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RESEARCH ARTICLE

STUDY ON THE METHOD OF SETTING STANDARD OPERATING PROCEDURES (SOP) FOR MOSQUE AND SURAU ACTIVITIES DURING THE COVID-19 PANDEMIC IN SELANGOR AND MELAKA

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Abstract

The COVID-19 pandemic, which struck the world at the end of 2019, has changed people's lives in many aspects including how Muslims pray and worship. The Malaysian government has imposed several Movement Control Orders (MCOs) and Standard Operating Procedures (SOPs) for Malaysians to stop the outbreak from spreading. The prohibition of holding any activities in mosques or surau (smaller designated praying areas where Friday Prayer is not performed), which includes large gatherings of Muslims during this MCO time has sparked a range of responses from the community. Some are dissatisfied with the small limit on the number of people allowed to attend congregations and the inconsistency between different states. Therefore, this study aims to identify the SOP setting method used by two states namely Selangor and Malacca which have significant SOP differences, including in the number of people allowed to attend congregations in mosques and surau. Interviews were conducted with SS mufti of Selangor and Melaka as the main individuals involved in the issuance of fatwas to obtain data for this study. The findings from this study show that there are differences in methods in setting SOPs due to differences in the administration of the religious affairs of the two states. In addition, the difference in SOP is based on the current situation of the infection which is happening based on the level of emergency or masyaqqah that occurs at the time. It aims to prevent harm from spreading further to preserve the maqasid syariah of human life.

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Introduction:-

At the end of 2019, the Coronavirus Disease (COVID-19) pandemic had an unprecedented impact on societies worldwide, leading to the declaration of the outbreak as a pandemic on 11th March 2020 by the World Health Organization (WHO). The drastic spread of the pandemic has led to changes in the procedures of human life in economic, social and cultural activities including religious activities in houses of worship (Nur Kamilah et.al, 2021).

Because of this, the governments of most nations including Malaysia, have implemented several policies to stop the spread of the virus among communities in Malaysia. The government's preventive action implementation in controlling the spread of COVID-19 is through the Movement Control Order (MCO) (Irwan, 2020) and the

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introduction of various Standard Operating Procedures (SOPs). All rules and orders of the authorities are aimed to curb the outbreak of the disease including restrictions on worship activities carried out in mosques and surau involving large gatherings of Muslims. Among worship activities such as congregational prayers, Jumu'ah prayers, Tarawih prayers, iktikaf, funeral management and funeral prayers are subject to new norms such as physical distancing of one meter, wearing a face mask, avoiding contact with others, the use of disinfectant fluid and so forth should be conducted by the people involved (jama'ah) (Mohd Hapiz, 2020). These new situations and norms have sparked various public reactions including some scholars who dispute the decision made by the government by bringing certain Islamic evidence and arguments.

The feeling of dissatisfaction arises among the Muslim community when the activities of mosques and surau are restricted by adhering to the SOPs set by the respective state Islamic Religious Departments. The number of people allowed in by some states is very small which only involves mosque or surau committee members. For people who consistently perform Jama'ah prayers (Congregational prayer) and attend Islamic classes, it is very upsetting to leave what is highly encouraged in Islam for a long period, especially the obliged Friday prayers. Their concern is reasonable as they are worried that this will develop laziness and hearts that are increasingly negligent when it has become a habit, as on the other hand, shopping malls and restaurants are open as usual without limiting the number of guests, only to follow the prescribed SOP (<https://www.bharian.com.my/>). This concern was also expressed by the Meru Assemblyman, Mohd Fakhruzazi Mohd Mokhtar in the Selangor State Legislative Assembly dated 2 November 2020 (<https://selangortv.my>).

As we know, the operation of mosques and surau is subject to the state religious authority control, namely the Islamic Religious Department of the states. Because of this, there is a diversity of SOPs issued by the State Islamic Religious Department that raise questions among the public about how this SOP is set. What is the reference source used by the State Islamic Religious Department in determining the SOP? Some states are quite strict in determining the number of jama'ah especially mosques and surau in the red zone in particular, while there are states that do not specify the number of jama'ah and do not distinguish between zones.

