

MAXIMS LEGAL FIQH AND ITS APPLICATION DURING THE COVID-19 PANDEMIC

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Abstract: Fiqh legal maxims is another name for qawaid fiqhiyyah. So the focus of this study is qawaid fiqhiyyah itself, with the main issues will be asked and discussed how to apply and apply during the Covid-19 pandemic. This research is a type of library research with data analysis techniques using content analysis. Primary data sources consist of several books discussing and explaining qawaid fiqhiyyah. In addition, the author also analyzes various fatwas, articles and opinions of scholars or figures regarding qawaid fiqhiyyah and their application during the Covid-19 pandemic. Based on the results of the sharp analysis that we have carried out, the legal maxims or qawaid fiqhiyyah have made a major contribution to determining the law of an event that occurred during the Covid-19 pandemic. This fact can be ascertained and found in various Islamic studies, both in fatwas, articles and individual opinions. Some of the points of fiqh legal maxims that become the main focus and consideration in determining Islamic law are dar'u al-mafasid muqaddamun 'ala jalbi al-mashalih, al-dhararu yuzalu, al-masyaqqatu tajlibu al-taysir, al-dhararu tubiihu al-mahdzurat and ma ubiiha li al-dharurati yuqaddaru diqadriha. Thus, the presence of these legal maxims has made it easier for Islamic law experts in their application to decide and establish laws against cases faced by the world's Muslim community, especially in Indonesia during the Covid-19 pandemic.

Keywords: Fiqh Legal Maxims, Pandemic, Covid-19

Abstract: Fiqh legal maxims merupakan nama lain dari qawaid fiqhiyyah. Maka yang menjadi fokus kajian tulisan ini adalah qawaid fiqhiyyah itu sendiri, dengan pokok masalah yang akan ditanyakan dan dibahas tentang bagaimana aplikasi dan penerapannya pada masa pandemi Covid-19. Penelitian ini merupakan jenis penelitian pustaka dengan tehnik analisa data menggunakan *content analysis*. Sumber data primer terdiri dari beberapa kitab dan buku yang membahas dan menjelaskan tentang qawaid fiqhiyyah. Di samping itu, penulis juga menganalisa berbagai fatwa, artikel dan pendapat para ulama atau tokoh tetang qawaid fiqhiyyah ini serta aplikasinya selama masa pandemi akibat Covid-19. Berdasarkan hasil analisa tajam yang telah kami lakukan, maka fiqh legal maxims atau qawaid fiqhiyyah telah memberikan kontribusi besar dalam penetapan hukum suatu peristiwa yang terjadi selama pandemi Covid-19. Kenyataan ini bisa dipastikan dan ditemukan dalam berbagai kajian keislaman, baik berupa fatwa, artikel, dan pendapat perorangan. Beberapa poin fiqh legal maxims yang menjadi tumpuan dan pertimbangan utama dalam penetapan hukum islam tersebut adalah *dar'u al-mafasid muqaddamun 'ala jalbi al-mashalih, al-dhararu yuzalu, al-masyaqqatu tajlibu al-taysir, al-dhararu tubiihu al-mahdzurat* dan *ma ubiiha li al-dharurati yuqaddaru diqadriha*. Dengan demikian, kehadiran fiqh legal maxims ini telah memberikan kemudahan bagi pakar hukum islam dalam aplikasinya untuk memutuskan dan menetapkan hukum terhadap kasus yang dihadapi oleh masyarkat muslim dunia, khususnya di Indonesia selama pandemi Covid-19

Keywords: Anak, Game Online, Sadd al-Zariah

Introduction

The Covid-19 pandemic that hit the world is still not finished and has not ended. We still feel this in various activities, such as the continued implementation of health protocols in various places and social, religious and other activities. Some say this is a transitional period from a pandemic to an endemic. However, it must be admitted that Covid-19 is still haunting and around us. The government and related institutions have made many efforts to provide facilities for the community to continue their activities and carry out activities as usual. Various opinions and solutions to religious fatwas have been established to provide inner and outer peace for every individual in religious orders, even during a pandemic.

