi'iyah scholars define the word rukhshah with different editorials; however, in essence it has the same meaning. Al-Ghazali defines it with the editor:

عبارة عما وسع للمكلف في فعله لعذر وعجز عنه مع قيام السبب المحرم.

Meaning: Something that is given breadth for the mukallaf to do it because of his hindrances and inability, while the cause that forbids it remains as it was.

Al-Isnawi defines it with the following editorial:

الحكم إن ثبت على خلاف الدليل لعذر فرخصة.

Meaning: Rukhshah is a law that is determined by violating the existing arguments because of old age.

Ibn al-Subki made an editorial by mentioning the side of changing the law from difficult to easy. The text is as follows:

والحكم الشرعي إن تغير إلى سهولة لعذر مع قيام السبب للحكم الأصلي فرخصة.

Meaning: Rukhshah is a change in syar'i law to an easy form because of aging, while the causes for the basic law remain as before.

From some of the definitions above, it can be concluded that rukhshah in the sense of the term is a change of law to an easier form than before because it is getting old, while the arguments or basic legal causes still exist at that time. That is, the change is not because there are no more arguments for the basic law, but the basic law still applies to those who are not old. In essence, it is the aging factor that influences the change. In the realm of ushul fiqh, rukhshah is the opposite of 'azimah. Thus, 'azimah is a law that never changes, or changes to a more difficult form than before, or to an easier form than before but is not due to aging, or changes to an easier form than before because of aging, and at that time there were no more arguments and causes on which to base the basic law. As for the excuse that is meant in rukhshah are a difficult situation or difficulty (masyaqqah) and intent. Thus the meaning of rukhshah is clear, the difference with 'azimah and the meaning of aging which is an important part in the birth of rukhshah.

2.2. Rukhshah's Arguments

The essence of rukhshah is the ease and lightness in the practice of religious laws caused by certain age conditions, so that the laws that have been established through arguments can change along with the aging that accompanies them. Ease and lightness is one of the main principles in Islam which carries a mission as a mercy to all nature. This ease and lightness can be seen clearly from various verses of the Qur'an and the hadith of the Prophet. In the following, the author will present some of them that represent this.

a. Al-Qur'an

1. Al-Baqarah: 185

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ

Meaning: Allah wants ease for you, and does not want difficulty for you.

2. Al-Baqarah: 286

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا لَهَا مَا كَسَبَتْ وَعَلَيْهَا مَا اكْتَسَبَتْ

Meaning: Allah does not burden a person except according to his ability. He gets a reward (from the good) that he works for and he gets the punishment (from the evil) that he does.

b. Hadith

1. Hadith of Ibn Abbas

بُعِثْتُ وَلَكِنِّي بِالنَّصْرَانِيَّةِ وَلَا بِالْيَهُودِيَّةِ أُبْعَثُ لَمْ إِلَيَّ وَسَلَّمْ عَلَيْهِ اللَّهُ صَلَّى النَّبِيُّ قَالَ عَ بَاسِ ابْنِ عَن (أَحْمَدُ رَوَاهُ) السَّمْحَةَ بِالْحَنِيفِيَّةِ

Meaning: It was narrated from Ibn Abbas, that the Messenger of Allah said, "Indeed I was not sent for the Jews and Christians, but I was sent with a straight and easy religion. (HR Ahmad).

2. Hadith 'Imran ibn Husayn

عن عمران بن حصين رضي الله عنه قال كانت بي بواسير فسألت النبي صلى الله عليه وسلم عن الصلاة فقال صل قائما فإن لم تستطع فقاعدا فإن لم تستطع فعلى جنب (رواه البخارى).

Meaning: It was narrated from 'Imran ibn Hushain, he said I had hemorrhoids, then asked the Messenger of Allah about the procedure for praying, then His words "pray standing, if you can't do it then sit down, and if you can't then lie down". (Narrated by al-Bukhari).

