

**THE *FIQH AL-ṬAWĀRI*' THOUGHTS OF 'ABD ALLĀH BIN BAYYAH ON THE MANAGEMENT OF WORSHIP DURING THE COVID-19 PANDEMIC**

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**Abstract**

The COVID-19 pandemic that struck the world recently had left a huge impact on all sectors of life. The outbreak of the virus resulted in a no-physical contact form of human interaction as a measure of curbing its cycle of transmission. The impact was also felt in religious practice and worship due to the closure of mosques which resulted in the suspension of congregational prayers and other religious activities. This state of affairs led to discord in the religious spirit of the community since the new rulings conflicted with their religious interests. There were public disputes over the provisions of Islamic primary rulings, especially in matters of worship, albeit these were declared by the authorities such as the fatwa institution. Thus, the purpose of this study was to identify the principles of Islamic primary rulings during an epidemic using the *fiqh al-ṭawāri*' discourse framework of Shaykh 'Abd Allāh bin Bayyah. Based on these principles, an assessment was conducted on the conflicting Islamic primary

rulings in Malaysia during the epidemic. To achieve the objective, library data from the *Fiqh al-tawāri*' Discourse held in 2020 was fully used. Data were analysed inductively, deductively and comparatively using the content analysis method. It was concluded that the *fiqh al-tawāri*' framework was not based on the circumstances of the epidemic, instead it was the outcome of an *ijtihad* which had a reliable source and methodology in Sharia.

**Keywords:** COVID-19; pandemic; thoughts; *fiqh al-tawāri*'; 'Abd Allah bin Bayyah.

### **Khulasah**

Pandemik COVID-19 yang melanda telah memberi impak yang besar terhadap semua sektor kehidupan dunia. Sebagai contoh, penularan wabak ini telah mengakibatkan interaksi sesama manusia tanpa sebarang sentuhan secara fizikal bagi tujuan mengekang penularan wabak. Implikasi turut berlaku dalam bidang keagamaan di mana terdapat beberapa halangan beribadah akibat penutupan masjid untuk melakukan solat jemaah dan aktiviti keagamaan yang lain. Keadaan ini telah mencetuskan pertembungan antara semangat beragama masyarakat dengan keputusan hukum yang telah diputuskan sehingga mewujudkan konflik beragama dalam masyarakat. Bahkan terdapat juga pertikaian masyarakat terhadap ketentuan hukum Islam khususnya dari segmen ibadah walaupun ia diputuskan oleh pihak berautoriti seperti institusi fatwa. Justeru, kajian ini bertujuan mengenalpasti prinsip hukum Islam semasa wabak berasaskan kerangka *fiqh al-tawāri*' yang diwacanakan oleh Shaykh 'Abd Allah bin Bayyah. Berdasarkan prinsip tersebut, kajian seterusnya akan menilai konflik hukum Islam di Malaysia semasa wabak. Bagi mencapai objektif tersebut, data-data kepustakaan digunakan secara penuh berdasarkan wacana *fiqh al-tawāri*' yang telah diadakan pada

tahun 2020. Data tersebut dianalisis menggunakan metodologi analisis kandungan secara induktif, deduktif dan komparatif. Kajian merumuskan bahawa kerangka *fiqh al-tawāri*' bukan berasaskan keadaan wabak yang berlaku, sebaliknya ia adalah hasil daripada sebuah ijtihad yang berdasarkan kepada sumber dan metodologi hukum Islam yang kukuh.

**Kata kunci:** COVID-19; wabak; pemikiran; *fiqh al-tawāri*'; 'Abd Allāh bin Bayyah.

### Introduction

The coronavirus transmission or the COVID-19 pandemic is a globally ongoing disease that was first detected in mid-December 2019. Malaysia is also affected by this pandemic. As of April 4th, 2022, the total number of infection and death cases recorded in Malaysia was 4,062,154.<sup>1</sup>

In terms of cases of infection, control of the COVID-19 pandemic in Malaysia fared well where the daily case graph hit zero on 8 July 2020.<sup>2</sup> However, the number of positive cases began to soar until mid-September or early October 2020 when community movement was allowed due to the relaxation of travel restrictions and the Sabah State Election.<sup>3</sup> As a result, a number of daily new cases

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<sup>1</sup> Kementerian Kesihatan Malaysia, "Situasi Terkini COVID-19 di Malaysia 06 April 2022," Kementerian Kesihatan Malaysia, accessed April 6, 2022, <https://covid-19.moh.gov.my/terkini>.

<sup>2</sup> Luqman Hakim Zubir, "COVID-19: Jangkitan Sifar Tempatan Kali Kedua di Malaysia", *BH Online*, July 9, 2020, accessed July 15, 2021, <https://www.bharian.com.my/berita/nasional/2020/07/708836/covid-19-jangkitan-sifar-tempatan-kali-kedua-di-malaysia>.

<sup>3</sup> Aw, Sew B., Teh, Bor T., Ling, Gabriel H. T., Leng, Pau C., Chan, Weng H. & Ahmad, Mohd H., "The COVID-19 Pandemic Situation in Malaysia: Lessons Learned from the

reached 13,215 on 15 July 2021 which led to various restrictions under the Movement Control Order (PKP) in order to lower the graph of infection.<sup>4</sup>

The effects of this pandemic also triggered global socio-economic disruptions on daily activities, recreational activities, postponements or cancellations of cultural events and also religious activities. The strict law enforcement during the pandemic period resulted in the obstruction of daily affairs of the society. Although such action was appropriate, it resulted in but many parties facing problems, especially in the financial aspect. This can be seen in more detail in Table 1.0 below:

<b>Aspects</b>	<b>Damages</b>
Religious	<ul style="list-style-type: none"> <li>- Places of worship were not utilised.</li> <li>- Many parties were denied the opportunity to perform obligatory worship such as the Friday prayer.</li> <li>- Could not carry out social interaction in the community.</li> </ul>
Health	<ul style="list-style-type: none"> <li>- Limited food and medical supplies.</li> <li>- The underprivileged were badly affected.</li> <li>- Fatigue among medical personnel.</li> <li>- Provisions for the construction of isolation places</li> <li>- Those with chronic diseases became worried about seeking treatment.</li> <li>- Treatments for non-critical cases were delayed.</li> </ul>
Education	<ul style="list-style-type: none"> <li>- The issue of students being left behind.</li> </ul>

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Perspective of Population Density”, *International Journal of Environmental Research and Public Health* 18(12) (2021), 3.