The interesting thing about the collection of opinions and fatwas issued by private religious leaders, social organizations and other religious institutions is that determining the law cannot be separated from fiqh legal maxims. This fact can be ascertained and found in these various opinions, and there will always be found several points of fiqh legal maxims which are the main focus and consideration in determining Islamic law, bearing in mind that Fiqh legal maxims make it easy for Islamic law experts to decide and determine the law of a case. Thus, Fiqh legal maxims have a very significant role and have provided effective solutions to various problems and problems in contemporary Islamic law,¹ especially some of the problems that occurred during the Covid-19 pandemic until now.

Literature Review

According to John W. Creswell, a literature review or *literature review* is a written summary of articles, journals, books, and other documents that explain theory and information, both past and present, organizing literature into topics and documents needed for research. In this paper, the following are some of the writings that became material for the author's literature review, namely:

1. An article was written by Abnan Pancasilawati entitled "The Urgency of the Rules of Jurisprudence and Their Application to Social Problems". This article was published in the Journal of Phenomenon Volume IV Number 2 of 2012. This article explains that fiqh rules are part of the study of fiqh and one of the methods of exploring Islamic law. The position of fiqh rules as a complementary proposition after the Qur'an and Sunnah has become an agreement, while as an independent proposition, it is still being debated by scholars. The author also presents several examples of applying fiqh rules to social cases, such as the case of not asking for waqf on the main road through the rules of *al-mashlahatu al-ammah muqaddamah 'ala al-mashlahah al-khassah*.
2. Article from Toha Andiko entitled "Empowerment of Qawaid Fiqhiyyah in Solving Modern Siyasa Fiqh Problems". An article published by the Al-'Adalah Journal Volume XII Number 1 in 2014. The conclusion of this article explains that by applying fiqh principles, many siyasa fiqh problems will be resolved freely and thoroughly, thus eliminating any doubts that exist, and the community also gets legal certainty. Difficult choices can be handled wisely and promptly.
3. Irwan Maulana wrote an article titled "Implementation of Qawaid Fiqhiyyah in the Islamic Economics and Financial Industry". This article was published by the Asy-Syukriyyah Journal Volume 19 Number 2 of 2018. In his conclusion, Irwan Maulana explained that the implementation of Qawaid Fiqhiyyah in the field of Islamic economics and finance, among others, can use rules that read *al-ashlu fi al-muamalah al-ibahah hatta yadulla al-dalil 'ala tahrimiha*. Qawaid fiqhiyyah can solve various kinds of problems that develop according to the current era, including being able to respond to various current problems in the field of Islamic economics and finance.

¹ WAHYU ABDUL JAFAR. "POLITICAL BUZZER IN ISLAMIC LAW AND ITS IMPACT ON MUSLIM SOCIETY". *Hamdard Islamicus* 45, no. 3 (September 30, 2022). Accessed December 15, 2022. <https://hamdardislamicus.com.pk/index.php/hi/article/view/491>.

4. The article "Implementation of Qawaid Fiqhiyyah in Islamic Banking Through the Qard Contract Landing System". This article was written by Nurma Khusna Khanifa and Handoyo and was published in the Syariati Volume V Journal Number 02 November 2019. The author concludes that Qawaid Fiqhiyyah can help deepen the science of fiqh and provide the ability to analyze various actual problems and then determine the law. In Islamic banking, it is applied to the contract of channelling funds in the form of *qard* or *qard al-hasan* based on fiqh rules which read *kullu qardin jarra manfa'atan fahuwa usury*.
5. Article was written by Yudi Permana and Lenny Yanthiani with the title "Urgency and Application of Qawaid Fiqhiyyah About the Concept of *Fii al-Akhdzi bi ar-Rukhsah* in the Development of Islamic Economics". Article published by Al-Kharaj Journal; Journal of Syari'ah Economics, Finance and Business Volume 2 Number 1 of 2020. In this article, the author concludes by explaining that the concept of *ar-Rukhsah* is part of the relief, spaciousness and convenience given by Allah swt. to His servants to carry out their obligations. However, this relief is not without limitations and is not free. For example, *ar-Rukhsah*, which is allowed not because of immorality, *ar-Rukhsah* because of an emergency, forced and so on. Furthermore, with its dynamic and flexible nature, *ar-Rukhsah* can become a development tool in other fields, one of which is the field of Islamic economics.