Therefore, this study aims to identify the SOP setting method used by two states namely Selangor and Melaka. These two states were selected based on the significant differences between the two states in terms of SOP and the limit on the number of jama'ah allowed to attend mosques and surau during the MCO (JAKIM, 2020).

Method of Setting The Hukm (Law)

Since the outbreak of the COVID-19 pandemic which began in Wuhan China, scholars and mufti from various countries have given their views and fatwas especially on the implementation of ibadah. This is what Hay'ah Kibār 'Ulama' al-Azhar al-Sharif did in a formal statement on March 15, 2020, the Ministry of Waqaf and Islamic Affairs of Kuwait, Bayan Hay'ah Kibar al-'Ulama' Su'udiyah, Indonesian Ulama Assembly (MUI) and others (Edi Kurniawan, 2021).

In the event of a new legal issue, ijihad and fatwa should be issued by the authorities. In the current context in Malaysia, the fatwa is done collectively through the fatwa institution. Therefore, there is no personal fatwa that will be considered official, as fatwa has been issued by the institution of fatwas. Although the position of Mufti is present in the institution of fatwa, he is assisted by several individuals and departments in issuing fatwas such as the Deputy Mufti and the Istibat Committee (Muhammad Ikhlas, et al., 2013). This institutionalization reflects the very strict requirements for being a mufti. Therefore, a body must issue a fatwa together or perform a collective ijihad (Muhammad Ikhlas, 2017).

In Malaysia, each state has an institution or fatwa committee that discusses and decides the ruling when issues arise. Besides the state-level fatwa committee, there is a national-level fatwa committee, the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia (JFMKBHEUIM) under the National Council for Islamic Religious Affairs (MKI). The Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia (MKI) was established in early 1970 (Muhammad Ikhlas, 2017) comprising Mufti, academia and local legal scholars who discuss and decide on fatwas at the national level.

In Malaysia, fatwas are subject to applicable laws through the Acts, Enactments and Ordinances of the Administration of Islamic Law of the States. The term fatwa refers to a decision delivered by a mufti who is gazetted after going through certain procedures until the approval and confirmation of the State Assemblyman and Legal

Advisor and the approval of the Sultan or King of State to be gazetted in the government gazette. The gazetted fatwa will become law, implied on the Muslims in the state which it gazettes and come into force in that state. Any action contrary to the fatwa may be subject to legal action for the offence of violating the fatwa (Mohd Hapiz, 2020).

In setting a ruling whether it has the status of a fatwa or irsyadhukmon issues that arise including the issue of COVID-19, the fatwa scholars refer to the source and manhaj of the issuance of the established ruling based on the sources agreed by the four main madhhabs, as follows: (Department of Mufti Perak, 2020)

- i. Al-Quran – is the main source of the setting of manhaj, method and law of each mukallaf
- ii. As-Sunnah – is the second source after the Quran in explaining the law and providing a specific or general law-making manhaj, order or prohibition and so on.
- iii. Ijma' – is the consensus of ulama among the ummah of the Prophet Muhammad at any given time on a sharia law that was issued after the death of the Prophet PBUH.
- iv. Qiyas – that is, equating a new problem that is not described by the Qur'an and Sunnah with the problem that is described by the Qur'an and Sunnah.

In addition to the four sources agreed upon above, there are no agreed sources of law such as mursalah, 'urf, istihsan, istishab, qawl sahabi and many others (Hamzah, 2012). The use of basic resources is fundamental in the current fiqh. Whereas supplementary resources can be used based on the situation and the needs of reality. These primary and supplementary sources relate to each other and can be used jointly in the istidlal process. In any case, every law to be decided must be based on the main source of al-Quran and al-Sunnah (Saadan, t.t).