2.3. Causes of Rukhshah and its Law

The author has explained earlier that the main cause of rukhshah is aging which is divided into masyaqqah and intent. When explored further, in essence, intention is part of masyaqqah because difficult or difficult situations can be in the form of dharurah and can be in the form of intention. Thus, in essence, the age referred to in rukhshah is masyaqqah, which can be divided into dharurah and hajat. In the realm of fiqh rules, a rule is known which is one of the main principles in Islam, namely:

المشقة تجلب التيسير

Meaning: Difficulties can bring ease

The ease of law due to difficulties is none other than rukhshah itself. With this description it can be understood that the cause of rukhshah is essentially the masyaqqah situation. From the other side, masyaqqah is something that is felt, which can differ from one person to another in feeling it. Masyaqqah does not exist in a tangible, sensory and concrete form. Therefore, Islamic law places the causes of masyaqqah in the position of masyaqqah itself. That is, when the cause appears, it is considered that masyaqqah is happening, then the law is lightened. Due to this, the cause of the difficulty is also referred to as the cause of legal relief. The causes consist of seven kinds, namely: al-safar (traveling), al-mardh (sickness),

2.4 Criteria for the Permissibility of Practicing Rukhshah

The practice of law in the form of rukhshah is a matter that is allowed in religion, even recommended. This is based on a hadith which reads,

إن الله يحب أن تؤتى رخصه كما يحب أن تؤتى عزائمه (رواه أحمد والبيهقي).

Meaning: Indeed, Allah SWT loves the implementation of the law that has been given lightness as well as likes to do the law that is heavy.

III. Result and Discussion

3.1. Understanding the Plague and Its History in Islam

Plague is a general term to describe the spread of events disease over a wide area and in many people, as well as to mention disease that spread. In regulation what happens in Indonesia, an epidemic is defined as an outbreak of infectious diseases in public which the number of sufferers increases significantly beyond the usual situation at a certain time and area and can cause havoc. In the science that discusses health conditions and diseases in certain populations (epidemiology), it is explained that if an outbreak is widespread in a certain population, it is called an epidemic. As for if the distribution has become global, then it is called a pandemic.

Before being absorbed into Indonesian, the word plague was an Arabic vocabulary whose word form was "waba`" (ءابو) which means infectious disease. Ibn Hajar al-'Asqalani explains that in essence waba` is different from tha'un (اعون). Waba` is an infectious disease in general. While tha'un is an infectious disease in a certain form and arises from certain causes. Every tha'un is waba`, and not every waba` means tha'un. So, tha'un is more specific than waba`. However, in language use, the two words are often used interchangeably to indicate the same meaning.

3.2. Facing the Plague from an Islamic Perspective

As a religion that is a blessing for all nature, Islam is always present to provide a way out of the problems that make it difficult for humans. In dealing with the plague, Islam has prepared several provisions so that the current epidemic will immediately disappear, not spread so that it infects people who are still healthy. These provisions are:

a. Repent and Surrender to Allah SWT

Plague is a test from Allah SWT to his servants. As a servant who is full of weaknesses, there is no other way but to surrender to Allah SWT in a state of being patient in facing trials and asking Allah SWT so that the current epidemic will be lifted immediately and not spread. In addition, humans need to cleanse themselves of the sins that have been committed, because it is possible that Allah SWT may bring down the plague as a result of the sins they have committed before. By repenting, the human soul will also be clean, where this condition will lead to high optimism for the acceptance of their requests by Allah SWT. In addition to repenting and surrendering to Allah SWT, humans also need to make efforts through the forms that the author will describe in the next section.

b. Staying Out of Outbreak Areas

Staying away from the outbreak area is one form of effort so as not to get infected with the current epidemic. The Messenger of Allah said,

إذا سمعتم بالطاعون بأرض فلا تدخلوا عليه، وإذ وقع وأنتم بأرض فلا تخرجوا منها فرارا منه (رواه البخاري ومسلم وأحمد والنسائي).

Meaning: If you hear the occurrence of tha'un in an area then do not enter it, and when you are in that area then do not go out to run from it. (Narrated by al-Bukhari, Muslim, Ahmad and al-Nasa'i).

c. Breaking the Chain of Transmission

Breaking the chain of transmission of epidemics and other infectious diseases is a matter ordered by religion. This can be done in at least two ways, namely keeping a distance from other people and isolating people suspected of having been infected with plague or other infectious diseases.

1. Keep the distance

In the hadith it is stated:

عن أبي هريرة رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم لا عدوى ولا طيرة ولا هامة ولا صفر، وفر من المجذوم كما تفر من الأسد (رواه البخاري).

Meaning: It was narrated from Abu Hurairah who said that the Messenger of Allah said: There is no automatic transmission of disease, no luck or misfortune in birds, no bad luck for owls, and no misfortune in the month of Safar. And avoid lepers as you avoid lions. (Narrated by al-Bukhari).