From the several articles that have been presented and explained one by one above, there are points of similarities and differences with the articles compiled by the author. The similarities are the themes raised together regarding the implementation, urgency and application of Qawaid Fiqhiyyah. The difference is that the article above generally presents the implementation of Qawaid Fiqhiyyah on social, economic and sharia financial issues. Meanwhile, the article presented by the author here attempts to analyze the application of Qawaid Fiqhiyyah to problems that occurred during the Covid-19 pandemic. Thus, some of the articles above describe problems that occurred outside of or before the pandemic, while the author presents his article with a discussion of the implementation of Qawaid Fiqhiyyah during a pandemic

Method

Departing from the background, we have explained above. The author is very interested in studying and analyzing the application of Fiqh Legal maxims during and after the Covid-19 pandemic. After this in-depth study can be completed and published, hopefully, it can benefit academics and researchers in Islamic studies that fiqh legal maxims have a crucial position and role in the realm of Islamic legal issues and are adaptive in every situation and condition.

This research is a type of literature research using primary data sources from several documents containing opinions, fatwas, bahtsul masa'il results, which are directly related to the research object. In this study, the author uses the content analysis technique, which aims to find out and understand the application of Fiqh Legal maxims during and after the Covid-19 pandemic through several documents prepared. As for the secondary data, several articles, literature and books discuss fiqh legal maxims and the COVID-19 pandemic separately.

Maxims Legal Fiqh, Its Status And Urgency

In the study of Islamic law, Fiqh Legal Maxims is another term for al-Qawaid al-Fiqhiyyah, also called syar'iyah principles.² Thus, what the author means by the term fiqh legal maxims here is Qawaid Fiqhiyyah. The word Qawaid Fiqhiyyah in language consists of two Arabic syllables, namely, "Qawaid" and "Fiqhiyyah". The word Qawaid itself is a plural form of the word "Qaidah" which means "base, base and guideline". Meanwhile,,, the word "Fiqhiyyah" comes from the word "fiqh"

² Abbas Arfan. 99 *Kaidah Fiqh Muamalah Kulliyah*. Malang. UIN Maliki Press. 2013

which is given *ya' nisbah*, meaning that it is of the same type or nation as fiqh.³ Whereas in terms, the meaning of Qawaid Fiqhiyyah as put forward by Imam Jalaluddin as-Suyuti is ;

الأمر الكلي الذي ينطبق عليه جزئيات كثيرة يُفهم أحكامها منها

“ a general case (*kulli*) which includes under it several partial cases (*juz'i*) that many, from it can be known the laws of the *juz'iyyah*.⁴

Imam as-Subki also conveyed a similar understanding that Qawaid Fiqhiyyah is a legal case that is general by many particulars (laws of branches), from which (these general laws) can be known the laws of each of these branches.

From these several understandings, it can be understood that the nature of Qawaid Fiqhiyyah is general (*kulliy*), which is formulated and produced from several fiqh laws that are particular (*juz'iy*) or, more concisely Qawaid Fiqhiyyah is a generalization of particular fiqh laws⁵.