<sup>4</sup> Kementerian Kesihatan Malaysia, “Situasi Terkini COVID-19 di Malaysia 15 Julai 2021”, *COVID-19 Malaysia*, July 15, 2021, accessed July 16, 2021, <http://covid-19.moh.gov.my/terkini>.

	<p>due to lack of equipment.</p> <ul style="list-style-type: none"> <li>- Lack of focus due to the non-conducive atmosphere.</li> <li>- Lack of verbal communication.</li> <li>- Limited Internet access.</li> <li>- Amendments to school term sessions and examinations.</li> <li>- Demonstrations such as laboratory tests could not be continued.</li> <li>- Default with gadgets at home.</li> </ul>
Family-social interaction	<ul style="list-style-type: none"> <li>- No social visits.</li> <li>- Postponement of plans to conceive babies.</li> <li>- Childcare problems for the WFH group.</li> <li>- Increase in the number of divorce cases.</li> <li>- Separated due to the quarantine.</li> </ul>
Economy and the working sector	<ul style="list-style-type: none"> <li>- Lack of source of income or job loss.</li> <li>- Disturbances during working (WFH).</li> <li>- Businesses or premises had to be closed down.</li> <li>- Salary cuts.</li> <li>- Control of monthly expenses.</li> <li>- Withdrawing and consumption of savings.</li> <li>- Work part time.</li> <li>- WFH disturbances.</li> <li>- Financial savings were not enough.</li> </ul>
Community Safety	<ul style="list-style-type: none"> <li>- Increase in online scammers.</li> <li>- Increase in number of the homeless.</li> <li>- Malaysians stranded abroad.</li> </ul>
Community Welfare	<ul style="list-style-type: none"> <li>- Aid was slow to arrive in remote areas.</li> <li>- Gained popularity among givers.</li> <li>- Penalties due to the moratorium.</li> </ul>

**Table 1.0:** The Effects of COVID-19 pandemic in Malaysia.<sup>5</sup>

<sup>5</sup> Muhammad Safwan Harun, Mohd Farhan Md. Ariffin & Muhammad Ikhlas Rosele, “Social Change in the Time of Covid-19: A

As the laws were introduced, the *fatwa* institution also did not lag behind in providing legal views on issues that arose in relation to religious jurisprudence. For example in worship, the condition of COVID-19 in Malaysia affected the religious practice of Muslims regarding praying at the mosque. Most worship centres such as mosques and the *surau* were closed to the public followed by an order to not conduct congregational prayers. Although some parties rendered the permission, it was still bound by strict Standard Operating Procedures (SOPs) such as limitation on the number of congregants and the need to observe the pre-determined distance (physical distancing) of one metre in order to break the COVID-19 chain. In fact, a *fatwa* from the *mufti* stated that returning to the village for family visits was *haram* as it violated government orders.<sup>6</sup> Apart from that, there were also problems in some other religious matters such as the distancing of *saf* for prayers even though the congregational prayer had been allowed and management of the dead due to COVID-19 which included the dry ritual purification and absentee funeral prayer.<sup>7</sup>

Unfortunately, some rulings concerning religious matters during the pandemic resulted in misunderstandings among some people in the community. This was due to the community mindset that the issuance

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Phenomenal Study in Malaysia from the Perspective of Maqasid Al-Sharī'ah", *Journal of Islamic Thought and Civilization* 11(2) (2021), 196-199.

<sup>6</sup> Siti Haliza Yusop, "Haram Langgar Larangan Rentas Negeri Beraya di Kampung", *BHonline*, April 30, 2021, accessed Mac 26, 2022, <https://www.bharian.com.my/berita/nasional/2021/04/812277/haram-langgar-larangan-rentas-negeri-beraya-di-kampung>.

<sup>7</sup> Pejabat Mufti Wilayah Persekutuan, *Pengurusan COVID-19 di Malaysia dari Perspektif Islam* (Putrajaya: Pejabat Mufti Wilayah, 2020), 84-85.

of such rulings was only to justify the restrictions made by the government such as the response to the cross-state ban on returning to the village stated by the Federal Territory Mufti.<sup>8</sup> In fact, there were those who impudently insulted and challenged the religious rulings rendered by the authorities. For example, the case of an actor who disclosed recordings of congregational prayers that did not comply with the standard operating procedure (SOP) as well as disputing the ruling regarding distancing between prayer ranks in mosques during the Movement Control Order (PKP) period.<sup>9</sup>

Therefore, this study was conducted in order to reveal the framework of *fiqh al-tawāri*' as the basis of interaction of Islamic shariah during the COVID-19 pandemic. It should also be emphasised that *fiqh al-tawāri*' was not based on the circumstances of the epidemic that broke out, instead it was the outcome of an *ijtihad* based on sources and methodology of Islamic law that is authoritative.

### **Methodology**

This qualitative study employed a data collection approach through a full-library study where the content analysis was carried out inductively, deductively and comparatively. Data was collected through library research that focussed on aspects of concepts, factors and agents of social change, the new norms during the COVID-19 pandemic in Malaysia as well as the concept of *fiqh al-tawāri*' according to 'Abd Allāh bin Bayyah. In

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<sup>8</sup> "Hukum Langgar Larangan Rentas Negeri Buat Netizen Luah Rasa Emosi", *Oh My Media*, accessed Mac 26, 2022, <https://ohmymedia.cc/hukum-langgar-larangan-rentas-negeri-buat-netizen-luah-rasa-emosi/>.

<sup>9</sup> "Video Sembahyang 'Rapat Saf' Dikongsi Zul Yahya Undang Pelbagai Reaksi", *Malaysiakini*, November 17, 2020, accessed April 12, 2022, <https://www.malaysiakini.com/hiburan/551374>.

addition to journal articles and books in the physical and PDF form, data documentation was also conducted from several authoritative website sources such as Google Scholar, the official website of 'Abd Allah bin Bayyah<sup>10</sup>, the Official Portal of the Ministry of Health Malaysia<sup>11</sup>, the Official Website of the National Security Council<sup>12</sup> and several other related websites.

