

Impact Of Covid-19 Pandemic On The Implementation Of Islamic Fiqh Al-Tasawabit And Al-Mutaghayyirat Approaches

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ABSTRACT

This study discusses the impact of covid-19 pandemic on the application of Islamic fiqh in worship activities for Muslims. Fiqh is a reflective crystallization of mujtahid reasoning on sharia texts (al-nushush al-shari'ah) which are loaded with the contents of space and time. Pandemic covid-19 brings impact to all aspects of human life, including in Islamic Fiqh. Therefore, Islamic fiqh continues to develop along with the development of the dynamics of community life and the problems of the age that surrounds it. The methodology used in this study is the al-tasawabit and al-mutaghayyirat approaches. This paper finds the implementation of Islamic fiqh during the covid-19 pandemic was a moderation of Islamic fiqh.

Keywords: Islamic Fiqh, Pandemic Covid-19, Al-Tasawabit, Al- Mutaghayyirat

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INTRODUCTION

Yusuf al-Qardhawi discusses in the book "Mustaqbal al-Ushuliyah al-Islamiyah" entitled "Al-Mustaqbal Litayyar al-Washathiyah" (The Future belongs to moderate Islamic thought) interesting to watch. Because in this al-Qardhawi explained clearly the reasons and the basis of his statement. Al-Qardhawi said: "Why will the direction of moderation of Islam have a future? Because all phenomena and evidence show that the future of the ummah is in the hands of followers of Islamic moderation thinking, because it is these followers who are able to communicate with humans verbally from their time, more open and objective and still hold fast to texts and things that are constant". (Al-Qardhawi, 1997: 77).

Yusuf al-Qardhawi's statement above is not an apologetic statement to balance two orthodox understandings on one side and liberal understandings on the other. The statement is essentially a statement that confirms that the true teachings of Islam are teachings that are washathiyah (moderate), even higher than moderate which is between reality and ideality, which has high ideals for the welfare of the people in the world and the hereafter. (MUI Da'wah Commission Team, 2019: 6). Moderation of Islamic teachings comes from the texts of the Koran and al-Hadith. In the Koran, for example, it is found in Surah al-Baqarah verse 143: "And likewise we have made you (Muslims), a just and chosen people so that you can be witnesses to (human actions) and that the Apostle (Muhammad) will be witness to your (deeds)". (al-Baqarah: 143), In one of the traditions it is stated: "From Abu Hurairah ra, the Prophet SAW said: "If you ask of Allah, then ask from Him paradise al-Firdaus because he is the most middle and most paradise high". (H.R. Bukhari: N. 281), In this hadith the Prophet explained that surge al-paradise is ausath al-jannah (the most middle heaven).

This moderation of religion is also shown by the nature of Islamic sharia which is universal (syumuliyah) and flexible (murunah) so that the teachings are timeless as in the adage "Islam is always relevant in every place" (*al-Islam shalih li kulli zaman wa makan*). (Al-Qardhawi, 1998: 10), applies not only to the Muslim community in a certain period of time, but to all mankind in cross-times. There are several studies on renewal in Islamic

jurisprudence, including: (Syahpawi et al, 2019; Johari et al, 2020), discussed the renewal of the basic legal concepts of inheritance, and management of inheritance. Then relating to the co-19 pandemic, written by (Salim Lahmiri et al, 2020; Yi-Chang Chou et al, 2020), discusses the use of health services and the measurement of reciprocal information from market expectations and investor fears during the Covid-19 pandemic.