It should be noted, in the early part of the hadith above, the Prophet emphasized that there is no infectious disease, while at the end of the hadith, the Prophet ordered to stay away from people who have leprosy. The two things are essentially not contradictory because what was denied at the beginning of the hadith was the transmission of disease itself. This panafian aims to erase the belief of the Jahiliyyah people who view that a disease can be transmitted by itself, without the destiny of Allah SWT through certain causes. While the command to stay away from people with leprosy because leprosy is a disease that has the potential to be transmitted to others through physical contact, not transmitted by itself without God's destiny. Therefore, a disease can be transmitted by Allah's will with certain causes such as physical contact.

Regarding the above, Ibn Hajar al-'Asqalani also quotes the opinion of Ibn al-Subki who says as follows:

إن شهد طبيبان عارفان مسلمان عدلان أن ذلك سبب في أذى المخالط فالامتناع من مخالطته جائز أو أبلغ من ذلك.

Meaning: If two professional healers/doctors, Muslim and straight in religion, have testified that socializing/physical contact is the cause of transmission, it is permissible to stay away from people suffering from infectious diseases, even more than that.

2. Isolate the Infected Person

Another step in breaking the chain of transmission of epidemics and infectious diseases is to isolate people who are suspected to have been infected. The first obligation is imposed on people who have contracted an epidemic, contracted an infectious disease, or other disease that can harm others. If he is reluctant to isolate himself, it is obligatory for the government to isolate him. In this regard, Ibn Hajar al-Haytami quotes another scholar's statement as follows:

قال القاضي قال بعض العلماء ينبغي إذا عرف أحد بالإصابة بالعين أنه يجتنب ليحترز منه وينبغي للسلطان منعه من مخالطة الناس ويأمره بلزوم بيته ويرزقه إن كان فقيرا فإن ضرره

أشد من ضرر المجذوم الذي منعه عمر رضي الله عنه والعلماء بعده من الاختلاط بالناس، قال النووي في شرح مسلم وهذا الذي قاله هذا القائل صحيح متعين ولا يعرف عن غيره خلاف ا هـ. وبه يعلم أن سبب المنع في نحو المجذوم خشية ضرره وحينئذ فيكون المنع واجبا فيه وفي العائن كما يعلم من كلامهم بالأولى حيث أوجبوا على المعتمد.

Meaning: Al-Qadhi Husayn quoted another cleric who said, “if a person realizes that he is suffering from the disease of 'ain, then he should stay away so that other people are protected from the danger. In this case, the Government is responsible for prohibiting him from associating/physical contact with other people, and ordering him to isolate himself at home and take care of his needs if he is a poor person, because the harm it causes is more severe than people with leprosy which was forbidden by Umar ibn al- Khathab and the scholars after him to get along/physical contact with other people. Al-Nawawi in the book of Sharh Muslim said that the above opinion is a strong opinion which should be the case and there is no difference of opinion from other scholars. The description above provides an understanding that the reason for prohibiting people with infectious diseases such as leprosy is the fear of harm arising from them, therefore, the law prohibits them from socializing/physical contact becomes obligatory. If it is obligatory to prevent people from leprosy, then preventing people who are suffering from 'ain' disease is even more worthy of getting obligatory law as this is a strong opinion”.

3. Treat and Maintain Health

In addition to the above cases, Islam also recommends and even orders its people to seek treatment if they are sick and always take care of their health so as not to get sick, even more so in conditions of the emergence of certain epidemics. Every disease comes from Allah. But Allah does not send down a disease unless he also sends down a cure. Therefore, when a disease comes, it is recommended that humans try to find a cure. In addition to treatment when sick, humans are also ordered to maintain their health to avoid disease.

4. COVID-19 as an Outbreak

The Covid-19 pandemic has been a challenge for health systems around the world since it was first discovered (WHO, 2020). Based on the report of world health data, the World Health Organization (WHO), globally, as of March 13, 2021, there were 118,754,336 confirmed cases of Covid-19 resulting in 2,634,370 deaths. The five countries with the highest rates of Covid-19 transmission are the United States (29,000,561 cases), India (11,333,728 cases), Brazil (11,277,717 cases), Russia (4,380,525 cases), and the United Kingdom (4,248,290 cases). Cases of Covid-19 transmission continue to increase along with the non-compliance of the world community in following health protocols (WHO, 2021) (Pohan, I et al. 2021)

Corona Virus or *severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)* is a virus that attacks the respiratory system. The disease caused by this viral infection is called COVID-19. Corona virus can cause mild disorders of the respiratory system, severe lung infections, and even death. Viruses that First discovered in the city of Wuhan, China at the end of December 2019, this is a new type of coronavirus that is transmitted to humans. This virus is contagious very quickly and has spread to almost all countries, including Indonesia, in just a few months. As of March 17, 2020, the Coronavirus has killed more than 7,000 people and infected 180,000 worldwide. The number of affected countries is 162 countries, which caused the Coronavirus to be declared a pandemic. Starting from the territory of China, after that

similar cases began to appear in South Korea, Iran, Italy, Japan, Australia and even the United States.