Although most states in Malaysia can implement their respective Islamic laws, every fatwa decision must be based on the final opinion (qawl muktamad) in madhhab Syafi'i, but in the issue of COVID-19, it is not restricted. The evidence is that the fatwa and the ruling decisions issued are different from the final fatwas in madhhab Syafi'i, which states the second opinion of the jurist Syafi'iyah (inconclusive) or the opinion of another madhhab. However, by consensus, all the fatwas are issued with concerns for public safety, with due consideration of the causes of rukhsah and necessity (Mohd Hapiz, 2020).

After thorough and detailed research, a fatwa or irsyad ruling will be issued by the fatwa institution after consulting an expert in the relevant field. In this issue, it is necessary to obtain the views and advice of experts in the field of health, in particular the Ministry of Health Malaysia (MOH) and the security authorities, especially the National Security Council (MKN). After that, the decision made must be approved by His Royal Highness the Sultan as ulil amri before it is allowed to be implemented by the Muslims of the state. This is based on the concept of siyasah syari'ah by setting the ruling made by ulil amri when making a rule to preserve the interest of the people (maslahah ummah) and in line with the Fiqh method:

تصرف الإمام على الرعية منوط بالمصلحة

“The action of a ruler for his people is based on maslahah.”

Standard Operating Procedure (Sop) National Security Council (MKN)

After the declaration of the Movement Control Order (MCO) by the government, the National Security Council (MKN) introduced the Standard Operating Procedure (SOP) that Malaysians must follow to curb the spread of the COVID-19 outbreak. The Movement Control Order is first in force from 18 – 31 March 2020 which applies throughout Malaysia. The enforcement of the Law of this Order is based on the Prevention and Control of Infectious Diseases Act 1988 and the Police Act 1967. The directive contained in the Movement Control Order is a total restriction on movement and mass gatherings including religious, sports, social and cultural activities. At the time of the closure of all government and private premises, those involved with essential national services (essential services) were excepted.

Subsequently, various phases of MCO were introduced such as CMCO (Conditional Movement Control Order) and PKPP (Recovery Movement Control Order) according to the status of the COVID-19 outbreak throughout Malaysia. For this study, the focus is the SOP for the mosque and surau activities during the CMCO (Conditional Movement Control Order) phase in Peninsular Malaysia which was enforced from 9 November – 6 December 2020. The following are the SOPs issued by MKN for religious activities:

Activities in mosques and surau are ALLOWED with attendance limits set by the State Religious Authority.
Activities in non-Muslim houses of worship are ALLOWED with attendance limits set by MKN/MOH/State

Government and Federal Territories Ministry for houses of worship in the Federal Territory.
 Islamic wedding ceremonies are ALLOWED with a maximum limit of 30 persons based on the area of space and physical distancing at the religious office or subject to the amount set by the State Religious Authority.
 Non-Muslim wedding ceremonies are ALLOWED with a maximum limit of 30 people based on the area of space and physical distancing at the National Registration Department / House of Worship / Non-Muslim Religious Association

MKN, updated on 14 November 2020

From the above SOP, the attendance limit of jama'ah is set by the State Islamic Religious Department. Thus, we can see that there is a diversity of SOPs regarding the attendance limit of the congregation issued by the State Religious Authorities.

Mosque And Surau Activities

The main activities of mosques and surau are Friday prayers, Congregational prayers and Islamic classes. Among the three activities, Friday prayer is the most important activity based on several dalil from the Quran and Hadith, including those of surah al-Juma'ah verse 9.

Dalil of the hadith is from Toriq bin Syihab RA, that the Prophet PBUH said:

"The Friday prayer in congregation is a necessary duty for every Muslim, with four exceptions; a slave, a woman, a boy, and a sick person."(Narrated by Abu Daud (1067))

According to Muhammad al-Zuhaily (2015) in the book *al-Muktamad fi al-Fiqh al-Syafi'i*, adding another obligatory condition of Friday prayer which is no illness. This means that those who have an illness get an excuse (rukhsah) to leave the Friday prayer. He explained, that for all excuses that are the same level of distress as the difficulty of a sick person, the excuse is comparable (qiyas) to the excuse of the sick person given that there is evidence in it. Therefore, it is not compulsory for a person who fears harm to himself or his property to perform Friday prayer, as in a hadith narrated by Ibn Abbas RA, that the Prophet PBUH said:

"Whoever hears the adhan but he does not answer it (perform the prayer), then there is no prayer for him except for excuses. They ask: What is the excuse? He replied: fear and illness."