An inductive analysis was used to describe data specific to the conclusions that were general in nature, in order to formulate the *fiqh al-ṭawāri*' concept. In addition, a deductive analysis based on the evaluation of general arguments was done so as to obtain results specifically for *fiqh al-ṭawāri*'. A comparative analysis was also conducted to assess whether there were similarities, differences and strengths based on the literature that had been examined during the data collection process. In turn, the results of data collection on the concept of *fiqh al-ṭawāri*' was used in the text analysis to identify the frequency of use in the literature and evaluate the content that discussed the concept of *fiqh al-ṭawāri*'. This study was limited within the framework of 'Abd Allah bin Bayyah's approach to Islamic ruling during the epidemic which was analysed from the perspective of *fiqh al-ṭawāri*'. In other words, the focus of this study is on the thinking of *fiqh al-ṭawāri*' from the perspective of 'Abd Allāh bin Bayyah by cross-referencing his works with a significant relationship to *fiqh al-ṭawāri*'.

### **Biodata of 'Abd Allāh bin Bayyah**

'Abd Allāh bin Bayyah or known by his appellation, Ibn Bayyah is a wellknown contemporary Islamic scholar. His full name is 'Abd Allāh bin al-Maḥfūz bin Bayyah. He was born in 1935 in the town of Timbedra located in the

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<sup>10</sup> <http://binbayyah.net/arabic/>

<sup>11</sup> <https://www.moh.gov.my/>

<sup>12</sup> <https://www.mkn.gov.my/>



east of Mauritania. His father, al-Mahfūz bin Bayyah was a leading scholar who once served as the Chairman of the first Mauritanian Ulema Conference established after the country's independence.<sup>13</sup>

Ibn Bayyah's upbringing in Islamic studies was begun by his own father in a school called *maḥzarah*. Various traditional sciences were taught such as Arabic, jurisprudence, *sīrah*, logic, *tafsīr* and others.<sup>14</sup> Apart from his father, among his main teachers were Muḥammad Sālim Ibn al-Shīn who taught him Arabic and Bayyah bin al-Sālik al-Masūmī who was his Qur'ān teacher.<sup>15</sup> After that, he furthered his studies in judicial law at the Faculty of Law at one of the universities in Tunisia.

From the career aspect, he underwent judicial training in preparation for the implementation of the judicial system in Mauritania.<sup>16</sup> Among the positions held in the judicial system were Chief *Shar'ī* Judge in the Ministry of Justice, Vice President of the Court of Appeal, Vice President of the Supreme Court and later, Head of

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<sup>13</sup> Adam, Farah K., Mohd Zulkarnain, Saiful I. N. & Ramli, Mohd A., "Pandangan Shaykh Abdullah Bin Bayyah Tentang Konsep Keamanan: Kajian Terhadap Buku Khitab Al-Amni Fi Al-Islam," *Jurnal Peradaban* 11 (2018), 90.

<sup>14</sup> Unaesah Rahmah, "Abdullah bin Bayyah, Suara Moderat Islam dari Afrika", *Islami.co*, October 19, 2016, accessed July 15, 2021, <https://Islami.co/abdullah-bin-bayyah-suara-moderat-Islam-dari-afrika/>.

<sup>15</sup> "Tarjamah al-'Allamah 'Abdullah Bin Bayyah", *al-Mawqī' al-Rasmi li al-'Allamah al-Shaykh 'Abdullah Bin Bayyah*, accessed July 15, 2021, <http://binbayyah.net/arabic/archives/1417>.

<sup>16</sup> Al-Jadda, S., "Why America Needs to Know This Man: Abdallah bin Bayyah, Sectarianism and Global Muslim Respect", *The Islamic Monthly*, Mac 4, 2014, accessed July 15, 2021, <http://www.theIslamicmonthly.com/why-america-needs-to-know-this-man/>.

the Islamic Legal Department<sup>17</sup> Meanwhile, at the national administration level, he served as the first Minister of the Ministry of Islamic Affairs and Education, Minister of Basic Education and Religious Affairs, Minister of Human Resources (cum Deputy Prime Minister) and Minister of State for Directing State Affairs, Organisations and Parties and Permanent Trustee for the Ruling Mauritanian People's Party.<sup>18</sup>

The involvement of 'Abd Allah bin Bayyah in conveying ideas directly in the field of state administration did not prevent him from being active through his writing. The writings that have been produced are generally related to shariah knowledge. These include various fields of knowledge, for example in the work of *uṣūl al-fiqh* such as *'Amālī al-Dilālāt wa Majālī al-Ikhtilāfāt*, *'Alāqah Maqāṣid al-Sharī'ah bi Uṣūl al-Fiqh*, *Tanbīh al-Marāji' 'alā Ta'ṣīl Fiqh al-Wāqi'* and *al-Ijtihād bi Taḥqīq al-Manāṭ Fiqh al-Wāqi' wa al-Tawaqqu'*. His work in the field of *maqāṣid al-sharī'ah*, among others, is *Mashāhid min al-Maqāṣid*. In addition, in the field of *mu'āmalāt* his works includes *Tawdīḥ Awwah Ikhtilāf al-Aqwāl fī Masā'il min Mu'āmalāt al-Amwāl*, *Sadd al-Dharā'i' wa Taṭbīqātuh fī Majāl al-Mu'āmalāt* and *Maqāṣid al-Mu'āmalāt wa Marāṣid al-Wāqi'āt*. There are also writings on the subject of *fatwā* such as *Fatāwā Fikriyyah* and *Ṣinā'ah al-Fatwā wa Fiqh al-'Aqalliyyāt*. He also wrote and championed the idea of peace through *Khiṭāb al-'Amn fī al-Islām wa Thaḳāfāt al-Tasāmuḥ wa al-Wi'ām* and *al-Irhāb: al-Tashkhīṣ wa al-Hulūl*.

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<sup>17</sup> Naqiuddin, Ahmad, *Gagasan Pemikiran Syeikh Abdullah Bin Bayyah* (Selangor: Nur Fattah Publication, 2016), 7.

<sup>18</sup> "Biography of Shaykh Abdallah Bin Bayyah", *The Official Website of His Eminence Shaykh Abdallah bin Bayyah*, accessed July 15, 2021, <http://binbayyah.net/english/bio/>.

