

The Impact of Error in Estimating the Potential Risk of Covid-19 on Performing Worship Acts and the Role of the Holy Quran in Facilitating Worship

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Abstract

Acts of worship have a high importance in the Islamic Shariah (Law). Every act of worship has a reformist impact on the health of soul, ethics and relation to Allah. The research problem can be traced in performing acts of worship during the pandemic according to the legal reasoning at that time. The research aims to state the ruling of performing the exceptional acts of worship during the pandemic according to the legal reasoning at that time. This study relied on qualitative methodology through tracing the rulings and providing comprehensive interpretations. The results showed that performing acts of worship during the pandemic is valid based on a legal opinion at that time, and that the emergence of a new legal opinion does not invalidate the initial one. Moreover, the occurrence of errors in exceptional acts of worship was not based on definitive judgment but rather arose based on another assumption.

Keywords: Error, Legal Opinion, Potential Risk, Covid-19, Acts of Worship.

INTRODUCTION

Islamic Shariah is always present in all calamities in a direct manner because it is the first reference for all rulings. It is the formidable fortress in knowing the jurisprudential controls related to all acts of worship in the times of pandemic as a newly emerging calamity which is unknown before, and an emergency case affecting many acts of worship. In this research, we will study the impact of error in estimating the potential risk of coronavirus disease 2019 (COVID-19) on performing acts of worship. If the eligible scholar made an ijthad (an evidence-based opinion) in a speculative matter, and then this opinion changed, and he found another ijthad which is different from the former. The ruling resulting from the former ijthad is not abrogated by the latter ijthad. This is what is expressed as the ijthad is not invalidated by another similar to it or by ijthad, but can be abrogated by the textual evidence (Abu Al-Hareth Al-Ghazzi, 1996, 210).

Prelude

The wide spread of the virus in the first pandemic caused my major fears which led to taking exceptional measures and modifying the performance of acts of worship to be proportionate to the new health situations. Then, new information emerged and helped in alleviating the exceptional measures which have been previously taken in the performance of acts of worship.

Impact of Fears from the Rapid Spread of the Covid-19 Pandemic and the High Number of Deaths

The spread of COVID-19 caused growing panic and fear among all age categories, particularly due to the difficulty in diagnosing cases initially since the symptoms on the infected people might not appear in the beginning. This made the identification of infected cases more difficult. With the rising number of deaths, particularly among the elderly, these factors led most people to adhere to social distancing to avoid contracting COVID-19. Thus, the entire world entered a state of emergency to face this emerging crisis (World Bank

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Group, 2020). In addition, the World Health Organization announced that all viruses, including the coronavirus that causes Severe Acute Respiratory Syndrome (the virus causing COVID-19), change over time. Most changes have little or no impact absolutely on the virus's properties. However, some changes might affect the virus's properties, such as the easiness of its spread extent or the severity of the disease it causes (World Health Organization, 2020).

Exceptional Decisions Made to Encounter COVID-19 Concerning Performing Religious Rituals

Many Islamic countries among which are Among these countries are Algeria, Saudi Arabia, Tunisia, Jordan, Kuwait, the UAE, Egypt, and others have taken measures and efforts to control the pandemic to preserve human health and prevent infection, aiming at modifying the performance of religious rituals in accordance with the new health conditions, such as suspending Friday prayers and five daily congregational prayers in mosques, and closing places of worship during the pandemic (Al-Masry Al-Youm, 2020). The World Health Organization (WHO) also emphasized the necessity of cancelling religious events and assessing the risks when holding any gatherings, particularly since religious gatherings can be replaced with alternatives during the pandemic (World Health Organization, 2020). Regarding the performance of Umrah, the Kingdom of Saudi Arabia announced the suspension of Umrah to ensure the safety of pilgrims and to prevent the spread of the novel coronavirus, according to the Saudi Ministry of Interior (Saudi Press Agency, 2020). Additionally, the Ministry of Hajj and Umrah decided to hold Hajj with limited numbers from within the Kingdom of Saudi Arabia, due to the ongoing risks of the pandemic (Saudi Press Agency, 2020).