Narrated by Abu Daud (551) and Ibn Majah (793)

Illness is a clear excuse based on the above hadith. It is not compulsory for congregations and Friday prayers for the sick, those who are unable to stand, very old people, people with amputated limbs or an amputated leg. According to him, it is not compulsory for Friday prayer if it rains on the way to the mosque causing the clothes to get wet and muddy. Similarly, those with diarrhoea are feared to be tarnishing the mosque as well as those who take care of sick people (al-Zuhaily M. D., 2015).

The word 'al-maradh' is a disease for individuals and individual welfare (maslahat). But in this issue of COVID-19, it is an infectious disease outbreak. Hence, it is more of maslahah 'ammah (public welfare) that we are told to quarantine and stay at home, so it should be prioritized (al-Bakri, 2020). Fear as an excuse is when there is a fear of harm to oneself, property, honour or sickness that prevents him from going to the mosque. Including fear of creditors, tyrants and fear of losing an opportunity (al-Zuhaily W., 1999). This is small in comparison to the life-threatening concerns like what is happening in the deadly COVID-19 outbreak. So, this is considered as an excuse due to the severity, as there exists life-threatening danger.

Imam Bukhari mentioned the hadith of Ibn Abbas narrated by Ismail, known as Ibnu Aliyah, where the hadith is in this discussion.

Ibn Abbas said to the muadzin on a rainy day, "Once you say Asyhadu anna Muhammad al-rasulullah, then do not say, (حى على الصلاة), but say it (فى بيوتكمصلاوا) (pray in your house)." At that time, the companions denied what Ibn Abbas did. Then he said, "Indeed, this has been done by a better man than me (Rasulullah SAW). Indeed, Friday prayers are obligatory, and I do not like it when it is difficult for you to walk in the mud and path with puddles."

Ibn Abbas ordered muadzin to replace the phrase (حى على الصلاة), to phrase (فى بيوتكمصلوا) "pray in your home" so that those who are still at home do not hassle to come to the mosque because the phrase "come to prayer" is a call and it is necessary for those who hear it to answer. Rain is one of the obstacles that causes the obligation to turn into rukhsah, where a person is allowed to skip Friday prayers (Ibnu Hajar, 2017).

While congregational fardhu prayer in a mosque or surau is very encouraged in Islam, ulama has different views in determining the ruling of the congregational fard prayers. In madhhab Syafi'i itself, ulama have differing views and there are two rulings which are fardhu kifayah and sunnah muakkad. According to the view of Imam an-Nawawi and several other ulama, the ruling of congregational prayer is fardhu kifayah, while according to the view of Imam al-Rafi'i and several other ulama, the ruling of congregational prayer is sunnah muakkad (al-Bakri, 2017). In this case, the Asah (Asah is a term that is used by madhhab Syafi'i to tell the stronger view when there are 2 or more different views on an issue) ruling of congregational prayer is fardhu kifayah for men who are independent, resident and have clothes that cover the awrah (al-Zuhaily, 2015). Although fuqaha has various views on the ruling of congregational prayer, it should be emphasized that congregational prayer in the mosque has a great religious objective which is to revive the eminence of Islam on Allah SWT's world (Safwan, 2020).

Nevertheless, some obstacles or excuses permit missing the congregational prayer whether it is a general excuse faced by all human beings, such as rain which causes hardship (Masyaqqah) to come out either day or night, thick mud, stormy winds at night, too cold, too hot, earthquakes and so on, or specific excuses such as illness, starving, thirsty, fear of oppressors harming self or property and desperation to urinate or defecate (al-Bakri, 2017).