The contributions by this figure, especially in the field of shariah sciences, have gained the attention and recognition from contemporary scholars. Henceforth, it could be concluded that 'Abd Allāh bin Bayyah is a shariah figure who delved into the field of shariah as a whole, both in terms of his knowledge in the science of *fiqh*, *usul fiqh* and *daleel*. Apart from recognition from his students, Islamic scholars such as Ṭaha Jābir al-'Ulwānī also mentioned:

العالم الجليل والشيخ الفاضل عبد الله بن الشيخ  
المحفوظ بن بيه، وهو من هو في علمه وفضله وسعة  
اطلاعه في العلوم الشرعية

"The noble scholar al-Faḍīl al-Shaykh 'Abd Allāh bin Shaykh al-Maḥfūz bin Bayyah is a person who is distinguished in his knowledge, his accomplishments and the vastness of his knowledge in shariah."<sup>19</sup>

In fact al-Raysūnī in his speech also acknowledged that 'Abd Allāh is the person for reference in the field of current *fatwas*:

ومما يتميز به الشيخ ابن بيه، نشاطه وإنتاجه الإفتائي،  
في مختلف قضايا العصر، وهو ما يتيح له تطبيق رؤيته  
المقاصدية. وبحوثه المقدمة في مختلف الجامعات الفقهية،  
هي خير ما أحيل عليه

<sup>19</sup> Ṭaha Jābir al-'Ulwānī, *Lā Ikrāh fī al-Dīn: Ishkāliyyah al-Riddah wa al-Murtaddīn min Ṣadr al-Islām ilā al-Yawm* (USA: al-Ma'ahad al-'Ālamī li al-Fikr al-Islāmī, 2003) & (Cairo: Maktabah al-Shurūq al-Duwaliyyah, 2003), 179.

"The uniqueness of Shaykh Ibn Bayyah lies in his involvement and his contribution in the field of *fatwas*, in various contemporary issues that show the implementation of his *maqāṣid* ideas. His research presented at various *fiqh* conferences is excellent and has indeed become a source of reference."<sup>20</sup>

As such, it is not surprising that his expertise in the field of *shariah* as well as his contribution to the Islamic world makes him one of the most influential Islamic figures.<sup>21</sup> Currently, he is President of Muntadā Ta'zīz al-Silm fī al-Mujtama'āt al-Muslimat or the Forum Promoting Peace in Muslim Societies which actively promotes the theme of peace to all corners of the world; in Muslim and non-Muslim countries alike. He is also the President of Mu'assasah al-Muwattā' in Abu Dhabi and is the Head of the Fatwa Council of the United Arab Emirates (UAE).<sup>22</sup>

Based on his recognition in the field of Islamic law as well as the position he held shows that 'Abd Allāh bin

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<sup>20</sup> Al-Raysūnī, Aḥmad, "'Abd Allāh bin Bayyah: Bayn al-Uṣul wa al-Maqāṣid," *al-Mawqī' al-Rasm li al-'Allāmah al-Shaykh 'Abdullāh bin Bayyah*, May 4, 2017, accessed Mac 17, 2022, <http://binbayyah.net/arabic/archives/1398>.

<sup>21</sup> Al-Khraisha, Lamnya, et al., *The Muslim 500: The World's 500 Most Influential Muslims 2018* (Amman: The Royal Islamic Strategic Studies Centre, 2017), 42-43.

<sup>22</sup> "Tarjamah al-'Allāmah 'Abdullāh bin Bayyah", *al-Mawqī' al-Rasm li al-'Allāmah al-Shaykh 'Abdullāh bin Bayyah*, accessed July 15, 2021, <http://binbayyah.net/arabic/archives/1417>; Wām, "I'timād Tashkīl Majlis al-Imārāt li al-Iftā' al-Shar'ī", laman sesawang al-Bayān, Jun 24, 2018, accessed July 15, 2021, <https://web.archive.org/web/20180704124045/https://www.al-bayan.ae/across-the-uae/news-and-reports/2018-06-24-1.3299552>.

Bayyah is a scholar who has mastered sharia law, in addition to having extensive experience to see things from the perspective of state administration. This proves that 'Abd Allāh bin Bayyah is not only a scholar that specialises in *sharī'ah* theory but also has the ability to understand the local reality through the implementation of *sharī'ah*. Furthermore, his expertise in current *fiqh al-ijtihād* makes him an influential individual figure as well as a reference for Muslims at the international level.<sup>23</sup>

'Abd Allāh bin Bayyah has also translated his ideas in current *fiqh al-ijtihād* through the discussion of the *fiqh* of reality (*fiqh al-wāqi*'). The debate is furtherly detailed by him through his work in *Tanbīh al-Marāji*' *alā Ta'sīl Fiqh al-Wāqi*' which discusses the relationship of the interaction between revelation (*naṣ*) and reality (*al-wāqi*') theoretically and practically. The term *ijtihād fī taḥqīq al-manāṭ* was adopted as a legal formula for resolving current legal issues. Therefore, the intellectual quality of 'Abd Allāh bin Bayyah in the methodology of Islamic law is a catalyst in the formation of *al-ṭawāri*'s thought of *fiqh* in this study.

### **The Concept of *Fiqh al-Ṭawāri*'**

In Arabic, an emergency is referred to as *al-ṭawāri*' which is the plural for the word *ṭāri'ah*. In terms of language, *al-ṭāri*' means a new situation that has arose or in other words something that is happening beyond the usual situation.<sup>24</sup> In addition, it also carries the meaning of a

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<sup>23</sup> Saadan Man, "Fiqh Semasa: Konsep dan Aplikasinya," Jabatan Agama Islam Negeri Selangor, accessed Mei 31, 2022, extension://oemmdcbldboiebfnladdacbfmadadm/https://www.jais.gov.my/userfiles/user/Artikel/ARTIKEL\_FIQH\_SEMASA.pdf.

<sup>24</sup> Ya'qūb, Muḥammad bin, *al-Qāmūs al-Muḥīṭ*, ed. Maktab Taḥqīq al-Turāth (Beirut: Mu'assasah al-Risālah al-Ṭabā'ah wa al-Nashr wa al-Tawzī', 2005), 46.

calamity which is a situation when a major disaster occurs.<sup>25</sup> According to *Kamus Dewan*, an emergency is a reference to a state of danger, in an emergency; at every moment they are in a state of danger.<sup>26</sup> Based on *fiqh* terms, the *fuqahā'* are not far from the linguistic definition that refers to a situation that occurs unexpectedly.<sup>27</sup>

*Ijtihād* on matters of emergency situations (*al-ṭawāri'*) is obligatory on groups of Muslims and is indeed a *farḍ kifāyah*. However, when a *mujtahid* is asked about an emergency situation that does not occur to him and in the absence of a qualified person to issue a ruling, it becomes a *farḍ 'ayn* for him to conduct the *ijtihad*.<sup>28</sup> In the situation of the COVID-19 epidemic that occurred at the global level, the situation could actually be referred to as *al-ṭawāri'* as it is a major catastrophe that affected many sectors such as health, education, social relations in the family, economy, security, welfare and worship for Muslims.<sup>29</sup> This fact is further strengthened when the COVID-19 epidemic was declared by the World Health Organization (WHO) as a pandemic on March 11, 2020.<sup>30</sup>

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<sup>25</sup> Ibn Manẓūr, Muḥammad bin Mukarram bin 'Ali, *Lisān al-'Arab* (Beirut: Dār Ṣādir, 1994), 1: 114.