Variables Leading to Change in Estimating Fears of the Spread Of Covid-19

After all these exceptional measures associated to this pandemic and based on the initial information available at that time, other developments emerged leading to a reconsideration of all those previous measures, whether in the performance of worship or others. Dr. Yusuf Al-Qaradawi says: There are justifications for changing the fatwa in the modern era including: the fatwa changes because of the change of information: which means the change of Islamic information and life information. An example of this is when a jurist bases a legal ruling or an issue on a specific hadith and then finds out that this hadith is weak (Al-Qaradawi, 76). These developments includes what follows:

First, Emergence of New Information.

After performing the acts of worship in that exceptional form, new information and studies emerged. Medical studies discovered that the face masks and social distancing largely decrease the possibility of contracting novel corona virus. Social distancing can confine the possibility of contracting novel corona virus causing COVID-19 disease (World Health Organization, 2020).

Second, the Emergence of Some Vaccines

At the time of the pandemic spread, the World Health Organization announced that vaccines played a vital role in preventing deaths and hospital admissions because of the contagious diseases. The emerging data associated to effectiveness indicate that COVID-19 vaccines contribute to the control of the disease spread (World Health Organization, 2020).

The result of that is that many countries alleviated the exceptional measures which they previously took against the performance of acts of worship. Now they adopted new measures allowing the return to the normal life which was before the pandemic.

Taking New Exceptional Measures Different from the First Measures Pertaining to Acts of Worship

After this change, Muslim world governments choose to reopen mosques with taking precautionary and preventive measures to ensure the safety of praying worshippers. These measures included taking the temperature of worshippers, using masks, individual prayer mats, and maintaining physical distancing between

praying worshippers (Arabi21, 2020). Furthermore, the performance of Taraweeh prayers was permitted again with preventive and precautionary measures (Al-Watan, 2021). The Saudi authorities also decided to allow Umrah for residents within the country after the successful experience of holding the Hajj ritual, but with specific regulations and conditions (Al-Mamlakah, 2021). The Ministry of Hajj and Umrah announced that, due to the current vaccination program and high infection rates, the Saudi authorities decided to limit the Hajj to residents this time, setting the number at 60,000 pilgrims (Saudi Press Agency, 2021).

Impact of Variables on COVID-19 on the Striving in Performing Acts of Worship

The question arises about the ruling on performing acts of worship in these various manners as the circumstances of their performance change.

What is the ruling on acts of worship performed in this manner during the pandemic? What is the ruling on the acts of worship that were missed, such as Friday prayers, prayers in congregation, Eid prayers in congregation, and Taraweeh in congregation? Should these acts be made up if there were later determined that the fears were overestimated? How does the emergence of new information affect the performance of worship in the future? To answer these questions, I will clarify the following points:

Many acts of worship are performed according to the ijtiḥad based on assumption.

Many acts of worship are built on ijtiḥad (independent opinion-based judgement) based on assumption. Acts of worship rely on assumption. Absolute certainty or its achievement is not required for the acts of worship. Ijtiḥad is the result of assumption since "Islamic rulings are based on apparent circumstances, because reaching certainty is often difficult. Therefore, Islamic shariaḥ allows reliance on assumption and considers it valid in ijtiḥad, practice, application, and acceptance of rulings" (Al-Zuhayli, 2006, 1, 108).

Some examples of this such as ijtiḥad in determining the direction of the Qibla when the Kaaba is not visible, prayer times, and many subsections of zakat, Hajj, and fasting are all based on ijtiḥad. This ijtiḥad may be judged as correct, incorrect, or a matter of assumption. If it is proven correct, there is no issue. If proven incorrect, it might be certainly an error. Therefore, the initial ijtiḥad is invalidated, as the ruling based on ijtiḥad is nullified if it contradicts a clear text, consensus, evident analogy or fundamental principles. However, if the error is known through a subsequent ijtiḥad, the initial ijtiḥad is not invalidated because ijtiḥad cannot be invalidated by another ijtiḥad since both are based on assumption and neither has superiority over the other.