Furthermore, the types of Qawaid Fiqhiyyah according to Prof. Dr. Muhammad az-Zuhaily there are four types, namely;

a. Qawaid Fiqhiyyah *al-Kubro*, which consists of five main principles (*asayah*) and has been agreed upon by four schools of thought as follows;

١. الأُمُورُ بِمَقَا صِدِّهَا

“Everything depends on the goal”

٢. الْيَقِينُ لَا يُزَالُ بِالشَّكِّ

" Faith cannot be removed because of doubt"

٣. الْمَشَقَّةُ تَجْلِبُ التَّيسِيرَ

"Difficulty attracts ease"

٤. الضَّرُّرُ يُزَالُ

“Emergencies must be eliminated”

٥. الْعَادَةُ مُحْكَمَةٌ

"Customs can be used as a source of law"

- b. Qawaid Fiqhiyyah *Kulliyah*, namely general rules that cover several cases of fiqh, it is just that the scope is narrower than Qawaid Fiqhiyyah *al-Kubro*
- c. Qawaid Fiqhiyyah *Madzhab*, namely fiqh rules that only apply to certain schools of thought as one of the characteristics of their schools.
- d. Qawaid Fiqhiyyah is disputed within the internal schools , namely the principles that only revolve around certain fiqh issues.

The position of Qawaid Fiqhiyyah in the view of scholars can be classified into two parts⁶, namely; *First*, Qawaid Fiqhiyyah as a compliment. This means that Qawaid Fiqhiyyah can be applied as a proposition after using two main propositions from the Qur'an and Hadith. Qawaid Fiqhiyyah, which is used as a complementary argument, does not find differences of opinion among scholars. Thus, scholars agree that Qawaid Fiqhiyyah is an argument that complements various cases not found in the Qur'an and Hadith. *Second*, Qawaid Fiqhiyyah is an independent proposition, meaning Qawaid Fiqhiyyah is a legal proposition that stands alone without being based on two main arguments of the Qur'an and Hadith. In this category, the scholars differed on the position of the Qawaid Fiqhiyyah. Imam al-Haramain al-Juwaini thinks that Qawaid Fiqhiyyah may be used as an independent argument.

Meanwhile, according to Imam al-Hawani, arguing only with Qawaid Fiqhiyyah is not permissible. The difference between the two scholars is due to different points of view. Imam al-

³ Ahmad Musadda. *Qawaid Fiqhiyyah Iqtishadiyah*. Malang. Literasi Nusantara. 2019.

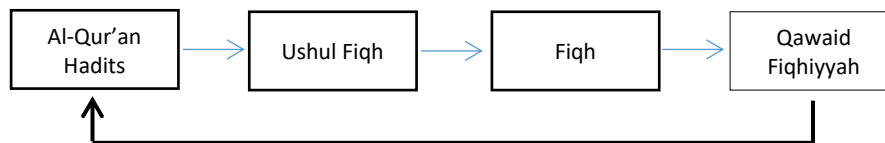
⁴ Tajuddin al-Subki. *A l-Asybah wa al- Nadza'ir* . Beirut. Dar al-Kutub al-Ilmiyyah. 1991

⁵ Duski Ibrahim. *Al-Qawaid Fiqhiyyah*. Palembang. Noerfikri. 2019

⁶ Jaih Mubarak. *Kaidah Fiqh Sejarah dan Kaidah Asasi*. Jakarta. Raja Grafindo Persada. 2022

Juwaini based his opinion on the assumption that Qawaid Fiqhiyyah was formulated based on several verses of the Qur'an and Hadith. Meanwhile, Imam al-Hamawi based his opinion on the nature of the *aghlabiyyah* (generally applicable) or *aktsariyyah* (mostly) rules. Thus, it can be understood that the application or use of Qawaid Fiqhiyyah is permissible as long as it does not conflict with the principles and lines set by the Qur'an and Hadith. The use of Qawaid Fiqhiyyah is also needed and is a requirement to answer various new problems which are difficult to find explanations for in the main texts (al-Quran and Hadith).

