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### The Most Important Electronic Fatwas of Covid19 in Light of the Objectives of Sharia and Taking into Account the Circumstances

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#### ABSTRACT

The Corona epidemic appeared recently and spread throughout the world, and contributed to changing the course of human life. There is hardly a single part of the earth without this epidemic, and with it the number of injuries and deaths increases. As a result, all countries sought to find solutions to stop the disease or at least reduce the numbers, and there was no solution for officials other than the decision to impose preventive precautions to reduce its spread. Among the precautionary decisions was blocking the borders of countries on arrivals and visitors, as well as mosques, shops and public places, and then restricting movements. Rather, the introduction of precautions has led to the suspension of the obligatory prayers and congregation in prayer halls and mosques in some places, and the separation between rows in others. At this time, a number of virtual conferences and seminars were held to discuss issues related to the Corona pandemic and the measures taken by officials from the jurisprudential perspective, and the cyberspace was filled with various types of fatwas about the permissibility of closing mosques, chapels, mosques and the spacing between rows. While it seems that most of these fatwas were in a hurry, most of them were in doubt about the extent of observance of the objectives of the Sharia and the consequences for them before they were issued. Therefore, this study sought to collect the most important jurisprudential fatwas (Covid19), to examine the extent of their observance of the objectives of the Sharia, and to consider the consequences.

## 1. Introduction

The observance of the objectives of the Sharia and the consideration of the results are among the pillars on which legal jurisprudential fatwas are based before issuing them. This forces consideration of the most important fatwas related to Covid (19), which is the fatwa to close mosques.

A basic question must be answered, which is: Does the contemporary jurisprudential jurisprudence machine that dealt with the "Corona" crisis agree with the purposes of Islamic law and take into account what the rulings will devote to or not? This is done by looking at contemporary diligence (Ijtihad) to close mosques to guard against the spread of the Corona epidemic.

Search Plan: Hence, the research can be divided into three branches: The first branch: the principles governing diligence (Ijtihad). The second branch: consideration of fatwa to close mosques. First: the sayings of contemporaries. Second: the intentional consideration of the weighting between the two sayings. Third: Looking at the outlook. Fourth: Weighting. Conclusion: And it includes the most prominent results.

## 2. The principles governing diligence (Ijtihad).

The first: The basic principle in public affairs issues is that they be dealt with institutionally

It is noticeable that the Islamic nation (ummah's) jurists were not active in a crisis as they did in that crisis, and it revealed a wonderful collective effort in jurisprudence, which is a healthy phenomenon on the part of independent jurisprudential institutions and jurists, including the International Islamic Jurisprudence (Fiqh) Academy of the Organization for Cooperation, the Council of Senior Scholars in Al-Azhar Al-Sharif. The Council of Senior Scholars in the Kingdom of Saudi Arabia, the European Council for Fatwa and Research, the Supreme Scientific Council in Morocco, the Ministerial Committee for Fatwa in Algeria, the Fatwa Commission in the State of Kuwait, the Fatwa Council in the Emirates, the Iraqi Jurisprudence (Fiqh) Council of Senior Scholars for Advocacy and Fatwa, the Fatwa Committee in the Fatwa Department in Jordan, and the Islamic Council for Fatwa in the Inside The fatwa of the professors of the Faculty of Sharia at Qatar University ... etc. Among the independent professors specializing in Islamic jurisprudence and other disciplines close to well-known scholars, this is an indication of progress and success in addressing that issue.

The second principle: Corruption of perception leads to corruption of photography

One of the well-known rules established by fundamentalists is the rule: "Judging a thing is based on its perception" (Al-Sabki, 1995). With this rule, the diligencer (mujtahid) must be able to fully conceive the issue, whatever it is, to avoid confusion between issues and facts before he can contribute to it by proof or denial. The imposition of rulings on an issue in which there is no complete conception of the diligencer (mujtahid) is considered a saying of Allah without knowledge. Hence, the condition of validity in the mufti's perception requires the requirement to have the necessary scientific

competence with him, so that he can analyze the facts, return them to their origins, link their parts, benefit from similar facts, determine the causes, and relate the facts to each other ... etc.