Fatwas related to this topic have also been issued by respected fatwa institutions from around the world such as Hai'ah Kibar Ulama' al-Azhar al-Syarif, Hai'ah Kibar al-Ulama' al-Sa'udiyyah, World Islamic Scholars Union, United Arab Emirates (UAE) Syar'ie Fatwa Council, Ministry of Waqaf and Islamic Affairs of Kuwait, Majma' al-Fiqh al-Islami under OIC, Mufti of the Republic of Tunisia, Ministry of Waqaf Syria and Union of Scholars' Syam, Islamic Religious Council of Singapore and others (Al-Bayan series 13, Minister's Office in the Prime Minister's Department, June 2021).

Research Methodology:-

This study is a qualitative study using primary and secondary data. Primary data is obtained through interviews with Mufti, the chairman of the State Fatwa Committee Member who is responsible for issuing these guidelines. Two states were chosen namely Selangor and Melaka due to the significant SOP difference between the two states, for the limit on the number of worshippers allowed to attend mosques and surau. (JAKIM, 2020) This interview is to obtain data on the methods used in setting the SOPs of mosque and surau activities in their respective states as well as the justification of the number of worshippers allowed to attend mosques and surau during the CMCO.

Secondary data were obtained through the study of the books of usul fiqh and fiqh. The book of usul fiqh is referred to discuss the method of ruling according to the opinion of scholars of usuliyyin, while the book of fiqh refers to the opinion of various madhhab that discuss chapters related to the worship of prayer especially in *masyaqqah* and emergencies as well as chapters related to mosque lectures. In addition, studies are also made based on the guidelines and SOPs issued by MKN and the states involved through statements in the official media of the State Islamic Religious Department as well as referring to articles in academic journals, newspaper cuts and soon.

Findings and Discussion:-

Standard Operating Procedure (SOP) Setting Method for Mosque and Surau Activities in Selangor State

According to the Selangor State Mufti, Sahibul Samahah Dato' Dr Haji Anhar bin Opir, after the Malaysian government announced a total lockdown or MCO starting on 18 March 2020, Duli Yang Maha Mulia Tuanku called the chairman of the Selangor Islamic Religious Council (MAIS), Sahibul Samahah Datuk Setia Mufti, Deputy Mufti, Sahibul Saadah Datuk Director of JAI Stod discuss the issue. According to the resolution of the National Security Council (MKN), they discussed how the SOPs will be issued especially for mosques and surau, lecture activities and prayers at the Selangor state level. The basis used is to comply with anything decided by MKN, and then the details will be released by the Selangor Islamic Religious Department with the approval of His Royal Highness the Sultan of Selangor.

Interms of the ruling on the issue, the mufti's office gives an opinion in the meeting by stating the arguments (*dalil*) in detail, based on the opinion of the jurists. Then His Royal Highness Sultan also gathers the opinion of the State Health Director, to break the chain of epidemics and do no harm to the people. Next, detailing will be done by the Selangor Islamic Religious Department in technicality including the capacity of mosques and other SOPs on top of those outlined by MKN. The Director of the Selangor Islamic Religious Department will review the SOP and be informed to His Royal Highness. When His Royal Highness has consented to each SOP, the Director of Selangor Islamic Religious Department (JAIS) will issue a Circular to all mosques and surau throughout the state of Selangor. In the event of changes to some decisions issued by MKN, it is customary for His Royal Highness the Sultan of Selangor to ask the Director of JAIS to comply with any such resolution.

In outlining the SOP of mosques and surau in Selangor, when compared with other states in Peninsular Malaysia, Selangor sets a strict limit on the number of jama'ah. The level of the outbreak in terms of the number of infected cases and the impact of the outbreak is taken into consideration especially when Selangor records high cases every day. Thus, the Selangor Mufti Department will look at the harm that needs to be constrained because the method of reference is Dar-ul Madharrah Aula min Jalbil Manafi' which is to prevent the harm is more important than obtaining or gaining maslahat or goodness.