THEORETICAL FOUNDATION

The urgency of Fiqh al-Tsawabit and al-Mutaghayyirat

Al-Tsawabit is a plural form of the word *al-tsabit* which means things that are standard, permanent and permanent. According to the meaning of terminology, there are several definitions, including the definition stated by al-Syathiby:

وهي القطعيات التي لا مجال للنظر فيها بعد وضوح الحق في الآتيات وليست محللا للاجتهاد وهي قسم الواضحات لأنها واضحة الحكم حقييقة والخارج عنها مخطئ قطعاً

Al-Tsawabit is qath'i matters which have no room for thought after the truth is clear, and there is no room for jihad. Al-Tsawabit is an intrinsically clear part of the law and certain things go wrong. (Al-Qurthubi, tt: 115)

The jurisprudence of *al-tsawabit* and *al-mutaghayyirat* has a very important meaning in maintaining the realization of benefit among human beings both related to matters of worship and in matters of muamalah, because the fiqh of *al-tsawabit* and *al-mutaghayyirat* is the most important and inseparable part of the scope of *fiqh al-din* in general. This jurisprudence is included in the scope of the meaning of al-hikma which is one of the greatest gifts from Allah for a Muslim and Muslim. (Al-Baqarah: 269) This jurisprudence is very important and urgent, because it makes a Muslim and Muslim have bashirah, which will prevent him from confusion in facing and dealing with various problems and controversial issues that are very numerous and rampant today.

Furthermore, the fiqh of *al-tsawabit* and *al-mutaghayyirat* has the characteristics of *tawazun* (proportional), *tawasuth* (moderate) and avoids the attitude of *al-ghuluw* (excessive and extreme) and *tasahul* (simplifying or simplifying). Even this fiqh becomes urgent because it becomes one of the foundations and

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foundations in every assessment that is true, correct and fair and proportional to events, people, groups and others. This fiqh becomes urgent because it also becomes the basis or very basic foundation in understanding *fiqh al-awlawiyat* (priority fiqh) and *fiqh al-muwazanat* (fiqh that weighs and compares various options and alternatives).

The application is fiqh of *al-tasawabit* and *al-mutaghayyirat* (especially those of *al-mutaghayyirat*) must pay attention to the rules which are agreed upon by the ulama in general. Among the rules are as follows:

a. ان لا يخالف الحكم الاجتهادي مقاصد الشرع (Ijtihadi law does not violate maqashid al-shar'i). Maqashid al-syar'i basically preserves five main cases (principles) namely preserving religion (*hifz al-din*), preserving the soul (*hifz al-nafs*), preserving reason (*hifz al-'aql*), preserving property (*hifz al-mal*) and maintain offspring (*hifz al-nasal*). When one of the five is ignored, damage will occur. (Al-Amidy, 1402 H: 10).

b. ان لا يخالف الحكم الاجتهادي النصوص القطعية (Ijtihadi law does not violate the texts that are qath'i). Nash the qath'i here are *qath'i al-tsubut* and *qath'i al-dilalah*. Nash the *qath'i al-tsubut* is a text that is attributed to its owner (Allah and the Apostle) which includes al-Quran and al-Sunnah al-mut worriadah. The text of the *qath'i al-dilalah* is the text in which it is possible to have one meaning and one law, which in the term *usul fiqh* is called *lafaz al-muhkam* and *al-mufassar*.

c. عدم معارضة الحكم الاجتهادي للاجماع (Ijtihadi law does not conflict with ijma'). *Ijma'* is the syar'i proposition after al-Quran and al-hadith, the laws that have been accepted are the law of the qath'i who are obliged to do charity with them and are forbidden to set them aside as stipulated by *jumhur ulama* such as in matters of worship, cases the predetermined levels, the problem of adultery and so on. (Al-Ghazli, tt: 124)

d. عدم معارضة الحكم الاجتهادي للقياس (Ijtihadi law must not violate qiyas). *Qiyas* is a source of law after *ijma'* which is also a *hujjah syar'i*. The rules above become signs that must be followed by paying attention to several things:

First, making *al-tasawabit* and *ushul* matters - and not *qadhaya al-mutaghayyirat* - as standards, parameters and benchmarks in assessing and addressing the *manhaj* and *propaganda* of each groups, groups, organizations, worshippers and *harakah*. *Secondly*, make the principles of *al-tasawabit* or *ushul* - and not *mutaghayyirat* matters - as standards, parameters and measures of the commitment and oneness of one's person or group. *Third*, prioritizing, prioritizing, prioritizing and highlighting the problems of *al-tasawabit* and *ushul* on the problems of *al-mutaghayyirat* and *furu'*, both in science, charity, propaganda and attitude. *Fourth*, Commit to receiving, acknowledging and practicing the principles and principles of *fiqhul ikhtilaf* in addressing the problems of *mutaghayyirat* and *furu'*.