In fact, all fatwas depend on the available information on (Covid 19). Most notably, it is rapidly spreading, so that the number of infected people doubles, with a geometric sequence that is difficult to control with its results if people leave their normal daily behavior.

It was said at the time that its effect was clear only on the elderly and people with chronic diseases (Chi, 2020), but the viewer did not differentiate between old and young, young and old, women and men.

The virus was said to infect first the cells lining the throat, then the trachea and lungs. Therefore, moisturizing the mouth is always required, then it is said the opposite (Gallagher, 2020), then it was said that the number of deaths does not exceed 4% of those infected with the infection, and the matter differs from one region to another in the world.

And finally Dr. Osama Abu al-Rub that there are complications that may persist in the long term for those who have suffered from Corona, such as scarring of the lung, stroke and blood clots, heart damage, kidney failure, neurological and mental effects, male infertility, and loss of the sense of smell and taste. (Abu al-Rab).

There is no doubt that the continuity of this information and its lack of availability in an integrated manner to the jurist affects his complete and correct perception of the crisis, and this explains for us the successive fatwas from fatwa institutions on the same issue.

The third principle: the legal license may relate to the nation as it relates to individuals

He means to the nation what it means to the individual, so she gets sick as he gets sick and hates as he hates, and even forgets as he forgets. Therefore, Al-Taher Bin Ashour says: "He exposes the compulsion to the ummah (The Islamic nation) or a group of it. This calls for permitting the forbidden act to achieve a legitimate aim such as the safety of the slave, maintaining its power and so on. The legal rulings determined for the conditions that arose to that necessity, and for that they were represented by the life-long rent with which the fatwa of the scholars of Andalusia was carried out" (Ibn-Ashour, 2004). The truth is that a holistic view of the crisis and its impact on the Ummah (Islamic nation) was not undertaken by some of the muftis, and they were only interested in starting from pure emotions.

The fourth principle: dialogue is necessary to reduce the disagreement between the Awqaf ministries in the Islamic world and the scholars

With my consent to close mosques, however, most ministries of endowments in the Islamic world did not conduct community consultations with sheikhs, scholars, opinion leaders and mosque builders with the availability of a lot of information for decision-makers in those ministries and it would have been possible to reduce the disagreement of some muftis if it happened, in addition to The possibility of maturing some of the ideas received from some scholars such as the imam praying with the muezzin in the mosque, and the plural

prayer with a minimum of the muezzin, workers and imam based on the opinion of the Hanafis (only four of them are the imam) Therefore, permanent consultation should be made upon any change in any decision.

Some ministries of endowments considered the imam as a guard over the mosque, and administratively punished if a Muslim enters him to pray, and this changes the nature of the imam's job, as he is not a policeman or a judicial officer, and his position is affected by this matter greatly, because he called to Allah and to good morals, with complete neutrality and independence.

### **3. Consideration of fatwa to close mosques**

There is no doubt that the danger of the epidemic is the susceptibility of infection, the length of the hidden incubation period, the speed of spread, the lack of drugs, and the epidemic's targeting of the respiratory system.

First: The sayings of contemporary jurists about closing mosques due to Corona

The Jurists (fuqaha ') differed in the extent to which it is permissible to close mosques and prohibit the establishment of gatherings and groups, according to two views:

The first opinion of the fatwa institutions in the world and I have argued that it is permissible to suspend the gathering and groups in the mosques, and for Muslims to pray in their homes the congregational prayer and have its reward, and to pray Friday noon with four rak'ahs. Among the prominent fatwa institutions in this decision is the Islamic Jurisprudence (Fiqh) Council of the Organization of Islamic Cooperation, as stated in its decision issued on April 16, 2020 AD (Islamic Fiqh Academy, 2020).

They relied in this on the general texts calling for facilitation and lifting embarrassment, as they relied on analogy on the command to retire in the mosques for those whose mouth smelled bad, such as for those who ate garlic or onions, and from the first door to leave the groups to what is more dangerous. They also measured it on the cheapness based on excuses such as sickness, rain, and the like, which are much less than the risk of spreading Corona infection (Iftaa - and Research, 2020).