The Ijtiḥad-Based Performance of Acts of Worship with Exceptional Ways During COVID-19

Many organizations employed their efforts to produce results that could contain the spread of infection during the pandemic. Medical authorities decided that it is necessary to take exceptional measures to prevent the spread of the disease. The World Health Organization announced that all countries experiencing community transmission of the infection should seriously consider postponing or reducing human gatherings that bring people together, as these gatherings could potentially increase the disease cases (World Health Organization, 2020). Furthermore, Islamic Shariaḥ Boards and jurisprudence councils worldwide decided to suspend congregational and Friday prayers, for that suspension is less harmful than the risk of spreading the infection. These boards included Al-Azhar Al-Sharif's Council of Muslim Senior Scholars, the Council of Senior Scholars in Saudi Arabia, the International Union of Muslim Scholars, and the European Council for Fatwa and Research (Sabri, 2020, 7). Governments adopted decisions to suspend the acts of worship to protect people from the spread of infection, given the likelihood of its transmission in gatherings. It is permissible for a ruler to seek the assistance of scholars in specialized research centres and then present those findings to Islamic Shariaḥ committees and scholars to assess the benefits and harms (Al-Azhar Global Centre for Electronic Fatwa, 2020).

The Emergence of Errors in Ijtiḥad on Which Acts of Worship Were Based During COVID-19

The previous decisions were based on estimations and information available at this time, and there is nothing to prevent governments, Shariaḥ boards, and medical bodies from relying on assumption when making decisions. Absolute certainty regarding the spread of the infection is not required, especially since predominant

assumption is acceptable in Islamic Shariah. Jurists have established that predominant assumption is treated as certainty. Some of these estimations and concerns were later proven incorrect. So, what is the impact of this change on the missed acts of worship?

Firstly, phases of performing Friday Prayer and congregational prayers amid the fear of COVID-19 spread

Phase One: At the beginning of the pandemic, most countries decided to suspend Friday Prayer and congregational prayers due to the fear of the disease spreading. This suspension decision was based on results from health organizations, the top of which is the World Health Organization (WHO). The results indicated a higher likelihood of disease spreading in gathering places compared to other locations. Religious authorities approved the decision to suspend Friday Prayer and congregational prayers in mosques to prevent the spread of infection among the performers of prayers (World Health Organization, 2020; Masoud Sabri, 2020, p. 7).

Phase Two: After a period, the first decision was changed to a another, permitting most countries to reopen mosques and establish prayers with specific conditions and guidelines. These included maintaining distance between performers of prayers, using personal prayer mats, and implementing certain precautionary measures to control the spread of infection (Arabi 21, 2020).

Phase Three: The second decision was then changed to a third one, removing the requirement for distancing between performers of prayers and restoring prayer rows to their former state before the pandemic. Consequently, many mosques reopened their doors for performers of prayers to perform Taraweeh prayers again, following certain guidelines and precautionary measures (Saudi Press Agency, 2021).

Based on the abovementioned: Performing these prayers at this time is valid based on the relevant ijthad (independent reasoning) at its time and should be followed accordingly. However, it is incorrect to adhere to the former ijthad when a latter one is available. All these ijthads are valid and do not invalidate each other.

Secondly, phases of performing Hajj and Umrah amid the fear of COVID-19 spread

Phase One: The Kingdom of Saudi Arabia declared the temporary suspension of Umrah and visits to the Prophet's Mosque for citizens and residents to prevent the spread of the novel coronavirus (Saudi Press Agency, 2020). The Ministry of Hajj and Umrah also decided to hold the Hajj of 2020 with limited numbers from within the Kingdom of Saudi Arabia (Saudi Press Agency, 2020).

Phase Two: After the success in conducting the Hajj ritual, Saudi authorities permitted residents to perform Umrah under certain conditions and guidelines (Al-Mamlakah, 2021). In addition, the authorities confined the Hajj to the residents within the Kingdom but set the number of pilgrims at 60,000 this time (Saudi Press Agency, 2021).

Phase Three: An official source from the Ministry of Interior announced that it was decided to lift the precautionary and preventive measures related to controlling the COVID-19 pandemic. Among these measures was the cessation of social distancing protocols in the Holy Grand Mosque, the Prophet's Mosque, as well as in other mosques and prayer venues (Saudi Press Agency, 2022).