Meanwhile, the position of Qawaid Fiqhiyyah in the study of Islamic law can be seen in the chart below.⁷



From this scheme, it can be explained that to understand and explore the laws contained in the arguments of the Qur'an and Hadith, knowledge of ushul fiqh is required. From this ushul fiqh it will give birth to Islamic law (fiqh) as a product. Furthermore, the fiqh laws, which are numerous and scattered, are selected and sorted by the scholars who have points of common ground, and then a rule known as Qawaid Fiqhiyyah is compiled by taking into account and based on the Al-Qur'an and Hadith. So by mastering Qawaid Fiqhiyyah, one will be able to understand various fiqh cases. Therefore, the existence of Qawaid Fiqhiyyah must not conflict with the values and principles contained in the Qur'an and Hadith.

The science of Qawaid Fiqhiyyah has a very important role, at least from two perspectives⁸. *First*, from a source point of view, Qawaid Fiqhiyyah is a medium for Islamic law researchers to understand and master *maqasid as-shari'ah*, because by studying several texts, Islamic jurists can find essential issues in one issue. *Second*, in terms of *istinbath ahkam*, Qawaid Fiqhiyyah covers various events that have occurred and will occur. Therefore, Qawaid Fiqhiyyah can be used to provide solutions to current and future problems for which legal provisions have not yet been found.

furu' problems into several groups, each a collection of similar problems. Imam Abu Bakar ibn Abu al-Qasim al-Ahdal, in his book *al-Faraid al-Bahiyah* explains that the many branches of fiqh can only be mastered with Qawaid Fiqhiyyah. So memorizing and understanding it includes the greatest benefits.⁹

Imam Jalaluddin Abdurrahman as-Suyuthi, in his book *al-Ashbah wan Nadza'ir* said:

إِعْلَمُ أَنَّ فَنَّ الْأَشْبَاهِ وَالنَّظَائِرِ فَنَّ عَظِيمٌ بِهِ يُطَّلَعُ عَلَى حَقَائِقِ الْفِقْهِ وَمَدَارِكِهِ وَمَأْخِذِهِ وَأَسْرَارِهِ وَيُتَمَيَّزُ فِي فَهْمِهِ وَاسْتِحْضَارِهِ وَيُقْتَدَرُ عَلَى الْإِلْحَاقِ وَالْتَّخْرِيجِ وَمَعْرِفَةِ أَحْكَامِ الْمَسَائِلِ الَّتِي لَيْسَتْ بِمَسْطُورَةٍ وَالْحَوَادِثِ وَالْوَقَائِعِ الَّتِي لَا تَنْقُضِي عَلَى مَمَرِ الزَّمَانِ. وَهَذَا قَالَ بَعْضُ أَصْحَابِنَا الْفِقْهُ مَعْرِفَةُ النَّظَائِرِ

Knowing the science of Qawaid Fiqhiyyah is great; with it, you can know the essence of fiqh, where it is obtained (source) and its secrets. With this knowledge, people will be more prominent in their understanding and appreciation of fiqh and can relate, issue and know the unwritten laws of a matter, as well as the laws of cases or events that will never end forever. Because of this, some scholars say that fiqh knows its similarities.

⁷ Dri Santoso, Wahyu Abdul Jafar, Muhamad Nasrudin, Musda Asmara, Fauzan Fauzan, Harmony of religion and culture: fiqh munakahat perspective on the Gayo marriage custom, *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, Vol. 22, No. 2 (2022), pp. 199-218, doi : 10.18326/ijthad.v22i2.199-218

⁸ Boedi Abdullah. *Perbandingan Kaidah Fiqhiyyah*. Bandung. Pustaka Setia. 2018

⁹ Al-Ahdal. tt. *al-Faraid al-Bahiyah*. Semarang. Toha Putera.