According to Dato' SS, this matter is also clear based on the guidance from the Quran and the hadith of the Prophet PBUH about the plague. Among them, the Prophet told us to flee from al-majzum's disease as we ran away from a lion. So, all of that is fundamental in setting the law either by tightening or loosening it. The same is also apparent in the stories from other scholars, among others, Imam Ibn Hajar al-Asqalani in his book, *Bazlul Ma'un fi Fadhli al-Thaun* describes his experience of the death of his two daughters who died because of the plague that occurred around 819H in Egypt. It is also stated that at that time, the mosques were closed and the likes, where were referring to similar pandemic situations.

Standard Operating Procedure (SOP) Setting Methods for Mosque and Surau Activities in Melaka

According to the Mufti of the state Melaka, Sahibul Samahah Datuk Wira Hj Abd Halim Tawil, when the COVID-19 outbreak was declared a pandemic by WHO, the first step taken by the Minister of Religion through JAKIM was calling the mufti of all states to discuss what steps should be taken in the face of an unprecedented situation in the country. The most important aspect is the hukm (law), especially laws related to the implementation of ibadah during the pandemic.

After the discussion at the national level is completed, discussions are made at the state level respectively. In Melaka, a COVID-19 Committee was established at the state level chaired by the Melaka State Government Exco involving several core agencies such as the Ministry of Health, the police and the Melaka State Mufti Department. Any action including the setting of SOPs of activities in mosques and surau decided earlier by the Fatwa Committee will be recommended to the state COVID-19 Committee and they will decide whether it is accepted. Officers in the Melaka Islam Religion Department, mosque management division, officers at the State Hospital Director's Office, police and the Melaka State National Security Council (MKN) are also part of The Fatwa Committee implementation team.

He asserts, that the basis of all actions is to reflect on the beauty of Islam, which is murunah, which is being flexible in matters other than the main Islamic principles. This means that the teachings of Islam are suitable to be applied in any situation including in emergencies, using several Islamic Legal Maxims as the key principles. One of the methods used are *al-dharurat tubih al-mahzurat* (Necessities render the prohibited permissible) and *al-masyaqqah tajlibu al-taysir* (Hardship begets facility)

According to the Mufti of the state Melaka, three main principles used in dealing with the COVID-19 pandemic are:

- i) The spread of the COVID-19 outbreak must be stopped, that is harm from the pandemic needs to be eliminated. So, Islam has outlined the concept of rukhsah when we are prevented from doing azimah.
- ii) Compliance with the decisions set by ulil amri (government) - SOP set by ulil included the commendations of experts such as the Ministry of Health Malaysia (MOH) who were involved in every discussion.
- iii) Syiar of Islam is still implemented – Even in urgent situations, syiar of Islam such as Friday prayer, fardhu 'ain classes at mosque and surau must be continued. The mosque should not be locked or kept closed. However, it is necessary to follow the SOPs that have been set in terms of its operation.

Every ruling decision made is based on waqi' and the current situation derived from data obtained from experts such as the MOH. This is in line with the teachings of Islam, as stated in the Quranic verse which means: "... So, ask those who know, if you do not know. (al-Nahl: 43)

The pandemic control steps carried out by the MOH also align with the Islamic spirit in line with maqasid (objectives) of Shariah, which is the preservation of life (hifz al-nafs) should be prioritized.

Based on the SOP of mosque and surau activities in Melaka for the CMCO, in comparison to Selangor, the state of Melaka is quite loose by not setting a limit on the number of *jama'ah* but depending on the capacity of the mosque with physical distancing. This limit is based on the situation in Melaka at that time was that there were no cases of infection that occurred within a few months. However, Melaka Mufti Department is constantly updating the SOPs based on the reports or data on infection cases. In the early stages in Melaka, whenever there is an outbreak in an area, all mosques in the district are ordered to close. However, after being revised, it was not practical to close all mosques in the district, while some mosques are not in the area that is affected by the outbreak. Afterwards, postponing activities of the mosque and surau are only implemented in the affected village or area. So, the decisions made are based on the actual situation or *waqi'* at that time. Every two to three weeks, the SOP is constantly revised to improve the community. In addition, the method used by the Melaka State Fatwa Committee in the setting of SOPs is based on data obtained officially from the Ministry of Health by zooming the data of infected patients per area. So, they can detect the affected zone, hence it is easier to control the spread.