<sup>26</sup> "Tarjamah al-'Allāmah 'Abdullāh bin Bayyah", al-Mawqī' al-Rasm li al-'Allamah al-Shaykh; Wām, "I'timād Tashkīl Majlis al-Imārāt li al-Iftā' al-Shar'ī."

<sup>27</sup> 'Allām, Shawqī Ibrāhīm, "Ta'ṣīl Fiqh al-Ṭawāri'," *Majallah Dār al-Iftā' al-Miṣriyyah* 12(43) (October 2020), 16.

<sup>28</sup> Al-Nawawī, Yaḥyā bin Sharaf, *al-Majmū' Sharḥ al-Muhadhdhab* (Beirut: Dār al-Fikr, t.t), 1: 45.

<sup>29</sup> Muhammad Safwan Harun, Mohd Farhan Md. Ariffin and Muhammad Ikhlas Rosele, Muhammad I., "Social Change in the Time of Covid-19," 196.

<sup>30</sup> "WHO Director-General's Opening Remarks at the Media Briefing on COVID-19 - 11 March 2020", World Health Organization, March 11, 2020, accessed July 15, 2021, <https://www.who.int/director-general/speeches/detail/who->

Thus, *fiqh al-ṭawāri*' is an appropriate guideline of Islamic law to deal with this ongoing pandemic.

### **Framework of *Fiqh al-Ṭawāri*' According to 'Abd Allāh bin Bayyah**

The term *fiqh al-ṭawāri*' was first introduced by 'Abd Allāh bin Bayyah in 2020 in a conference themed "*Fiqh al-Ṭawāri*': *Ma'ālīm Fiqh mā Ba'da Kūrūnā*" (*Fiqh al-Ṭawāri*': Fiqh Guidelines After the Corona). It was held virtually and was organised through a collaboration between *Rabiṭah al-Ālam al-Islāmī* and the *al-Imārāt li al-Iftā' al-Shar'ī* Council with the participation of more than 45 countries and hundreds of Islamic scholars consisting of *muftīs*, *fatwā* and academic experts.<sup>31</sup> This conference was a medium of a global debate among the world's Islamic scholars on issues related to Islamic jurisprudence arising from the effects of the COVID-19 pandemic. The purpose of this conference was to encourage efforts and deliberation as *ijtihād* within the means and instruments of the *naṣ* through the esteemed methods of *uṣūl al-fiqh*.<sup>32</sup> The objective was to achieve a valid outcome for a certain *maṣlahah* and to comprehend the requirements of *shara'*. This process could be achieved through 3 forms of *ijtihād*, namely:-

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director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020.

<sup>31</sup> 'Āmir, Maṣūr, "Rabiṭah al-Ālam al-Islāmī and Majlis al-Imārāt li al-Iftā' al-Shar'ī Yanẓimāni Mu'tamar Fiqh al-Ṭawāri' Ba'da Ghad", Emirates News Agency, July 16, 2020, accessed July 15, 2021, <https://www.wam.ae/ar/details/1395302855470>.

<sup>32</sup> 'Abd Allāh bin Bayyah, "Naṣ Kalimah 'Abd Allāh bin Bayyah fi Iftitāḥ Mu'tamar Fiqh al-Ṭawāri,'" *al-Mawqī' al-Rasm li al-'Allāmah al-Shaykh 'Abdullāh in Bayyah*, July 18, 2020, accessed July 15, 2021, <http://binbayyah.net/arabic/archives/4699>.

1. *Ijtihād muṭlaq* from a member of authority based on his circumstances and place.
2. *Ijtihād takhrīj* from a member of authority in his sect.
3. *Ijtihād tarjīhī* from a member of authority from a branch of his sect.

According to 'Abd Allāh bin Bayyah, the choice of the term *al-ṭawāri*' was reflective of the current situation that developed as a result of the COVID-19 pandemic which contained certain elements such as shock, absence of clear sources as well as triggering severe effects. In other words, the elements of the COVID-19 pandemic such as its wide geographic extension, disease movement, high attack rates and explosiveness, minimal population immunity, infectiousness, contagiousness and severity were taken into account in the formation of the term *al-ṭawāri*'.<sup>33</sup> Therefore, from the linguistic point of view these elements were correspondent with the term that refers to great emergencies and disasters.<sup>34</sup> In terms of the definition of *fiqh al-ṭawāri*', 'Abd Allāh bin Bayyah explained:

هو فقه التيسير والتخفيف مستنبطاً من نصوص الشريعة  
وفهم العلماء ومركباً مع الواقع اساسه الرخص  
والضرورات التي تقدر بقدرها وينزل بزوال سببه

"It is a *fiqh* that simplifies and alleviates based on *iṣṭinbāṭ* of Islamic texts and understanding of the scholars while considering the local

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<sup>33</sup> Morens, David M., Folkers, Gregory K. & Fauci, Anthony S., "What Is a Pandemic?" *The Journal of Infectious Diseases*, Vol. 200 (7) (2009), 1018-1019.

<sup>34</sup> Ibn Manẓūr, Muḥammad bin Mukarram bin 'Ali, *Lisān al-'Arab* 1: 114; 'Allām, Shawqī Ibrāhīm, "Ta'ṣīl Fiqh al-Ṭawāri'," 16.



reality; the basis is relief and *darūrāt* based on its scale and that relief would be remitted if the cause is lost."<sup>35</sup>

From the definition, it was clear that the main focus of *fiqh al-tawāri*' was to address the question of Islamic *taqlīd* during the pandemic that reflected the situation faced by the *mukallaḥ* as a result of the epidemic. Therefore, 'Abd Allāh bin Bayyah asserted that *al-tawāri*' is one of the important pillars in the implementation of Islamic jurisprudence. In fact, Islamic shariah places much emphasis on the local aspect as shariah is law and worship involves the lives of individuals and society.<sup>36</sup>