From the several explanations regarding the urgency of Qawaid Fiqhiyyah above, it can be understood that by mastering and adhering to Qawaid Fiqhiyyah, mujtahids and Islamic law experts find it easier to instigate the law of an issue, namely by classifying similar issues under the umbrella of a certain rule. In addition, understanding Qawaid Fiqhiyyah is the easiest way to know the law and is safe from confusion and confusion of thought.¹⁰

Maxims Legal Fiqh Application Example

Following are some of the Fiqh Legal Maxims or Qawaid Fiqhiyyah, which have been used as the basis for establishing laws in various cases during the covid-19 pandemic.

- a. *دَرُّهُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ* (rejecting damage takes precedence over attracting goodness).¹¹

This rule is a core or basic rule often used as an argument in various articles and fatwas, such as the MUI Fatwa, NU's bahtsul masail results and so on. One example of applying this rule can be found in the case of eliminating Friday prayers at the mosque during the pandemic and replacing them with midday prayers at home. The logic is that performing Friday prayers is a virtue and an obligation of the Shari'ah. However, during the Covid-19 pandemic, which can endanger human lives, it is enough to replace it with midday prayers at home. Protecting yourself from the dangers of Covid-19 is prioritized over forcing yourself to gather in crowds to perform Friday prayers. The Shari'a has provided a solution that Friday prayers can still be replaced with midday prayers. This rule can also be applied to various cases, such as the implementation of congregational prayers with sparse rows, the elimination of Tarawih prayers in public places and the implementation of Eid prayers at home, including the case of the cancellation of the Hajj and Umrah pilgrimages during the COVID-19 pandemic.

The various examples above are forms of benefit and religious orders simultaneously as the Covid-19 pandemic, which is dangerous and threatens the safety of souls. So that requires us to choose in which situation we have to stand. So with this rule, self-efforts not to be infected with Covid-19 take precedence over doing good things that cause crowds, and there are strong indications that you can contract Covid-19, which is life-threatening. This is because syara' attention to leaving what is prohibited is more beneficial than doing what is ordered. After all, in something that is prohibited, there is wisdom in it.¹²

- b. *الضَّرُورَةُ تُبَيِّحُ الْمَحْظُورَاتِ* (emergencies allow something that is forbidden). This rule is very relevant to

be applied to the Covid-19 pandemic situation because this pandemic is a situation that has entered an emergency and endangers human life. This rule can be applied to the case of the AstraZeneca vaccine and the like. The AstraZeneca vaccine raises pros and cons in the community because the production of the AstraZeneca type vaccine contains an element from pork, so many reject it. On the other hand, the rampage of the Covid-19 outbreak is unavoidable. Many people are receiving treatment in hospitals, and hundreds of thousands to millions have died from Covid-19. Besides that, the existence of other vaccines that are holy and halal cannot meet the needs of many people's requests. So the government provides a solution by purchasing Astrazeneca product vaccines to cover the existing vaccine shortage.

In a situation like this, we are in a situation where we want to form necessary or group immunity to be protected from the dangers of Covid-19. On the other hand, we must use a vaccine whose production contains pork trypsin. So, according to this rule, using the Astrazeneca vaccine, which was initially prohibited by law, becomes permissible because the pandemic condition has entered an emergency so that something prohibited can be permitted.

¹⁰ Khairuddin Habziz. *Kaidah Fiqh*. Situbondo. Tanwirul Afkar. 2019

¹¹ Kurtubi, Muhammad. "Child Playing Online Game in the Sadd Al-Zari'ah's Perspective". *Nusantara: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 8–19. Accessed December 15, 2022. <https://juna.nusantarajournal.com/index.php/juna/article/view/16>.

¹² Tajuddin al-Subki. *Al-Asybah wa al-Nadza'ir*. Beirut. Dar al-Kutub al-Ilmiyyah. 1991.