The Reality of Errors in the Exceptional Acts of Worship During COVID-19

After identifying errors in performing acts of worship based on the initial decisions and subsequently changing these decisions, most acts of worship returned to their natural state. It was necessary to understand whether this error was apparent with certainty or another assumption.

The decisions about the exceptional acts of worship were based on assumption rather than certainty. The World Health Organization (WHO), the highest medical authority, announced that all countries experiencing community transmission of infection should seriously consider postponing or reducing human gatherings that make people come together and could potentially spread the disease. This implies a probable assumption rather than a certainty of disease spreading (WHO, 2020). Contemporary scholars' fatwas about the exceptional acts of worship were based on ijthad (independent reasoning), and ijthad is the outcome of assumption. The scholars' fatwas were adjustments in performing acts of worship based on medical opinions from specialized

medical authorities and the fatwas of the Council of Senior Scholars in Al-Azhar and the Council of Senior Scholars in Saudi Arabia (Masoud Sabri, 2020, pp. 12, 16).

Based on the abovementioned, the emergence of errors in exceptional acts of worship did not appear with certainty but rather with another assumption, as witnessed by the changing decisions from closure to reopening with guidelines from time to time, and then the return of some acts of worship to their normal state, as practiced by Saudi Arabia when removing social distancing between performers of prayers (Saudi Press Agency, 2021). All of this is classified under the principle that *ijtihad* is not nullified by another *ijtihad*.

Applications of the Principle: "Ijtihad is Not Invalidated by Another Ijtihad, Nor By Ijtihad in Exceptional Acts of Worship"

Ijtihad (independent reasoning) in our Islamic Sharia is a significant principle, as it ensures its adaptability and applicability to every new calamity and incident in any time and place. The principle that "*ijtihad* is not invalidated by another *ijtihad*" is a well-established rule with great importance in Sharia.

Evidences of the Principle:

Firstly, evidence from the Qur'an

Allah Almighty says:

[It is not fit for a prophet that he should take captives until he has thoroughly subdued the land. You 'believers' settled with the fleeting gains of this world,¹ while Allah's aim 'for you' is the Hereafter. Allah is Almighty, All-Wise. (67) Had it not been for a prior decree from Allah,¹ you would have certainly been disciplined with a tremendous punishment for whatever 'ransom' you have taken. (68)] (Al-Anfal: 67-68).

Indication from the Verses: The *ijtihad* of not killing the captives was incorrect, and the preferable action was to kill them. However, Allah Exalted did not invalidate the *ijtihad* of the Prophet Mohammed (may Allah's blessings and peace be upon him) (Al-Qurtubi, 1964, 8/46).

Secondly, Evidence from the Sunnah

Jabir said: "We were with Allah's Messenger (may Allah's blessings and peace be upon him) on a journey, and we were overtaken by clouds, so we were confused about the direction of the Qibla. Each one of us prayed individually, and some of us draw lines in front of them to identify their locations. We mentioned this to the Prophet (may Allah's blessings and peace be upon him), but he did not order us to repeat the prayer. He said: 'Your prayer is valid.'" (Al-Daraqutni, 2004, Hadith: 1064, 2/7).

Hadith Indication: The Prophet (may Allah's blessings and peace be upon him) approved the *ijtihad* and did not invalidate it (Ibn Qudamah, 1968, 1/325).

Thirdly, Evidence from Consensus (Ijma)

Scholars have agreed to practice this principle. The original basis for this is the consensus of the Companions (may Allah be pleased with them) as reported by Ibn Al-Sabbagh. Abu Bakr ruled on matters that Omar later disagreed with but did not invalidate it. Similarly, Omar ruled on a shared issue first with no sharing, then with sharing, and said, "That is according to what we have judged, and this is according to what we have judged." (Al-Suyuti, 1983, 101).