To understand the concept of *fiqh al-tawāri*' in more detail, it needs to be explained through four approaches namely purpose, source of reference, description and individuals involved. Firstly, for the purpose of the introduction of *fiqh al-tawāri*', it is to seek the ease of *taḳlīf* in places where there exists difficulties as well as to seek leniency in practices that are *azīmah*. *Azīmah* refers to the commands determined by the *sharī'ah* in usual circumstances and *rukḥṣah* refers to the leniency that can be applied to alleviate the *mukallaḥ* due to the emergence of *masyaqqah* in certain circumstances. If this matter was discussed from the aspect of *maqāṣid al-sharī'ah*, the provision of *rukḥṣah* ruling was complementary to the *taḳlīf* with the objective of creating relief for the believers. This is in line with the definition of *maṣlaḥah ḥājiyyāt* i.e. the benefits that need to be appreciated in order to give *al-taysīr* and *al-takhfīf* for the *mukallaḥ*.<sup>37</sup>

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<sup>35</sup> 'Abd Allāh bin Bayyah, "Naṣ Kalimah 'Abd Allāh bin Bayyah fī Iftitāḥ Mu'tamar Fiqh al-Ṭawāri'," *al-Mawqī' al-Rasm li al-'Allāmah al-Shaykh 'Abdullah Bin Bayyah*.

<sup>36</sup> *Ibid.*

<sup>37</sup> Al-Rummānī, Zayd bin Muḥammad, *Maqāṣid al-Sharī'ah al-Islāmiyyah* (al-Riyadh: Dār al-Ghayth, 1415H), 53.

Secondly, sources that underlie the *naş* for *fiqh al-tawāri'* are the texts of the Qur'ān and *sunnah* which are easy to apply and the methods in understanding the text (*qawā'id al-nuṣūṣ*) of these two sources whether related to the contextual clues (*dilālah al-alfāz*) or the purpose of *shariah* (*maqāsid al-sharī'ah*). In addition to ensuring the validity of an authentic source, understanding the source is equally important in maintaining the desired meaning from Allah SWT. The fact is *sharī'ah* law is not only about the *naş* that could be understood through the rules of the Arabic language such as its grammar. In fact, it requires the correct methodology outlined by the scholars of *uṣūl al-fiqh* in the debate on the context of a word (*dilālah al-alfāz*) such as the literal understanding (*manṭūq*) and meaning (*mafhūm*).<sup>38</sup>

In addition, the provision of laws must also be evaluated from the view point of *sharī'ah* (*maqāsid al-sharī'ah*) in order to acquire a true and comprehensive understanding. As it is, the consequence of a ruling on the *mukallaḥ* coincides and is in agreement with the requirements of Islamic law.<sup>39</sup>

From aspects of its description, *fiqh al-tawāri'* is the result of joint deliberations between reality and Islamic evidence. In other words, it is a process of assessing reality with *shara' naş* to assess the existence of '*illah ḥukm*. For example, 'Umar RA stopped giving alms to *asnaf mu'allafah qulūbuhum* owing to the reality at that time which denied '*illah istiḥlāb* in the law of giving alms to that particular *asnaf*.<sup>40</sup> The process of evaluating the

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<sup>38</sup> Al-Darīnī, Fathī, *al-Manāhij al-Uṣūliyyah fī al-Ijtihād bi al-Ra'yi fī al-Tashrī' al-Islāmī* (Beirut: Mu'assasah al-Risālah Nāshirūn, 2013), 30.

<sup>39</sup> Al-Shātibī, Ibrāhīm bin Mūsā bin Muḥammad, *al-Muwāfaqāt*, ed. Abū 'Ubaydah (Egypt: Dār Ibn 'Affān, 1997), 3: 23.

<sup>40</sup> The same in the issue of theft in the year of hunger. This issue involves the process of *taḥqīq al-manāt*, the principle of

'illah of law by studying the reality and *dalīl* is termed as *taḥqīq al-manāṭ*.

In this regard, 'Abd Allāh bin Bayyah concluded that the determination of whether or not *al-manāṭ* existed for a matter depends on who the *khiṭāb* of the command of Allah SWT is directed at. For issues that affect man globally, the balance of considerations will be specifically determined by the government. The determination of *al-manāṭ* is an important responsibility of a legitimately appointed ruler. This assessment is based on their capacity in assessing the benefits and ruling out the harms based on knowledge of the current situation, place and time parallel to the facts of the evidence and propositions.<sup>41</sup>

Fourth, from the point of view of the active person, he is one who knows the rulings of *fiqh*, an expert in various fields and the government. This means that assessments by local leaders, *muftis* and scholars need to be done in order to consider the needs based on the prevailing situation and circumstances.<sup>42</sup>

### **Application of *Fiqh Al-Ṭawāri*' in Dealing with Islamic Law During Pandemic**

The discussion on Islamic rulings, especially in matters of worship, comprises to two parts, namely *ḥukm al-taklīfiyyah* which related to the actions of *mukallaḥ* and *ḥukm al-waḍ'īyyah* which laid down by Allah SWT in the

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*shubhat* which aborts *ḥudūd*. Therefore, in cases involving theft in a desperate situation to meet his needs, the *manāṭ* is exists which results in the exclusion of *hudud*. Refer to Muḥammad Sa'īd Ramaḍān al-Būṭī, *Ḍawābiṭ al-Maṣlaḥah fī al-Sharī'ah al-Islāmiyyah* (Damascus: Mu'assasah al-Risālah, 1973), 152-156

<sup>41</sup> 'Abd Allāh bin Bayyah, *Tanbīh al-Marāji'* 'alā Ta'ṣīl *Fiqh al-Wāqi'* cetakan ke-2 (Abu Dhabi: al-Muwaṭṭā' li al-Nashr, 2016), 132 -133.

<sup>42</sup> *Ibid.*

form of either cause (*al-sabab*), condition (*al-shart*) or obstacle (*al-mānī*).<sup>43</sup> In the process of determining a ruling, these two groups have a binding relationship with each other. For example, the COVID-19 outbreak that occurred could be considered as an obstacle (*al-mānī*) as it led to the abolition of the original law of the obligation of the Friday prayer on Muslims.<sup>44</sup> For the purpose of explaining the application of *fiqh al-tawāri*', four legal issues according to Ibn Bayyah's thoughts were presented.

### **i. Ramadan Fasting**

Application of *fiqh al-tawāri*' was apparent in observing the obligatory fasting in the month of Ramaḍān which can be abandoned or postponed for patients suffering from the COVID-19 epidemic. By taking into account the assessments of a medical specialist regarding one's condition and ability, the obligation of breaking the fast due to the illness was applicable and acceptable in Islamic ruling. For senior citizens who were at risk and had respiratory problems, relief (*rukḥṣah*) to break their fast during the month of Ramaḍān was permissible for them. However, those who engaged in it must make up for the fasts after the month of Ramaḍān. This *fatwā* is explained based on the verses of the Qur'ān:

وَمَنْ كَانَ مَرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ

“But whoever is ill or on a journey, then replace the fast with an equal number of days after Ramadan.”