RESEARCH METHODOLOGY

Al-Tasawabit is a matter of principle which has an absolute and definite argument, both *qath'iyyuts-tsubut* (absolute and definite blasphemy and not disputed among the scholars), as well as *qath'iyyud-dilalah* (the meaning and meaning is absolute, certain and not disputed in among the scholars of Ahlussunnah Waljama'ah).

Mutaghayyirat are matters of *furu'* which postulated *dzanni*. *Mutaghayyirat* are *ijtihadiyah khilafiyah* issues which are the *ijthad* areas of the ulama, and which have

been disputed or have the potential to be disputed among *mujtahidin* imams from the *Ahlussunnah Waljama'ah* circles. More detailed cases that fall into the category of *al-tasawabit* include; *First*, the problem of *aqidah* laws. (Salih Fauzan, 2002: 259). *Second*, the problem of worship. Worship is the name for all those who are loved and blessed by Allah SWT from words, actions born in the heart, such as purification, prayer, fasting, zakat, pilgrimage and other services of *dhikr*, *istighfar* and everything related to it such as conditions, harmony and *kaifiyat* its implementation. (Ibn Taymiyah, 2005: 20).

Third, *al-muqaddarat*, which is a number of cases explained by *syara'* with very clear and definite boundaries so that it does not contain possibilities and territorial issues such as inheritance problems, *iddah* problems and *kaffarat* problems that never change with the change in time and place. (Kamaluddin al-Hamam, tt: 35). *Fourth*, *Usul al-Muamalat* (*muamalah* points) contains general rules that guide the *bermuamalah* such as trustworthy, just, deliberation, *amar makruf nahi munkar*, keeping promises, respecting the old and loving the young and so on. *Fifth*, *General al-qath'iyyat* (certain general cases) a number of deeds are considered *qath'i* (certain) by *syara'* 'either through texts or *ijma'* or something that is known part of *al-din bi al-dharurat* which will not accept change or replacement. (Abdul Rahman Zaidy, tt: 37)

DISCUSSION

Application of al-Tasawabit and al-Mutaghayyirat Fiqh in the Covid-19 Pandemic

Approximately four months we have been hit by the existence of a covid-19 pandemic that not only has an impact on socio-economic problems, but also has an impact on the issue of worship, where everyone must carry out social distancing or physical distancing, avoiding crowds and various Another health protocol for one purpose and purpose is to spread the corona virus.

For Muslims, the obligation to worship is a basic obligation that must be carried out under any circumstances and conditions because the obligation to carry out worship is part of the obligation to preserve religion (*hifz al-din*) which essentially enters into the category of *al-tasawabit* which does not recognize any change in the time, circumstances and place changes. In the face of the covid-19 pandemic, it can "adjust" to the situation and circumstances because it only concerns the *wasilah* or means of how worship can still be performed in accordance with changing circumstances. This illustrates how fiqh is part of the teachings of Islam which are flexible and moderate.

The following will explain some examples of changes in the implementation of worship as a result of the covid-19 pandemic:

a. Leaving Congregational Prayers and Friday Prayers Because of the Closing of the Mosque during the Covid-19 Pandemic

The mosque is a holy place for Muslims to carry out religious activities such as carrying out *fard* prayer in congregation, Friday prayers, *tarawih* and *witir* prayers, *shalat'id* and some recitation activities. Prayers in congregation and *juma'at* prayer in the mosque in the provisions of *fiqh al-tasawabit* can not be abandoned and ignored which causes the person who left him to sin. However, during the covid-19 pandemic period the *Fardhu* prayer in congregation and Friday prayers could

not be held in the mosque and even the mosques were closed. Then how are the fard prayers and Friday prayers performed? Fardhu prayers are carried out at home by way of congregation and independently while for Jm'at prayers are replaced by Zuhr prayers done at home. However, the call to prayer remains echoed from the mosque each time the entry of prayer. This also applies to other prayers such as tarawih and 'id prayers can also be done at home.