Applied Sub-Sections on The Principle: "Ijtihad Does Not Invalidate Another Ijtihad or By Ijtihad in Exceptional Acts of Worship"

The first juristic decisions (the first *ijtihad*) suspend congregational five prayers and Friday prayers, then the new decisions (the new *ijtihad*) allow the return to mosques and the resumption of congregational and Friday prayers.

The first decisions (the first *ijtihad*) mandated physical distancing between performers of prayers during prayers, then the new decisions (the new *ijtihad*) permitted closer proximity between performers of prayers.

The first decisions (the first ijtiḥād) suspended Taraweeh prayers, then the new decisions (the new ijtiḥād) permitted the resumption of Taraweeh prayers in mosques.

The first decisions (the first ijtiḥād) suspended Umrah, then the new decisions (the new ijtiḥād) permitted its performance by citizens and residents.

The first decisions (the first ijtiḥād) permitted Hajj in limited numbers for citizens and residents, then the new decisions (the new ijtiḥād) expanded it by permitting 60,000 pilgrims.

Based on the abovementioned, exceptional acts of worship performed during the period of COVID-19 fall under the principle that ijtiḥād does not invalidate another ijtiḥād. The specialized authorities made initial ijtiḥād decisions at the beginning of the pandemic, and later, the ijtiḥād changed to a different ruling. According to this principle, the latter ijtiḥād decisions do not invalidate the former ones. In addition, the former ijtiḥād decisions should not be nullified until the ruling is stabled and a around sequence of changes does not occur (Al-Zuhayli, 2006, 1/389).

The Role of the Qur'an in Facilitating Worship

First: ease in purity

Allah has prescribed tayammum for anyone who has lost water, or is unable to use it, as Allah Almighty said: “O you who have believed, when you rise to [perform] prayer, wash your faces and your forearms to the elbows and wipe over your heads and wash your feet to the ankles. And if you are in a state of janabah, then purify yourselves. But if you are ill or on a journey or one of you comes from the place of relieving himself or you have contacted women and do not find water, then seek clean earth and wipe over your faces and hands with it. Allah does not intend to make difficulty for you, but He intends to purify you and complete His favor upon you that you may be grateful” (Al-Mā'idah:6)

Secondly: facilitation in prayer

The Prophet Muhammad (peace and blessings of Allaah be upon him) has alleviated many cases in how to perform prayer, and it is mentioned in the Holy Qur'an to alleviate it in the qiyaam of the night, and copy it from obligatory to mustahabb, as Allah Almighty said: “Indeed, your Lord knows, [O Muhammad], that you stand [in prayer] almost two thirds of the night or half of it or a third of it, and [so do] a group of those with you. And Allah determines [the extent of] the night and the day. He has known that you [Muslims] will not be able to do it and has turned to you in forgiveness, so recite what is easy [for you] of the Qur'an. He has known that there will be among you those who are ill and others traveling throughout the land seeking [something] of the bounty of Allah and others fighting for the cause of Allah. So recite what is easy from it and establish prayer and give zakah and loan Allah a goodly loan. And whatever good you put forward for yourselves - you will find it with Allah. It is better and greater in reward. And seek forgiveness of Allah. Indeed, Allah is Forgiving and Merciful” (Al-Muzzammil: 20).

Third: ease in fasting

Allah singled out the worship of fasting by taking care of its reward himself, however fasting was one of the easy acts of worship, and one of the manifestations of ease in it is to limit it to certain times, and only one month a year.

It was imposed by Allah in the month of Ramadan, as Allah Almighty said:

“O you who believe, fasting* is prescribed upon you as it was prescribed upon those who were before you, so that you may become righteous, [Fasting is for] a specific number of days; but if anyone of you is ill or on a journey, he should make up for those days. As for those who can only fast with hardship, compensation can be made by feeding a needy person [for each day]. But anyone who volunteers to give more, it is better for him. Yet fasting is better for you, if only you knew**, Ramadān is a month in which the Qur'an was sent down*** as a guidance for mankind and as clear signs that show the right way and distinguish between right and wrong. So whoever of you witnesses this month, should fast. But if anyone is ill or on a journey, he should make up

for those days. Allah wants ease for you and does not want hardship for you, so that you may complete the prescribed number of days, and proclaim the greatness of Allah for having guided you, and so that you may be grateful (Al-Baqarah: 183- 185).