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<sup>43</sup> Al-Zuhaylī, Wahbah, *Uṣūl al-Fiqh al-Islāmī* (Beirut: Dār al-Fikr al-Mu'āshir, 2013), 1: 50-51.

<sup>44</sup> Muhammad Safwan Harun, et al., “Analisis Larangan Aktiviti Keagamaan di Masjid dalam Peruntukan Perintah Kawalan Pergerakan (PKP) Berdasarkan Parameter Maqāṣid al-Sharī'ah,” *Jurnal Fiqh* 17(2) (2020), 246.

From the verse, it is clear that leniency is accorded in Islamic jurisprudence for those who are ill to break their fast during the day of Ramaḍān but they must make up for the fasts after Ramaḍān. In this regard, 'Abd Allāh bin Bayyah explained that the categories of rulings and patients for the month of Ramaḍān could be divided into four groups, namely:<sup>45</sup>

1. Whether the illness is severe or endangers the soul or may lead to death or those close to it; the scholars agreed that the decision to not fast is owned by the patient.
2. If the illness is mild and he can fast without any undesired effects on himself or resulting in other sicknesses, then according to the majority of scholars it is obligatory for him to observe fasting in Ramaḍān.
3. If the illness is of moderate risk and he could fast even if there would be an effect on him; then it is optional for him to take the relief of *rukḥṣah* and break his fast .
4. Meanwhile, for patients who are concerned that if they observed fasting, the pain would increase, healing would be slow or cause other sicknesses; then according to the *rājiḥ* view it is obligatory for him to break his fast during the day of Ramaḍān.

## ii. Optional Congregational Prayers

Apart from that, the application of *fiqh al-tawāri*' according to 'Abd Allāh bin Bayyah is manifested in the situation of Muslims who were unable to perform the

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<sup>45</sup> 'Abd Allāh bin Bayyah, "Mā Ḥukm al-Iftār fī Ramaḍān li al-Wiqāyah min Maraḍ Kūrūnā al-Mustajid?" *al-Mawqī' al-Rasm li al-'Allāmah al-Shaykh 'Abdullāh Bin Bayyah*, April 19 2020, accessed March 17, 2022, <http://binbayyah.net/arabic/archives/4595>.

congregational *tarāwīḥ* prayer in the month of Ramaḍān. As is known, during the epidemic, the majority of mosques in Islamic countries had to be closed to the general public as a measure of curbing the spread of the epidemic. In this matter, 'Abd Allāh bin Bayyah ruled that one should perform the *tarāwīḥ* prayer at home either alone or in a congregation. In fact, according to him, the *tarāwīḥ* prayer is valid despite following an *imām* through modern technology (virtual) where there is an image or voice of the *imām* provided there is no interference on the live media.<sup>46</sup>

This *fatwā* is in agreement with the authentic view of the school of Mālik in which it is permissible for the congregation to follow the *imām* through hearing the voice but without seeing the *imām* and through the sight without hearing the voice of the *imām* and without the requirement of continuous ranks of the congregation. It is valid to follow the *imām* even if there is a barrier or distance that separates the *imām* and the follower knows the actions of the *imām* as quoted by Mālik:

وقال مالك: لو أن دورا محجورا عليها صلى قوم فيها  
بصلاة الإمام في غير الجمعة فصلاتهم تامة إذا كان  
لتلك الدور كوى أو مقاصير يرون منها ما يصنع الناس  
والإمام، فيركعون بركوعه ويسجدون بسجوده فذلك  
جائز وإن لم يكن لها كوى ولا مقاصير يرون منها ما  
تصنع الناس والإمام إلا أنهم يسمعون الإمام فيركعون  
بركوعه ويسجدون بسجوده فذلك جائز.

<sup>46</sup> 'Abd Allāh bin Bayyah, "Mā Ḥukm Ṣalāh al-Tarāwīḥ fī al-Buyūt Khalf Imām al-Masjid aw al-Midhyā' aw al-Tilfāz aw 'Abra Wasā'il al-Tawāṣul al-Ijtimā'ī?"

“Mālik said: If there is a house that is prevented from coming out of it and there is a group of people inside who perform prayers following the *imām* - other than Friday prayers -, then their prayers are ideal if the house has a window that allows them to see what is being done by the people and the *imām*. They bow when the *imām* bows and they prostrate when the *imām* prostrates, then the act is permissible. If the house does not have a window that allows them to see the actions of the people and the *imām* but they hear the voice of the *imām* and bow when the *imām* bows and they prostrate when the *imām* prostrates, then the act is permissible.”<sup>47</sup>

However, the leniency mentioned does not apply to Friday prayers. In other words, it is not valid to perform the Friday prayer at home let alone perform prayers by directly following means of current technology. ‘Abd Allāh bin Bayyah explained that during the epidemic, the obligation of noon prayers to all Muslims on Fridays was praying in their respective homes to replace the compulsory congregational Friday prayer.<sup>48</sup> The epidemic that struck had become an obstacle (*al-māni*‘) that prohibited Muslims from being present at the mosque. The position of the epidemic during the pandemic was likened to the predicament caused by the rain which according to

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<sup>47</sup> Mālik bin Anas, *al-Mudawwanah* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1994), 1: 175- 176.

<sup>48</sup> ‘Abd Allāh bin Bayyah, “Mā Ḥukm Iqāmah Ṣalāh al-Jumu‘ah fī al-Buyūt aw Khalf Imām al-Masjid aw al-Midhyā‘ aw al-Tilfāz aw ‘Abra Wasā’il al-Tawāṣul al-Ijtimā’ī (Facebook – Instagram)?” *al-Mawqī‘ al-Rasmi li al-‘Allamah al-Shaykh ‘Abdullah Bin Bayyah*, April 19, 2020, accessed March 17, 2022, <http://binbayyah.net/arabic/archives/4598>.