The ability to close the mosque is certainly applicable to areas where the spread of covid-19 is very massive and fast so that the region is included in the category of the red zone (red zone). How does fiqh view this condition? Related to this problem, the contemporary has issued their ijihad results both institutionally and personally, which during this pandemic allowed to close the mosque from worship activities in congregation.

In the book Fatawa al-'Old' haula Firus kuruna written by Mas'ud Shabry, that the closing of the mosque during the covid-19 pandemic was permitted. The reason for permissibility is fraternity and kemudharatan. In the Shari'a we are prohibited from giving mudharat to ourselves and giving mudharat to others as in the hadith of the Prophet: *La dharar wa La dharir*. People who attend the mosque are feared to be infected or transmit the corona virus, which means kemudharatan so that the mosque is temporarily closed for prayer in congregation (Mas'ud Shabary, 2020: 8). Although performing congregational prayers and Friday prayers are dharuri, which includes guarding religion (*hifz al-din*), protecting the soul (*hifz al-nafs*) as well as dharuri. In this context guarding the soul must take precedence over safeguarding religion.

Another reason may leave congregational prayers and Friday prayers is based on sharia principles which always provide kemudhan in times of difficulty and narrowness. Islamic Sharia stands on the main principle of '*adam al-haraj* (not burdensome). Based on this principle when there is difficulty the Shari'ah provides rukhshah (relief). When praying in congregation cannot be performed at the mosque, for reasons of rain, prayer can be held at home, especially for corona outbreaks.

b. Forbidding the Shaf and Using Masks during Prayers

In areas that are still categorized as the yellow zone (green zone), the implementation of congregational prayers and Friday prayers, prayers and 'id prayers can still be carried out in the mosque, while still observing the recommended health protocols such as carrying out social distancing and physical distancing, using hand sanitizers, and using masks. Thus, there was a spacing of prayers and in general worshipers wore masks at the time of prayer.

Shaykh Sulaiman al-Ruhaily when asked how the law spells out the prayer of the prayer, he replied: "The original law of prayer is to close the prayer. According to jumhur ulama, the reason for the prayer is that the prayer is interrupted. While the intention of aborting the affair. And the need for that at this time, is very urgent. Then may pray with tenuous distance rows with the condition that there is more than one prayer in one."

<https://twitter.com/solyman24/status/1254473430956683270>.

Likewise, the fatwa delivered by Sheikh Sa'ad al-Syatsri allows the spacing of the shaf in prayer. He said:

"Undoubtedly, the effort to prevent disease to preserve lives and stop the spread of disease is a matter of taqarrub (getting closer) to Allah zza azza wa jalla. However, close up the Shaf is a case that is prescribed based on the words of the Prophet sallallaahu 'alaihi Wasallam:

أقيموا الصفوف وحاذوا بين المناكب وسدوا الخلل ولينوا بأيدي إخوانكم ، ولا تذروا فرجات للشيطان

"*Straighten the shaf and straighten the shoulders and close the gap. But be gentle with your brother. And do not let you leave a gap for the devil*". (Abu Daud no. 666, Al Albani in Sahih Abi Daud).