Another method used is to set the number of maximum cases. Upon reaching that number, the area is set to total lockdown which postpones all activities in mosques and surau. Hence, lockdowns do not occur in one large zone but only occur in those areas.

Conclusion:-

When there is a ruling issue concerning the public arises, the responsible party in Malaysia is the Fatwa Committee. The committee will discuss and decide the ruling and regulation on issues either at the state level or national level. At the state level, the state Fatwa Committee will discuss and conduct research by referring to the sources and *manhaj* of the issuance of the established ruling based on the sources agreed by the four main madhabs by making the final opinion (*qawl muktamad*) of madhhab Syafi'ias a priority in the provision of the Administration of Islamic Law Enactment of most states in Malaysia. However, in the situation that the Fatwa Committee observes that none of the *qawl muktamad* of the four madhabs can be followed and it is not against the public interest, the Fatwa Committee can decide based on the *ijtihad* without being bound by the *qawl muktamad* of the four main madhabs. Each decision made will be first referred to an expert in the relevant field. In this issue, it is necessary to obtain the views and advice of experts in the field of health, especially the Ministry of Health Malaysia (MOH) and the security authorities, especially the National Security Council (MKN). After that, the decision made must be approved by His Royal Highness the Sultan as the *ulilamri* for the state that has a sultan. In Melaka, any decision including the setting of SOPs of mosque and surau activities decided by the Fatwa Committee, and then sent to the state COVID-19 Committee level for approval, since Melaka does not have a Sultan. The main principle of the opinion of both mufti is to avert the harm caused by the COVID-19 pandemic, as outlined in the *maqasid* of life preservation (*hifz al-nafs*) which aim to achieve *maslahah* (benefit) and avoid *mafsadah* (harm) that befalls people (*Jalbal-Masalih wadaral-Mafasid*). When the situation is clearly at risk of harm, this is used as an *illat* or a significant concern that affects the existence of a law (Mubaidi, 2021).

Based on the opinion of the mufti of Selangor and Melaka, the difference in SOPs issued is based on the current situation of infection. Selangor which has the highest cases of infection in Malaysia, has set a very low limit to stop and control the spread. That is why they only limit attendance to the committee of mosque and surau. The situation differs with the state Melaka which didn't place a fixed limit but based on the size and capacity of the place with social distancing for all zones as Melaka has very low cases of infection. It can be concluded that the current conditions (of infections, spread and death) and the level of danger, caused the difference in the setting of SOPs in both states. Thus, this coincides with the speciality of Islam which is *murunah* or elasticity according to the current situation in the matter of *furu'* (branch) but consistent in general policy and principal issues (al-Qaradawi, 2012). The situation and the level of emergency or hardship (*masyaqqah*) that occurs is the basis of the setting of an SOP so that harm can be prevented and controlled from becoming more prevalent.

Thus, it can be concluded that the setting of a fatwa or *Irshad fatwa* is based on contemporary *ijtihad* done through various approaches such as collective *ijtihad*, the taking of current reality by observing the change of era, time and place, the use of *takhayyur* and *talfiq* with the *maqasid Shariah* approach (Ainon Mardhiah, 2019). The difference in ruling and SOP between the two states is in line with the opinion of Prof Mahmood Zuhdi, that it is a necessity for the mufti to assess an issue and problem considering the changes and development of the current situation of the surrounding community as the input of the fatwa (Mahmood Zuhdi, 2006). The different situations and realities between the two states when faced with the COVID-19 pandemic, produced different views and SOPs. The difference occurs based on maintaining the well-being of the local community in terms of the preservation of life (*hifz-al-nafs*) and at the same time not ignoring the preservation of religion (*hifz-al-din*) through performing worship. The issuing authority of rulings and SOPs should also constantly update the decisions from time to time based on the current situations so that the application of *rukhsah* is only at the right time allowed by *syarak* to avoid it being misused.

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