In Indonesia, according to data released by the Task Force for the Acceleration of Handling COVID-19 of the Republic of Indonesia, the number of confirmed positive cases as of October 2, 2020 was 291,182 people with a death toll of 10,856 people. The case fatality rate due to COVID-19 is around 3.7%. When viewed from the percentage of death rates divided by age group, the age group above 60 years has a higher percentage of death rates than other age groups. Meanwhile, based on gender, 58.7% of patients who died from COVID-19 were male and the remaining 41.3% were female. Named corona because its shape resembles a crown or the corona of the sun.

As for the ways to prevent this virus are:

1. Apply *physical distancing*, namely maintaining a minimum distance of 1 meter from other people.
2. Use a mask when active in public places or crowds.
3. Wash your hands regularly with water and soap or hand sanitizer containing at least 60% alcohol, especially after activities outside the home or in public places.
4. Do not touch your eyes, mouth and nose before washing your hands.
5. Increase endurance with a healthy lifestyle, such as eat nutritious food, exercise regularly, get enough rest, and prevent stress.
6. Avoid contact with people with COVID-19, people who are suspected of being positively infected with the Corona virus, or people who are sick with fever, cough, or cold.
7. Cover your mouth and nose with a tissue when you cough or sneeze, then throw the tissue in the trash.

3.3. Application of Rukshah in Worship during the Pandemic

The emergence of disease outbreaks can hit the fabric of human life from the international level to the household level. Humans are forced to adapt to new situations. On the one hand, humans need to carry out routine activities, both in terms of worldly and hereafter interests. But on the other hand, they need to keep themselves safe or at least avoid being exposed to the plague. As a result, in carrying out their activities, their movements are limited because they are overshadowed by fears of being infected with disease. Living in the shadow of fear and the threat of disease is something that is difficult, sometimes even excruciating. But humans have no choice but to live it. The current COVID-19 pandemic is a clear example of the changing order of their lives. In activity, they feel the need to follow health protocols as an effort to protect themselves, such as keeping a distance, wearing masks, washing hands, avoiding shaking hands and others. These efforts not only affect the pattern of daily life, but also affect aspects of worship which also become their routine, such as spacing the prayer rows, wearing masks in prayer, and others.

In principle, Islam provides dispensation regarding the way of worship if humans are in trouble. The question that arises now, is the current situation classified as difficult to get dispensation?. In simple terms, to answer this question, it is necessary to first measure whether the difficulties that arise today have reached the level of *dharurah* or at least their intentions. If it reaches the level of *dharurah*, of course, religion will provide dispensation. Likewise, if it reaches the level of intent, it's just that the dispensation is not as big as that at the *dharurah* level. To find out the answer above, of course, it is necessary to consider the current situation with the criteria for *dharurah* and intent that have been regulated in religion. This effort is not something easy. However, the scholars in their various writings have prepared various examples of cases of dispensative difficulties. The treasures of their intellectual heritage may be used as benchmarks and comparisons to find the answers above.

According to the author's observations and assessments, as of today, October 5, 2020, the presence of the COVID-19 outbreak in the Aceh Province in particular has not caused difficulties at the dharurah level because the facts do not match the predetermined dharurah criteria. This assumption is based on at least five considerations. First, until October 5, 2020, the number of people infected has only reached 5064 people. This number is very small when compared to the total population of Aceh which reaches more than 4 million. Second, statistical mortality from the number of people infected, namely positive 5064, recovered 3016, and died 198. The number of deaths is only a small part of the number of infected, and the number of those who have recovered is more than 50%. Third, the character of COVID-19 is not too vicious in causing death, but only vicious in the aspect of contagion. Victims who died almost on average were people who had comorbidities. Fourth, most people who have been infected do not experience the illness that is the hallmark of being infected with COVID-19, namely acute respiratory illness. These people are called asymptomatic people (OTG). Fifth, people who have good immunity will not be infected even though they have physical contact with sufferers.