In the hadith the command to close up this ruling is not compulsory but its mustahab (sunnah) according to jumhur ulama. Therefore, we view the tenuous shaf as having no effect on the validity of the prayer. Even more so when there is an udzur that requires distance ". Al-Syatsri also explained that jumhur ulama from the 4 schools of ulama stated that it was not compulsory to close up the ruling, they argued with the words of the Prophet sallallaahu'alahi Wasallam:

سَمُّوا صَفُوفَكُمْ فَإِنَّ تَسْوِيَةَ الصَّفِّ مِنْ تَمَامِ الصَّلَاةِ

"*Straighten out your shaf because the straight shaf is part of the perfection of prayer*" (Bukhari no.723, Muslim no.433)

This hadith shows that the case straightening and closing the legal ruling mustahab not including harmony or compulsory prayer. Because what is called تَمَام (perfection) of something means that it is an additional matter of origin. Likewise the words of the Prophet sallallaahu'alahi Wasallam:

وَأَقْبِرُوا الصَّفِّ فِي الصَّلَاةِ، فَإِنَّ إِقَامَةَ الصَّفِّ مِنْ حُسْنِ الصَّلَاةِ

"*Straighten the prayer in prayer, because the straightness of the prayer in prayer is part of the goodness of prayer*" (Bukhari no. 722, Muslim no.435).

This Hadith also shows that tying up the Sunnah is not obligatory. Because suppose that it is obligatory then it is not called "part of the goodness of prayer". Because a good element of something means additional elements of something. Likewise the words of the Prophet sallallaahu 'alahi Wasallam to Anas bin Malik:

مَا أَتَيْتُكَ شَيْئًا إِلَّا أَنْتَ لَا تُؤْتِيهِمْ الصُّفُوفُ

"*There is nothing that I deny from you, except for one thing that you are not straightening the shaf*" (Bukhari no.724).

But the Prophet did not order him to repeat the prayer. This shows that closing the shaf is not a compulsory case. And leaving it has no effect on the validity of prayer. As is the opinion of jumhur ulama from the salaf and khalaf circles, this is also the opinion of the Imam of 4 schools. Who believes it is compulsory for Imam Ibn Hazm Az Zahiriri who he excludes fuqaha. Therefore the application of tenuous shafts in congregational prayers does not affect the validity of prayer ". (<https://www.youtube.com/watch?v=GZeU-qZDr4U>).

With regard to the use of masks in prayer in the fatwas of the ulemas it has also been explained that basically using a mask in prayer is legal. This is based on the hadith sourced from Abu Hurairah radhiyallahu 'anhu:

نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يَغْطِيَ الرَّجُلُ فَاذًا فِي الصَّلَاةِ

"*The Prophet sallallaahu 'alayhi wa sallam forbid someone to close his mouth when praying*." (Abu Daud, no. 643 and Ibn Majah, no. 966. Al-Hafizh Abu Thahir said that the hadith was dhaif. Shaykh Al-Albani considered this hadith Therefore, the original law for Muslim women, should not use the veil during prayer. According to the agreement of the scholars, it is prohibited to cover the face during

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prayer. Among the reasons for it is prohibited because it looks not beautiful, even though God commands:

يَبْنَىٰ آدَمَ ۖ زِينَتَكُمْ عَنِ كُلِّ مَسْجِدٍ
"O son of Adam, wear your beautiful clothes in each (enter) mosque." (al-A'raf: 31)

Imam Nawawi rahimahullah said:

ويكره أن يصلي الرجل مثلثا أي مغطيا فاه بيده أو غيرها ويكره أن يضع يده على فمه في الصلاة

"Closing your mouth and nose (at-talatstsum) or just covering your mouth with your hands or something else when prayer is punished makruh. Placing hands on his mouth is also punishable makruh". (al-Nawawi, tt: 179)

It's just that something makruh become permissible (mubah) when there is a urge such as when coughing, colds, fear of transmission or fear of contracting based on the method of fiqh:

الكَرَاهَةُ تَزُولُ بِالْحَاجَةِ

"Something makruh becomes lost because there is intent."

The proof of the above mentioned method of being among them is the hadith of the Prophet which is narrated from Abi Barzah, he said:

أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَكْرَهُ النَّوْمَ قَبْلَ الْعِشَاءِ وَالْحَدِيثَ بَعْدَهَا

"The Prophet sallallaahu 'alayhi wa sallam hated sleeping before prayer 'Isha and chatting afterwards." (Narrated by Bukhari, no. 568).