*shara*' the Friday prayer can be waived and replaced with the *zuhr* prayer. It was narrated by al-Bukhārī in his book that:

قال ابن عباس لمؤذنه في يوم مطير: إذا قلت أشهد أن  
محمدًا رسول الله، فلا تقل حي على الصلاة، قل:  
«صلوا في بيوتكم»، فكأن الناس استنكروا، قال: فعله  
من هو خير مني، إن الجمعة عزمة وإني كرهت أن  
أخرجكم فتمشون في الطين والدحض

Ibn 'Abbās said to his muezzin on a rainy day, "If you have already recited *Ashhadu Anna Muḥammadan Rasūl Allāh*, do not connect with *Ḥayya 'alā al-Ṣalāh* (Come establish prayer). But say, *Ṣallū fī Buyūtikum* (Pray at the abode respectively). Then the people seemed to disagree with him. So Ibn 'Abbās also said, "Verily this thing was once done by a person better than me. Verily the Friday prayer is an obligation and I do not like to take you out so that you have to walk on land full of water and mud."<sup>49</sup>

### iii. Payment of *zakat*

On matters of *zakat*, there were several issues such as whether the payment should be expedited or delayed. This problem arose as there was a clash between the will (*al-muqtaḍī*) and the obstacle (*al-māni*'). The will refers to the

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<sup>49</sup> Al-Bukhārī, Muḥammad bin Ismā'īl, *al-Jāmi' al-Musnad al-Ṣaḥīḥ al-Mukhtaṣar min 'Umūr Rasūl Ṣallā Allāh 'Alayh wa Sallām wa Sunanuh wa Ayyāmuh (Ṣaḥīḥ al-Bukhārī)*, ed. Muḥammad Zuhayr bin Nāṣir al-Nāṣir, Kitāb al-Jumu'ah, Bāb al-Rukhṣah In Lam Yaḥḍur al-Jumu'ata fī al-Maṭar, ḥadīth no. 901 (Damascus: Dār Ṭūq al-Najāh, 2001), 2:6.



needs of the poor on whom the effects of this epidemic had put them in need of *zakāt* assistance at an immediate rate. The barrier refers to the economic downturn that led to declining wealth coupled with high spending to deal with the COVID-19 epidemic. Thus, the clash between the will and the obstacle should be preceded by either one of them and this is manifested in the discussions of Islamic law.

According to 'Abd Allāh bin Bayyah, it was permissible to pay *zakāt* a month or two in advance based on the view of the majority of scholars who allowed such acts with the aim of helping the community affected by the pandemic that was accelerating.<sup>50</sup> However, assessments by local leaders, *muftīs* and scholars need to be carried out first so as to consider the needs based on the situation and current conditions at a locality.

#### iv. *Ḥājj*

On matters of the *Ḥājj*, the *fiqh* thought of *al-tawāri* ' of 'Abd Allāh bin Bayyah clarified the law of whether or not it was permissible to perform umrah or hajj during a pandemic. Such permission was dependent on the decision of the Saudi Arabia government as the country responsible for maintaining the peace and security of people performing *Ḥājj* and 'Umrah.<sup>51</sup> Closing and setting the limit for the number of people performing

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<sup>50</sup> 'Abd Allāh bin Bayyah, "Mā Ḥukm Ta'jil al-Zakāh bi Akthar min Shahr aw Shahrāyn li Talbiyah Iḥtiyājāt al-Zurūf al-Rāhinah?" *al-Mawqī' al-Rasm li al-'Allāmah al-Shaykh 'Abdullāh bin Bayyah*, April 19, 2020, accessed March 17, 2022, <http://binbayyah.net/arabic/archives/4619>.

<sup>51</sup> 'Abd Allāh bin Bayyah, "Fatwā fi Nāzilah (Virus COVID-19) wa Mā Yata'allaq bih min Aḥkām," *al-Mawqī' al-Rasm li al-'Allāmah al-Shaykh 'Abdullāh bin Bayyah*, April 19, 2020, accessed March 17, 2022, <http://binbayyah.net/arabic/archives/4505>.

*Hājj* was a ruling decided through *ijtihād maṣlaḥī*. This *ijtihād* is in line with the *shara'* and reflected the local reality during the pandemic. In fact, in the discussion of *Hājj*, the decree to perform *Hājj* during its season is *fard kifāyah*.

Thus, parallel with the decision by the Saudi Arabia government, for those believers on whom the obligation of *Hājj* had become due upon them, to not perform the *Hājj* due to the pandemic did not make them less blessed. Basically, the *shara'* does not limit the number of pilgrims in the normal season, while during the pandemic, the situation had become a *ḍarūrah* which is acceptable by *shara'*. Thus, the limitation on the number of pilgrims could be considered a barrier that was in accordance with Islamic law in dealing with the pandemic. The view of 'Abd Allāh bin Bayyah is in line with the view of al-Shāfi'īyyah who stated that the *Hājj* is *tawassu'* (extensive time) and *tarākhī* (can be postponed) based on the practice of the Prophet (PBUH) who performed *Hājj* many years after the command had been prescribed. If the obligation of *Hājj* referred to a command that was urgent, of course, the Prophet (PBUH) would not have postponed the worship and would have justified the reason behind the postponement of the *Hājj* that was performed.<sup>52</sup>

## Conclusion

Based on the personal background of 'Abd Allāh bin Bayyah, as well as his *fiqh* approach of *al-ṭawāri'*, it can be concluded that he is an Islamic scholar who specialises in the field of Islamic shariah. His idea of *fiqh al-ṭawāri'* which was presented as a framework to address the law of *fiqh* during the COVID-19 pandemic was a form of calling

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<sup>52</sup> Ibn Rushd, Muḥammad bin Aḥmad bin Muḥammad, *Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣid*, ed. Tāhā 'Abd al-Ra'ūf Sa'd, (Beirut: Dār al-Jīl, 1989) and (Cairo: Maktabah al-Kulliyāt al-Azhariyyah, 1989), 1: 547.

on Islamic scholars around the world to perform *ijtihād* in order to keep Islamic shariah fresh and applicable in any situation. *Fiqh al-ṭawāri*' is a *fiqh* that provides ease and access and is the result of the process of inferring to Islamic law, the understanding of scholars and the assessment of local realities.

However, the ruling returns to the actual when this pandemic ends which had become an obstacle (*al-māni*') to the obligation of a rule such as in matters of prayer, fasting, *zakāt* and *ḥājj* that have been discussed. The debate on the concept of *fiqh al-ṭawāri*' that has been put forward by 'Abd Allāh bin Bayyah can be used as a form of legal guideline based on theories and methods in the principles of *uṣūl al-fiqh*. It was not directly looked through its epidemic, but rather at the rulings that were decided through *fiqh al-ṭawāri*' based on joint discussions on the *dalīl* and the current situations.

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