a. Leaving the Congregational and Friday Prayers

The law of congregational prayer is circumcision that is mu`akkadah, sometimes even obligatory kifayah. While Friday prayers are obligatory 'ain. However, the two prayers may be abandoned if there is an age that accompanies them. The form of aging for leaving congregational and Friday prayers basically has the same criteria, it's just that the number of elderly leaving Friday has an addition to the age for praying in congregation, such as the nature of deficiencies that exist in humans, for example slaves. According to Ibn 'Abd al-Salam, the level of old age that allows a person to leave the congregation is at a low level. That is, the difficulty that causes it to be allowed to leave the congregation is not a serious difficulty. According to al-Qulyubi, the standard of difficulty there is something that can eliminate khusyu' or eliminate perfection. Therefore, rain that can wet clothes, thick mud on the road, has an unpleasant odor on the body or clothes, and other things that can disturb solemnity are seen as old age here. Another example of aging here is the emergence of fear of people who can threaten the safety of life, property or honor. The following is Khathib al-Syarbini's explanation on this matter.

و خوف ظالم على معصوم من نفس أو عضو أو منفعة أو مال أو عرض أو حق له أو لمن يلزمه الذب عنه حتى على خبزه في التنور وطبيخه في القدر على النار ولا متعهد يخلفه.

Meaning: Among the causes that allow not praying in congregation is the fear of people who are protected religiously from people who will wrong them, both injustice to their souls, limbs, benefits, property, and honor. Likewise, fear of losing their rights or the rights of people who deserve to be defended, even including fear of losing bread that is in the oven and cooking that is in a pot on the fire, while no one else is taking care of it.

The text of the book above provides an understanding that if someone is seized with fear that threatens him when he comes to congregational prayers, the congregation may be left behind. The fear in question does not have to be at a level that threatens the safety of life, but also counts lower than that, such as the fear of losing the bread that is being cooked. This shows that the age that is considered as a cause of relief for not being in congregation is a relatively low age.

b. Spacing the Shafts of Prayer

Basically, closing the rows in congregational prayers is sunnat. The legal consequence is that if the rows are spaced apart, it will result in a makruh law in terms of the congregation which results in the loss of the reward in the congregation. It is also obligatory for people who see an empty space in the row to fill it. However, if he does not fill the void in the row due to old age, then it is not unlawful. The following is the statement of Imam Shams al-Ramli regarding this matter.

(ويكره وقوف المأموم فردا بل يدخل الصف إن وجد سعة)... نعم إن كان تأخرهم عن سد
الفرجة لعذر كوقت الحر بالمسجد الحرام لم يكره لعدم التقصير.
(قوله لعدم التقصير) أى فلا تفوتهم الفضيلة.

It means: It is permissible for the mother to stand apart from the row, but enter the row if she gets an empty space..., but if the mother withdraws from the row and does not fill the void in the row due to aging, such as hot weather in the Grand Mosque, then it is not makruh because there are no elements. intentional. The words "no taqshir" means that it does not eliminate the fadhilah in congregation.

The text of the book above provides an understanding that not always spacing the rows of prayer can eliminate the reward of the congregation, but the loss of the reward applies in the absence of aging. An example of aging mentioned in the book above is hot weather. As is understandable, hot weather is usually not something that can threaten safety, it just causes difficulties.

c. Closing the Mouth in Prayer

It is makruh to cover your mouth in prayer, either with your hands or other objects. However, this makruh will disappear when it is done because of old age. The following is an explanation of Imam al-Nawawi and Sheikh 'Abdurrahman al-Jaziri on this matter.

ويكره ان يصلي الرجل مثلثا أى مغطيا فاه بيده أو غيرها, ويكره أن يضع يده على فمه في الصلاة إلا إذا تشاءب فإن السنة وضع اليد على فيه صحيح مسلم عن أبي سعيد أن النبي صلى الله عليه وسلم قال "إذا تشاءب أحدكم فليمسك بيده على فيه فأب الشيطان يدخل", والمرأة والخنثى كالرجل في هذا.

Meaning: It is makruh for a man to pray by covering his mouth with his hands or other objects, as well as putting his hand to his mouth in prayer, unless he yawns, it is sunnah to put his hand over his mouth. In the book of Sahih Muslim, it is narrated from Abi Sa'id that the Messenger of Allah (SAW) said, "If any of you yawns, let him put his hand to his mouth, because the devil will enter at that time". The makruh law applies equally to men, women and khunsa.

