

Integration of Health Fiqh Regarding Legal Aspects of Infectious Diseases in Handling The COVID-19 Pandemic

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ABSTRACT

The Covid-19 pandemic has become a major challenge for humanity throughout the world. In handling this pandemic, the legal aspect of infectious diseases is an important aspect that needs to be considered. Health fiqh as a branch of fiqh which discusses health laws can contribute to handling the Covid-19 pandemic. The Covid-19 pandemic has become a big challenge for the world, including Indonesia. Handling this pandemic requires a comprehensive approach, including legal aspects. Health fiqh is a branch of fiqh that discusses laws relating to health, including infectious diseases. The integration of health fiqh in handling the Covid-19 pandemic can provide a strong legal framework that is in accordance with Islamic values. This research aims to examine the legal aspects of infectious diseases in handling the Covid-19 pandemic based on health fiqh. The research method used is a literature study with a qualitative approach. Data was obtained from various sources, including fiqh books, articles and journals. The research results show that health fiqh has an important role in handling the Covid-19 pandemic. Health fiqh provides the legal basis for various efforts made in handling the pandemic, such as isolation, quarantine, social restrictions and vaccination. Based on the research results, it can be concluded that the integration of health fiqh in handling the Covid-19 pandemic is important. This is because health fiqh can contribute to providing a legal basis for various efforts made in handling the pandemic.

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INTRODUCTION

Infectious diseases are a health problem that has long been faced by humanity. In Islam, infectious diseases are included in the al-amr al-mutlaq category, namely things that are absolutely prohibited by Allah SWT. This is as stated in His words: *وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ* (An-Nisa: 29) It means: And do not throw yourself into destruction with your own hands. Handling infectious diseases, including pandemics, requires a comprehensive approach, including legal aspects. Health fiqh is a branch of fiqh that discusses laws relating to health, including infectious diseases. The integration of health fiqh in handling the Covid-19 pandemic can provide a strong legal framework that is in accordance with Islamic values (Masdar Hilmy, 2020). The COVID-19 pandemic has become a major challenge for humanity around the world. This disease has caused deaths and significant economic losses. In the Islamic context, handling this pandemic must be based on the integration of health fiqh, which is a combination of fiqh science and health science. This integration is important to ensure

that handling of the pandemic is carried out comprehensively and in accordance with Islamic principles. The Covid-19 pandemic has become a major challenge for humanity throughout the world. This disease has spread to more than 200 countries and caused the deaths of more than 5 million people. In handling this pandemic, the legal aspect of infectious diseases is an important aspect that needs to be considered. The legal aspect of infectious diseases is related to various efforts made to prevent and control the spread of disease. These efforts include isolation, quarantine, social restrictions and vaccination (Luthfia Ayu Azanella, 2021)

Health fiqh as a branch of fiqh which discusses health laws can contribute to handling the Covid-19 pandemic. Health fiqh can provide a legal basis for various efforts made in handling the pandemic. In the context of the COVID-19 pandemic, the integration of health fiqh can provide a strong legal basis for the government and society in handling the pandemic. This can be seen from several policies that have been issued by the government, such as the Large-Scale Social Restrictions (PSBB) policy, the vaccination policy, and the international travel restriction policy. The legal aspects of infectious diseases in handling the COVID-19 pandemic can be studied from several perspectives, the prevention perspective, which includes the obligation to protect oneself from infectious diseases, the obligation to protect others from infectious diseases, and the obligation to report cases of infectious diseases. Treatment perspective, which includes the obligation to seek treatment if sick, the obligation to provide assistance to sick people, and the obligation to keep the environment clean. Control perspective, which includes the obligation to quarantine, the obligation to carry out social restrictions, and the obligation to carry out vaccinations (Balitbangdiklat Kemenag, 2021)