- c. مَا أُبِيحَ لِلضَّرُورَةِ يُفَدَّرُ بِقَدْرِهَا (something that is allowed because of an emergency must be according to the required level). This rule can be used in the case of the AstraZeneca vaccine above. This means that the vaccine should not be excessive or overdosed. Because that would create another emergency. So the AstraZeneca vaccine is adjusted to the needs and existing conditions. If one day, there is already another vaccine that can meet people's demand, then the AstraZeneca vaccine can no longer be used. Conversely, if the number of requests from the public regarding the Covid-19 vaccine has not been met, then the Astrazeneca product vaccine may still be used according to the levels or doses needed. This rule can also be applied to other similar cases.
- d. الْمَشَقَّةُ تَجْلِبُ التَّيْسِيرَ (difficulties can attract or lead to ease). The situation of spread of Covid-19, which has reached the *dharuriyah stage*, can cause difficulties (الْمَشَقَّةُ) in carrying out various activities.¹³ This rule implies that all the difficulties caused by a certain situation can cause a person to get legal convenience. The Covid-19 pandemic has taught many lessons and lessons for all human beings. One of the lessons learned is that certain activities can be carried out by utilizing technological media. Such as learning, lectures, training, seminars and enough work from home (*Work for Home*). In normal conditions, learning requires meetings and face-to-face meetings between educators and students, even so, with some of the activities above requiring face-to-face meetings. However, this is no longer possible due to the pandemic. During the pandemic, all of these activities can still be done online. Many applications support online activities, such as Zoom Meeting, Google Meet and others. Therefore, the difficulty in carrying out face-to-face activities during a pandemic makes it easier for us to carry out some activities online.
- e. تَصَرُّفُ الْإِمَامِ عَلَى الرَّعِيَّةِ مَنْوُطٌ بِالْمَصْلَحَةِ (all policies of leaders towards their people must be based on benefit). The government should protect all the people and provide the best facilities to guarantee the lives of its people. Through this rule, all government policies in overcoming a pandemic due to the Covid-19 outbreak, such as *social distancing*, *physical distancing*, Large-Scale Social Restrictions (PSBB), Enforcement of Restrictions on Community Activities (PPKM), mass vaccinations, and so on, must lead to the realization of benefit for all existing people. Then this rule becomes the main reference for every leader using his policy hammer to provide the best service to his people. If the policy conflicts with the benefit of the existing policy, it is legally null and void'.¹⁴
- f. مَا لَا يَكْمُلُ الْوَاجِبُ إِلَّا بِهِ فَهُوَ وَاجِبٌ (An obligation is incomplete without something, so the existence of something is obligatory). This rule can be applied to cases of impermissibility of the metaverse pilgrimage. The case of the Hajj metaverse is starting to surface during a pandemic. The metaverse allows Muslims to visit the Kaaba and even carry out the pilgrimage in Mecca without having to be in the location directly. However, the Shari'a has regulated that physical presence when carrying out the pilgrimage, such as thawaf, standing at Arafah and so on, is mandatory. Thus, through this rule, it can be understood that the implementation of the obligatory pilgrimage will not be complete (invalid) without direct physical presence at the location, so the physical presence is legally obligatory.

CONCLUSION

Based on the explanation above, we can understand that several Qawaid Fiqhiyah can be used as the basis for legal determination in various cases that arose during the Covid-19 pandemic. Some

¹³ Nainunis. *Covid-19 Dalam Kajian Qawaid Fiqhiyyah*. Jurnal Al-Madaris. Volume 2. Nomor 1. 2021.

¹⁴ Subhan Shodiq. *Penanganan Covid-19 dalam Pendekatan Kaidah Fikih dan Ushul Fikih*. Jurnal Al-Adalah. Volume 5. Nomor 2. 2020

of the application examples presented are only a few applicable examples of Qawaid Fiqhiyah during the Covid-19 pandemic. However, Islamic law experts and Islamic fatwa institutions commonly use these principles as arguments and grounds. Thus, fiqh legal maxims or what is known as Qawaid Fiqhiyah can be applied in various events, situations and conditions, including the Covid-19 pandemic situation.

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