But the Prophet sallallaahu 'alaihi wa sallam had stayed up late with Abu Bakr discussing the affairs of the Muslims. This was said by Umar bin Al-Khattab, as mentioned in the hadith of Tirmidhi, no. 169. This signifies that something which is permissible when there is intent. Ibnul 'Arabi said: "Sleeping before Isha was confirmed because it was feared that he would miss the Isha prayer time. Meanwhile, staying up late Isha is said to be placed on a case that is not to seek knowledge, goodness, and intent. However, if you intend to stay up for the sake of knowledge and fulfill a purpose, it is permissible." (Ibnul 'Arabi, tt: 227).

c. Postponement of Hajj and Umrah

The Government of the Republic of Indonesia officially postpones the success of Indonesian pilgrims for the Hajj season in 1441 H / 2020 AD in accordance with the Decree of the Minister of Religion Number: 494 of 2020. The reason for the delay is solely due to the consideration of the benefit and safety of the hajj pilgrims because it is still in the pandemic covid-19. The question that arises is then, may the pilgrimage be postponed and the pilgrimage should not be hastened after reaching the stage of "being able"? There are two opinions of scholars answering this problem. *First*, the opinion of Abu Hanifah, Abu Yusuf, the Maliki School and the Hanbali School requires that the pilgrimage be hastened if it already has the ability to perform it in the compulsory year ('*ala al-faur*). In the Hanafi school of thought it is agreed that the original law on an order (amar) is to demand immediateness in accordance with the rules:

الاصل في الامر يقتضى الفور

"The original law on orders requires immediate". (Abdul Hamid Hakim, 2011: 49)

Thus according to this opinion postponing the implementation of the pilgrimage is categorized as a wicked because delaying in this context is considered immoral immorality, and not ungodly if done once a delay. According to the Hanafi school of thought the delay is still counted as' though it is a sin to die before performing it.

Second, according to the Syafi'i school and Muhammad bin Hasan al-Syaibani, the hajj obligation does not have to be carried out immediately (ala al-Tarakhi), or it may be postponed. This school argues that hastening the implementation of the pilgrimage for those who are able is sunnah in order to release responsibility and carry out obedience to Allah ("... then you compete in goodness", QS. Al-Baqarah: 148). In the view of this school of law the origin of the order (amar) does not demand immediate compliance with the rules:

الاصل في الامر لا يقتضى الفور

"Legal origin at the command does not require immediate" (Abdul Hamid Hakim, 2007: 13)

If we consider the above two opinions, the obligation of Hajj in principle does not require immediate implementation and does not result in the loss of the obligation of pilgrimage to the mukallaf in the following year because it does not carry out hajj when he has that ability. The opinion of the ulama can be understood as a form of motivation and encouragement so that the implementation of the pilgrimage is hastened, and the law is more accurately called the sunnah. The capabilities referred to in the verse include physical and spiritual health, having the material capacity of travel costs and during the trip, the cost of living for the family left behind, the way to reach there and back is safe, there is no war and no outbreaks such as pandemic covid-19.

From the perspective of *mafhum mukhalafah*, (one of the methods of understanding the law in usul fiqh), it is understood that; if the ability requirements are not met, then God gives forgiveness for not meeting the ability element. This provision is strengthened by the message of Allah "laa Yukallifullahu nafsan illa wus'aha / Allah does not burden a person but according to his ability. (al-Baqarah: 286).

Thus the delay in carrying out the pilgrimage during the covid-19 period is included in the category of not fulfilling istith'ah (ability), namely the existence of conditions that cause impaired health that can damage health and even eliminate lives. Avoiding something that is self-destructive is a mandatory requirement in Islamic law (addararu yuzal), because Islam is a religion that respects and protects the human soul from everything that damages it. This principle is mentioned in the essential foundations of Islamic law, namely, preserving religion, preserving the soul, protecting the mind, preserving offspring and protecting property.