As for the second view: He argued that it is obligatory to establish groups and groups in mosques, and it is not permissible to suspend mosques. This opinion was not issued by a collective jurisprudence institution. And on top of those who went to this saying were Sheikh Wald Deddo and Sheikh Hakim Al-Mutairi in audio recordings of them and others (Al-Shanqeeti, 2020).

They relied on general texts calling for the establishment of collecting and groups. Like the Almighty's saying: "Whoever is wronged by one who forbids mosques," and the Almighty's saying: "O you who believe, if we are called to pray from Friday." They responded that the evidence that it is permissible to leave groups for individual excuses does not lead to disrupting mosques altogether.

Second: the intentional consideration of the weighting between the two sayings It can be said here that it is permissible to be guided by the purposes of the Sharia to weight the contradictory evidence.

The first doctrine, which is consistent with prohibiting people from Friday prayer and congregational prayer in mosques, is in accordance with the objectives of the following evidence:

The first evidence: Preserving the soul from death or perishing is one of the necessities, and establishing the congregation in the mosque is complementary to the necessity of religion, so the necessity of the soul precedes the completion of religion. And complementary means by it the set of provisions that make the necessary interests in the fullest and best possible way, such as the analogy with retribution (Attiyah, 2013). As for the necessities, they are the interests that are essential in establishing the interests of religion and the world (Attiyah, 2013).

Second Guide: Base: warding off evil takes precedence over bringing benefits (Alonhresy, 1980). The corruption of the loss of life by infection takes precedence over the interest of mosque architecture, which is one of the supplements to preserving religion.

The third evidence: Preventing and disrupting mosques is a way to prevent the spread of infection, according to the "means of rulings of objectives" (Sidqi, 2003).

#### **4. Evaluating fatwas in terms of outcomes**

There is no doubt that the first saying, which says that prohibition leads to caution, caution and non-exposure to causes of damage without concern or disturbance, and leads to love of religion and appreciation of its moderation and rationality, and the longing for mosques. This saying can also be weighted with regard to the consequences, which are:

First: The effect of error on leaving groups is less harmful than the effect of error on leaving the souls that have preserved one of the most important objectives of the Sharia.

Second: The prohibition of praying in mosques was for an allowance, which is prayer at home, and Friday until an allowance, which is (Al Zuhr).

#### **5. Weighting**

Based on the foregoing, it is possible to think the first saying that goes to closing mosques to guard against the infringement of the Corona epidemic. The following are other evidence for the permissibility of closing mosques in times of the epidemic, as follows:

First: The Friday prayer was imposed in Makkah before the migration, as was provided by the Dar Qatni on the authority of Ibn Abbas and it is not proven that the Prophet prayed even once in Makkah, and authorized Asaad bin Zarara and Musab bin Omair to establish it in Medina. What prevented him إقام from establishing it in Makkah is the inability to show it while they are in a vulnerable stage; Because it is a ritual that requires publicity, and the gathering of Muslims is required to get acquainted with and inspect conditions and cooperation ... etc.

Second: The Sharia that permits uttering the word disbelief to protect oneself from harm from killing does not prevent one from leaving the Friday prayer to

ward off infection and prevent the spread of deadly diseases to thousands of living souls.

Therefore, these circumstances are an opportunity for our souls to taste the meanings of faith, by constructing homes with prayers and reading the Qur'an, and gathering the children to perform night praying (Tarawih) prayers and training them in the imamate and recitation, especially when the family gathered after a long break due to the work and life system, and the addiction to social networking sites.

Asking some to open mosques with conditions is fun, especially when we are in times of concessions and excuses, and it is feared that attachment to mosques is usually suspended more than an act of worship.

By Allah, I ask that he spare us the right thing to say and do, and to write the reward for our prayers in our mosques for our prayers in our homes, and not to deprive us of good in this world and the hereafter.

## 6. Conclusion

After studying the electronic fatwas received from institutions and individuals related to closing or opening mosques by looking at the purposes and taking into account the outcomes, we see the validity of the fatwa stating that mosques be closed and the permissibility of disrupting gathering and groups in mosques. And Muslims have the right to pray in their homes in congregation, and they are rewarded, and to pray Friday noon with four rak'ahs, to guard against transgression of the Corona epidemic.

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