
OPENING SPEECH

*Norfadhilah Mohamad Ali

Dean, Faculty of Syariah and Law, Universiti Sains Islam Malaysia (USIM), Bandar Baru Nilai,
71800 Negeri Sembilan

*(Corresponding author) email: fadhilah.a@usim.edu.my

THE ROLE OF LEGAL AND ISLAMIC SCHOLARS IN RESPONDING TO COVID-19

I welcome the attendance of all presenters and participants whom are here today in this seminar. I would also like to take this opportunity to applaud the contributions of papers and discussions on various aspects relating to the theme chosen in this seminar, i.e *the directions of Laws and Shariah in responding to Covid-19*. This theme sets the right context to allow discussions on practical legal initiatives and actions on the current issue of Covid-19- towards a legal system which is not only responsive and adaptive to changes, but capable to lead and face the future with preparation.

Ladies and gentlemen,

Covid-19 is a pandemic that has taken the world in a great shock. There are already views on whether or not the future world will regard Covid-19 as a historical mark to divide the world age as before Covid-19, and after. This is due to the significant changes Covid-19 brings, alongside globalisation, technology and human movement at a large scale. We have also seen that the impacts of Covid-19 are not confined to health matters only, but are related to economic activities, education, religious observations and even politics. Covid-19 can very much be described as the biggest disruption in this era, preceding other megatrends identified by international researchers.

The role of law is paramount in containing Covid-19. Countries have established measures to control movement of people, closure of certain facilities and enhancement of medical support within the domestic legal setups. The law is needed to keep the country in order. This can be crystallized with good governance and strong legal framework for new policies and enforcements. At the international level, legal approaches are needed to balance the international obligations with human rights, communal interests and health hazards.

Hence, the role of the legal fraternity is to identify the legal issues and contribute to the application of the law that is embracing the society as a whole and leaving no one behind. In responding to the changing world, legal scholars can play a significant role to encourage and apply legal thinking to understand the paradigms that have shaped our concept of law and to interpret the present world without abandoning commitment to values.

The law is not only to settle conflicts between parties, but sets a greater role in promoting justice, sustainability and the rule of law. The application of law should ensure that any interpretation made by the law 'as it is' should be in a manner that preserves natural justice. The unwanted scenario of law is laws, legal interpretation and enforcements that lead to absurd consequences, confusing values, or rigidly procedural and technical situations. In such circumstances, the law should be able to revisit its

function by examining the law as how it 'should be', by incorporating moral, ethical values and the reinforcement of its underlying feature of justice.

Ladies and gentlemen,

Covid-19 makes us think about what we have in our existing Islamic rulings, and how to relate to circumstances around us. The Shariah contains a clear guideline in handling pandemics. The Prophetic tradition quoted most in dealing with the current pandemic says: "If you hear of an outbreak of plague in a land, do not enter it, but if the plague breaks out in a place while you are in it, do not leave that place." (*Sahih Bukhari* 5728 and *Sahih Muslim* 2218). This source of Islamic law has proven to be revolutionary more than 1400 years ago, and is still proven to be the most accurate measure in containing the spread of a pandemic like Covid-19. In the year 2020, it is the exact measure introduced by governments today.

Another aspect of Islamic rulings is the virtue of cleanliness, that is commonly the first chapter appearing in any Islamic jurisprudence textbook. The basic direction is contained in the performance of ablution (*wudu*'), taken before the five daily prayers. This regular cleansing of primarily the hands is today consistent with the health recommendations to keep the hands clean as often as possible, as an effective personal hygiene measure against Covid-19.

The examples I have given are immediate measures to curb the pandemic. Surely, the Islamic law is far beyond.

Hence, the Islamic scholars have to assert rigorous effort by investigating the needs of the society and practical solutions that can be accorded to it. The Islamic scholars must also set an example in leading communal issues and to highlight the Shariah as promoting a truly caring and compassionate society, in order to strengthen the social fabric.

The idea of justice is the cornerstone of the Syariah and must be upheld in all circumstances. In the writings of Syed Qutb in his book *Social Justice in Islam (Al-'Adalah al-Ijtima'iyah fi al-Islam)*, Islam sets the principle of mutual responsibility to ensure social justice. Islam grants individual freedom in the most perfect form and human equality in the most exact sense, but does not leave them uncontrolled, because the society has its interest too.

The Islamic scholars are the custodian and gatekeepers of a sound interpretation of Islamic legal texts. It is a trust to ensure that the Syariah is given the right representation as a living legal guidance. Hence, it is important that Islamic scholars are capable of mastering the Islamic texts, and ready towards adapting the necessary scientific mentality, receiving fresh inspiration from modern thoughts and experience, and not trapped in rigid formalism and ritualism. Regarding the power of knowledge, Asad.M., (1985) noted the potentials of Muslims to contribute to knowledge and progress, by accepting progress as a means and not as an end in itself.

Especially in a religion which commands its followers to 'search for knowledge wherever it is to be found', we must understand that the dynamics of acquisition of knowledge does not mean mere 'imitation' but an unending chain of intellectual endeavor. Islamic scholarship should instill the spirit of 'contribution towards knowledge' by encouraging critical thinking skills, exploration, interaction and evolutionary instincts.

Ladies and gentlemen,

The faculty provides a conducive avenue to allow discussions of laws and shariah. Research in various forms are welcomed, whether doctrinal, applied, comparative or any other methodologies that allow the growth of knowledge, integration, harmonization or cross fertilization of fields.

I believe that the papers we put forth in the seminar are our collective effort to promote a knowledge-based society on laws and syariah and contributing to the creation of knowledge. I congratulate all

participants for being devoted to scholarly pursuits by introducing current ideas that respond to real issues. I hope that suggestions from this seminar can be expanded in future legal and syariah reforms that will benefit the world and humanity as a whole.

Thank you.

References:

Hassan, K. (2011). *Voice of Islamic Moderation from the Malay World*.

Iqbal, M. (2013). *The Reconstruction of Religious Thought In Islam*. Stanford University Press.

Lyons, D. (1984). *Ethics and the Rule of Law*. Cambridge University Press.

Muhammad Asad, *The Message of the Qur'an* (Gibraltar: Dar Al-Andalus, 1980), 876.

Sardar, Z., Inayatullah, S., & Boxwell, G. (2003). *Islam, Postmodernism and Other Futures a Ziauddin Sardar Reader*.

Qutb, S., Hardie, J. B., Hamid, A., & Algar, H. (2000). *Social justice in Islam*. Islamic Publications International.

Varga, C. (2012). *The paradigms of legal thinking*. Budapest: Szent István Társulat.