Theoretical Foundation

So far, the debate regarding the relationship between Islam and Covid-19 has revolved around three important questions, namely; What and how to respond to the Covid19 pandemic? Does the Covid-19 pandemic have a place of truth in Islam? Does the Covid-19 prevention program have a strong basis in Islam, both in terms of policies such as maintaining distance (social and physical distance) and medical measures such as vaccination? This series of questions is often asked by many parties, especially community groups, who try to contrast the use of Covid-19 with the religious dimension. Usually religious groups like this appear among conservative or orthodox religious groups, where they tend to interpret Covid-19 from a dogmatic-literary perspective, making it difficult to adapt to developments in modern issues, including the Covid-19 problem. (Zainuddin Syarif and Hannan Abd 2021) In principle, the debate regarding infectious diseases such as Covid-19 is not a new topic in Islam. This has been and has been discussed for a long time, even long before the current Covid-19 situation emerged. In terms of terminology, so far there has not been a single source in Islam that provides a clear description of Covid in the literal sense and has the exact same words. However, it cannot be concluded that there is no special chapter regarding the Covid virus in Islam. ⁹ Due to the many explanations and discussions in Islam regarding the outbreak of the infectious disease Covid-19, there are both religious texts such as verses from the Koran and Hadith, as well as explanations from historical sources such as outbreaks of infectious diseases in the past. Judging from religious texts, discussions about Covid-19 in Islam can be traced from several verses of the Koran, especially Surah Al Baqarah verse 249; Surah Hud verses 61-68; Surah Al Anbiya and 39; verse 83. At first glance, these three verses do not provide a clear explanation about Covid in a literal sense. However, some commentators argue that the three letters above contain explanations of infectious disease epidemics in previous countries. According to Niken Ayu Hestin (2020), for example, in QS Surah Hud verses 61-68, this verse briefly tells about the missionary journey of Prophet Saleh and the Thamud people, the disobedience of the Thamud people to the agreement made with Prophet Saleh, until it ended in doom. . God It is said that before Allah punished them, Prophet Saleh Thamud said to his people: "Be happy for three days, because after that you will be punished," (QS. Hud: 64-65) (David Subh, 2020)

This condition describes a very critical physical presence that the medical community calls hemorrhagic. Some experts describe the facial transformation process as a vicious time plague. There was debate and differences of opinion regarding the clarity of the type of virus that attacked Thamud. Some call the virus transmitted by Tsmad typhus exanthematicus (spotted typhus), others call it the anthrax virus, others classify it as a bubonic plague virus which is usually called pestis haemorrhagica. According to epidemiologists, the name of this last type of virus makes the most sense because based on medical research, the Pestilence virus can be contagious and spread widely through camels. The existence of this plague virus is highly correlated with the explanation of the Qur'an, because as stated, Allah punished the Thamud people for the mistake they (the Thamud) committed by killing Prophet Saleh's camel. previously agreed to look after and look after. (Muhammad bin Jamal, 1998) Apart from the plague virus, several other viruses recorded in the Qur'an are the vesicular virus (limnatis nilotica) and the smallpox virus. The Al-Quran's explanation of the leech virus is contained in the story of Thalut in his efforts to fight Jalut (QS. al-Baqarah 2: 249). The story states that the Thalut soldiers fell ill after drinking too much river water, even though Thalut had previously warned them to run enough to quench their thirst. After drinking water, their throats suddenly felt very dry,

they felt thirstier and less energetic. However, al-Baghawi stated that when the Thalut soldiers drank the river water, the Thalut soldiers' lips turned black. According to medical experts, Thalut soldiers at that time were infected with the *Limnatisnilotica* leech virus, based on scientific research. (Husnul Hakim, 2018) Apart from the explanation from the Koran above, there was also a discussion led by Caliph Umar about the existence of infectious diseases. During the time of Caliph Umar, the Arab population was attacked by the infectious disease *Thaand#039;un*. The areas most affected were Baghdad, Algeria and Iraq. So far, the *Thaand#039;un* outbreak has caused victims of up to 25 thousand people. Interestingly, this time a conversation arose between Caliph Umar and another friend, namely Abu Ubaidah bin Jarrah. Abu Ubaidah was suspicious of Umar's attitude because he thought it was contrary to Allah's commands. Umar answered that his decision not to enter the area was not to escape Allah's decree, but to carry out another decree.

METHOD

This research aims to examine the legal aspects of infectious diseases in handling the Covid-19 pandemic based on health fiqh. The research method used is a literature study with a qualitative approach. Data was obtained from various sources, including fiqh books, articles and journals.

RESULTS

Health Fiqh in Handling the Covid-19 Pandemic. Health fiqh provides the legal basis for various efforts made in handling the pandemic, such as isolation, quarantine, social restrictions and vaccination. Isolation is an effort to separate sick people from healthy people to prevent the spread of disease. Isolation can be voluntary or forced. In health fiqh, isolation can be categorized as an emergency measure (emergency). Emergency actions are actions that must be taken to prevent greater harm. Based on this, isolation carried out to prevent the spread of infectious diseases can be legally justified (Aprilia Dewi, 2021) Quarantine is an effort to limit the movement of people who are suspected of being sick or who have been in contact with sick people. Quarantine can be voluntary or forced. In health fiqh, quarantine can be categorized as a preventive measure (*ta'awwud*). Preventive action is action taken to avoid the possibility of harm. Based on this, quarantine carried out to prevent the spread of infectious diseases can be legally justified. Social restrictions are an effort to limit interactions between people to prevent the spread of disease. Social restrictions can take the form of activity restrictions, movement restrictions, or social interaction restrictions. In health fiqh, social restrictions can be categorized as preventive measures (*ta'awwud*). Preventive action is action taken to avoid the possibility of harm. Based on this, social restrictions carried out to prevent the spread of infectious diseases can be legally justified.