ومنها أن يسدل رداءه على كتفيه كالحرّام والملاءة بدون أن يرد أحد طرفيه على الكتف الآخر, وأن يغطي الرجل فاه, وهذا إن كان بغير عذر وإلا فلا يكره.

Meaning: Among the things that are makruh in prayer is removing the scarf over two shoulders without putting one end on the other shoulder. Likewise, it is makruh to

keep one's mouth shut, but the law of makruh is valid as long as there is no excuse, if it is based on old age, then it is not makruh.

The two texts above provide an understanding that closing one's mouth in prayer is not makruh if it is based on old age. Covering your mouth so you don't catch a disease or pass it on to other people is also an excuse because it's based on concerns about safety. According to experts, wearing a mask is one way to prevent the transmission of COVID-19 when in close contact with other people. Congregational prayer is one of the forms of worship performed in close proximity to other people. This situation has the potential for transmission of COVID-19 if the people praying in the congregation do not wear masks. Based on this, wearing a mask when praying in congregation in local transmission areas of the virus with the aim of avoiding transmission or transmission, including old age in the form of intent. Therefore, this behavior is not unlawful.

d. Bathing the Bodies of Those with Infectious Diseases

Bathing the corpse is an obligation. However, if the body is difficult to bathe, such as the corpse of a fire victim, which if bathed can cause the body's organs to be destroyed, it must be replaced with tayammum. If it is not possible to mentayammum it, then it is considered a corpse for which no tools to purify it are obtained (faqid al-thahurain). The law in force at that time was to bury it after wrapping it with a shroud, without the need to pray it because it did not meet the requirements of prayer, which was previously sacred. One of the bodies that is considered difficult to bathe is a corpse that has an infectious disease, while the person who bathes it is unlikely to protect himself from transmission after physical contact.

The following is the statement of Ibn Hajar al-Haytami, al-Syarwani,

(ومن تعذر غسله) لفقد ماء أو لنحو حرق أو لدغ ولو غسل تهري أو خيف على الغاسل ولم
يمكنه التحفظ (ييم) وجوبا كالحاي
(قوله أو خيف إلخ) عطف على تهري أي ولو غسل تهري الميت أو خيف على الغاسل من
سراية السم إليه, كردي.

Meaning: A body that is difficult to bathe due to lack of water, such as being burned or stung by a venomous animal, which if bathed will destroy the body or fear the person who bathes it, while it is impossible for him to protect himself, then it must be tayammummed like a living person. Say "□ □" is atafed to the word "□", the meaning is that if you are bathed, the burned corpse will be destroyed, or the poison that is in the corpse that is stung by a venomous animal will be transmitted to the person who bathed it. A few quotes from Imam Kurdi

فإن وقع بحفرة أو بحر وتعذر إخراجه وطهره لم يصلى عليه على المعتمد.
(قوله لم يصلى عليه) أي لفوات الشرط, قال سم ويؤخذ منه أنه لا يصلى على فاقد
الطهورين الميت..

Meaning: If the corpse is in a pit or sea and it is not possible to evacuate and purify it, then according to a strong opinion it is not permissible to pray. Say "□ □" has a legal reason, namely because it does not meet the requirements. Ibn Qasim said, "it is understood from that that the corpse of a faqid al-Tahurain cannot be prayed for".

Among the meanings that can be captured from the text of the book above is that if it is feared that the poison contained in the corpse will be transmitted to the person who bathed it, then the law of bathing it is not obligatory, and is replaced with tayammum. The description leaves a question, what if tayammum is also feared for transmission due to physical contact? A situation like this seems to be the same as a corpse that cannot be purified due to the difficulty of evacuating from the hole. The law is considered *faqid thahurain*, which in a strong opinion should not be prayed because it does not meet the requirements. Covid-19 is an infectious disease, so basically apply to it what has been determined on the corpse of a person who has been stung by a venomous animal. Need to know, This provision only applies to people who bathe the corpse who cannot protect themselves from transmission. Otherwise, the above provisions do not apply. Based on this, bathing the bodies of COVID-19 victims who are currently being handled by the hospital is still mandatory because the officers who bathe them are equipped with personal protective equipment (PPE) which can medically prevent disease transmission.

IV. Conclusion

Islam provides legal relief and ease for people who are in trouble. One form of difficulty living in the shadow of fear of disease outbreaks. Therefore, in a situation facing a disease outbreak, it is permissible for people who find it difficult to practice the law in the form of *rukhsah* while still following the criteria and rules of practice so that they are always within the corridor recognized by religion, so as not to injure the great values contained in religion.

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