*To abstain from food, drink, and sexual relations from dawn to dusk.

**The provision of this verse has been abrogated by the next verse: 185, with few exceptions, i.e., very old person, or pregnant, etc.

***This either means that the Qur'an was sent down from the Preserved Tablet to the Lowest Heaven on the Night of Decree during the month of Ramadan, or that it was the start of the revelation to Prophet Muhammad.

And Fasting was determined by day only; from dawn to sunset, Allah allowed the fasting person of the month of Ramadan to eat, drink, and other breakfast items throughout the night; so that the slave might be strengthened to fast the next day, Allah Almighty said: "And eat and drink until you see the light of dawn distinct from the darkness of night, then complete the fast until nightfall" (Al-Baqarah: 187).

And Permission for the patient and the traveler to break the fast in Ramadan, Allah Almighty said: "but if anyone of you is ill or on a journey, he should make up for those days" (Al-Baqarah: 184).

Fourth: zakah

Allah SWT has made for zakah many varieties to get the benefit of zakaah, Allah Almighty said: "Alms [i.e., zakah] is only for the poor and the needy; those in charge of it; those whose hearts may be attracted [to Islam]; for freeing those in bondage; for those in debt; for the cause of Allah; and for [the stranded] traveler – as ordained by Allah, for Allah is All-Knowing, All-Wise (At-Tawbah: 60).

Fifth: facilitation of Hajj

The requirement of being able to do hajj with money and body is obligatory for the taxpayer; to facilitate and relieve embarrassment for The unable person who is helpless in his body, or his money, Allah Almighty said: "Pilgrimage to the House is a duty owed to Allah upon all people who are able to make their way to it" (Āl-ʿImrān: 97).

Sixth: ease in reading the Qur'an

Allah, may he be exalted, has commanded His servants to recite the Holy Qur'an even if it is a little of it; to facilitate them, Allah Almighty said: "Recite then as much of the Qur'an as is easy for you [in the night prayers]. He knows that there are some among you who will be ill, and others traveling in the land, seeking the grace of Allah, and others fighting in Allah's way. So recite as much of it as is easy for you" (Al-Muzzammil: 20), Allah did not oblige them to read the Qur'an in full, but rather what was facilitated by it; his mercy is for them.

Seventh: ease in worship in general

Worship in Islam is based on ease, Allah, may he be exalted, has initiated everything in the religion of Islam by taking into account the conditions of people, their differences, and their weakness and listlessness, so he made it based on ease and lack of hardship, and thus obeying and complying with him, May he be exalted, is achieved in the fullest way; he did not charge them with what, and Ease and lack of hardship are among the purposes of Islamic law shown by the Holy Quran, This appears in the following Qur'anic verses:

Allah Almighty said: "Allah wants to lighten your burdens, for man was created weak" (An-Nisā': 28).

Allah Almighty said: "Allah does not charge a soul except [with that within] its capacity" (Al-Baqarah: 286).

Allah Almighty said: "Allah does not charge a soul except [according to] what He has given it" (At-Talāq: 43).

Allah Almighty said: "Our Lord, and burden us not with that which we have no ability to bear" (Al-Baqarah: 286).

Allah Almighty said: "Allah intends for you ease and does not intend for you hardship" (Al-Baqarah: 185).

Allah Almighty said: "He (Allah) has chosen you and has not placed upon you in the religion any difficulty" (Al-Hajj: 78)

CONCLUSION

This research addressed the impact of the error in ijihad of assessing the potential risk of COVID-19 on the performance of religious acts of worship. It outlined the phases that these acts of worship went through during the pandemic. The research found the following findings:

The performance of religious acts of worship during the pandemic is valid based on the ijihad made at its time.

The emergence of latter ijihad does not invalidate the former ijihad, and errors in the exceptional acts of worship were not proven by certainty but rather by a different assumption.

The exceptional acts of worship performed during the COVID-19 period fall under the principle that one ijihad does not invalidate another ijihad.

The Ease and non-hardship are the basics of the Holy Quran and Islamic law.

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