Vaccination is an effort to increase the body's immunity against disease by administering vaccines. Vaccines are biological products that contain viruses or bacteria that have been weakened or killed. In health fiqh, vaccination can be categorized as a preventive measure (*ta'awwud*). Preventive action is action taken to avoid the possibility of harm. Based on this, vaccinations carried out to prevent the spread of infectious diseases can be legally justified. Vaccines as a Medical Instrument for Combating Covid-19 According to Febrida (2020) Historically, the first vaccine appeared in 1796, at that time the first vaccine was the smallpox vaccine which was successfully developed by the famous British medical expert, Edward Jenner. Before the discovery of vaccines, scientists made many medical efforts to prevent the spread or infection of diseases. In 429 BC, ancient Greek scientists discovered that people who had had smallpox and recovered from the disease were physically capable of contracting smallpox a second time. In around 900, the Chinese succeeded in creating an ancient discovery in the form of a smallpox vaccine. Smallpox itself is known as the process of transferring the smallpox virus from a sick person to healthy parts of the body, the aim of which is to prevent the spread of smallpox. In the 18th century, smallpox technology spread widely to many countries, including Europe, so that when the disease broke out, the death rate or quantity could be limited and minimized. Terminologically, the vaccine comes from the Latin word *vacca*, which means cow. The mention of this term is based on the process of making the vaccine for the first time and the material at that time was in the form of a suspension containing cowpox type microorganisms (*cowpox*) which were first weakened. (Risna Halid. 2021).

Then in 1885 a new vaccine variant was developed in the form of a rabies vaccine. This success inspired scientists to carry out research and development which produced other vaccine variants such as the measles vaccine and the polio vaccine. vaccines, whooping cough vaccine, diphtheria, tetanus, meningitis vaccine and finally the Covid-19 vaccine. The big question is why is the Covid-19 vaccine needed during the current Covid-19 pandemic crisis? It needs to be emphasized that controlling Covid19 requires additional personnel, the reason for the need for vaccination is the large population and mobility of the world's population. In the fight against Covid, implementing social distancing policies, minimizing crowds and gatherings, strictly limiting regional movement, and issuing broad recommendations leading to closures are not enough. In areas where the population is small and homogeneous, social restrictions can still be implemented. However, in the current

conditions of world development, where population growth is quite explosive, community mobility occurs very quickly and extensively through connectivity between regions, countries and even provinces, through the implementation of regional quarantine or social restrictions. the extent is seen as difficult and risky. In a situation like this, the most sensible and ideal mitigation step is to carry out mass and mass vaccination so that the world community has herd immunity. According to medical calculations, the global level of herd immunity will be realized if 60-80 percent of the world's population receives adequate and correct vaccination. and their families. After being vaccinated, people can participate in normal social activities without fear of contracting Covid-19.

Legal Aspects of Infectious Diseases in Handling the COVID-19 Pandemic The legal aspects of infectious diseases in handling the COVID-19 pandemic can be studied from several perspectives, namely: 1 Prevention perspective, which includes the obligation to protect oneself from infectious diseases, the obligation to protect others from infectious diseases, and the obligation to report cases of infectious diseases. 2 Treatment perspective, which includes the obligation to seek treatment if sick, the obligation to provide assistance to sick people, and the obligation to keep the environment clean. 3 Control perspective, which includes the obligation to quarantine, the obligation to carry out social restrictions, and the obligation to vaccinate. In the context of the COVID-19 pandemic, the integration of health fiqh can provide a strong legal basis for the government and society in handling the pandemic. This can be seen from several policies that have been issued by the government, such as the international Large-Scale Social Restrictions (PSBB) policy.

CONCLUSION

Integration of health fiqh can provide a strong legal basis for the government and society in handling the COVID-19 pandemic. This can be seen from several policies that have been issued by the government, such as the Large-Scale Social Restrictions (PSBB) policy, vaccination policy, and international travel restriction policy. These policies are in line with the integration of health fiqh in handling the Covid-19 pandemic which can provide a strong legal framework that is in accordance with Islamic values. Several legal aspects relating to infectious diseases in fiqh.

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