Government policy aimed at breaking the chain of distribution of covid 19 and safeguarding the lives and health of Indonesian pilgrims and the public in general from contracting and transmitting the virus from and against others, is a preventive effort (sadd li al-zari'ah) advocated by Islamic law and even relevant to God's message in QS. al-Maidah (5): 32; "... That who kills someone, not because that person killed someone else, or not because they did mischief on the face of the earth, so as if he had killed all humans, and who is looking after the life of a human being, then as if he is looking after the lives of all humans ...".

d. The process of corpse organizing

Patients exposed to the corona virus can be partially cured while some others die. Patients who die must be organized by following a health protocol to avoid the widespread spread of the corona virus. Under these circumstances, the organization of the body underwent changes and adjustments both when bathing, sensing, distorting and burying.

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Related to bathing bodies that are exposed to covid-19, there are several alternatives that can be implemented: First, if according to the expert to bathe the bodies of Covid-19 with the standard method it is still dangerous for the bathers, then the bodies may be bathed by pouring water into their bodies alone, without rub it. Second, if the first point is not permissible, the body may not be washed, bathing it enough to be aired. Third, if the second point cannot be carried out also because of an emergency, then the body may be directly examined and blessed, without being bathed or displayed.

The ability to bathe the body with some of the alternatives mentioned above is based on the existence of al-masyaqqah (difficulty) in accordance with the rules:

المشقة تجلب التيسير

"The consultant brings ease" (al-Suyuthy, 2007: 111)

According to Imam As-Suyuthi, dividing masyaqqah in to two: First, masyaqqah who cannot abort the obligation of worship. Second, masyaqqah which can abort the obligation of worship.

قال السيوطي: المشاق علي قسمين: قسم لا يأتري في إسقاط العبادات كمشقة السفر للحج والجهاد وألم حد الزنا ونحوه

"As-Suyuthi argues, masyaqqah is divided into two parts. First, masyaqqah that does not affect the fall of worship, namely pilgrimage, jihad, and the pain of adultery and the like," (al-Suyuthy, 2007: 116)

The first division of masyaqqah is masyaqqah which cannot abort a worship, that is feeling tired in the course of the pilgrimage. No matter how far we travel to Hajj, we will not be able to abort our Hajj because of the fatigue. Another example, bodily pain due to adultery. The pain will not be able to provide relief or abort our worship.

While the second division of masyaqqah is masyaqqah which can abort worship.

وقسم يأتري في إسقاط العبادات كمشقة الخوف علي نفس أو اطرافه منافع اعضاء

"The second division of society is masyaqqah which has an impact on the death of worship, namely masyaqqah for fear of loss of soul and body parts or bodily functions," (al-Suyuthy, 2007: 116)

From the above explanation it can be understood that the ability to bathe the body with a number of alternatives is included in the second category of masyaqqah, because if the body is bathed as normal, it is feared that viral transmission will result in death;

In connection with reliving, prayers and the procession of the burial of corpses exposed to covid-19 must follow the direction of medical experts. Whatever the implementation, it is rukhshah which is justified by syara 'because basically syara' stands on the principle of 'adam al-haraj (not burdensome).

CONCLUSION

From the previous description, some conclusions can be drawn as follows:

1. Moderation of religion (Islam) is one of the manhaj or understanding and flow of Islamic thought that puts forward moderate views and attitudes in religion and applying Islamic teachings and when dealing with the phenomena and problems of human life. Moderation of religion (Islam) is part of Islamic teachings that have universal characteristics such as fair, balanced, tolerant, mid-open and egalitarian as well as dynamic and dialogical. Religious moderation gets a very strong legality from the Koran, hadith, ijma', qiyas and opinions of the scholars.
2. Moderation of the Islamic religion includes all parts of Islamic teachings, both faith, sharia (law), and morals. In the field of sharia (read: fiqh) can be implemented

including the concept of al-tsawabit and al-mutaghayyirat. Al-tsawabit is a constant (fixed) teaching of sharia while al-mutaghayyirat is a teaching of sharia which can undergo changes and can adapt according to changing times, conditions, and places, and its application seems very clear in the covid-19 pandemic.

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