

## LIVING HADITH, PRECEDENT THEORY AND HEALTH QUARANTINE: STUDIES ON MASLAHAH MURSALAH, SADD AL-DZARIAH AND TA'UN IN THE PROPHETIC TRADITION

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**Abstract:** As legal theories and instruments that have been legitimized by many scholars, Maslahah Mursalah and Sadd al-Dzariah become important analytical tools to be observed at the form of their use in the prophetic tradition. They have also a practical significance and relevance in the time of pandemic (Covid-19). Actually, Hadith of Ta'un can be positioned as a precedent values and practice for the Maslahah Mursalah and Sadd al-Dzariah theories in Islamic law. How the Prophet's advice that has been described in the hadith is related to keeping yourself from contracting the virus outbreak, it seems that it can be used as the basis for the current pandemic situation. This research is qualitative in nature, done by using the Usul Fiqh and Hadith Science approaches, emphasizing the use of legal precedent theories. The core existing data is prophetic living tradition. It is presented in an analytical descriptive manner. The results of this study prove that the Hadith Ta'un is a practical precedent that can legitimize the theory of Maslahah Mursalah and Sadd al-Dzariah as a tool to explore Islamic law and cope with current situation of pandemic. The values and principles contained in this Hadith are still relevant today: they can be applied in preventing the transmission of the Covid-19, namely by physical distancing as well as health quarantine and several related adjustments.

**Keywords:** *Maslahah Mursalah, Sadd al-Dzariah, Hadith of Ta'un*

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### A. Introduction

Since the Covid-19 outbreak appeared and spread in Indonesia In response to this, at least the community is divided into two groups. First, excessive fear or more popularly known as Coronaphobia. Second, ignore it and seem to ignore it. For this first, some people even act out of the ordinary. Because they are very afraid of Corona, some of them are desperate to buy staple foods in excess (panic buying).<sup>1</sup> In addition, among them are civil society wearing full PPE to shopping centers. In addition to being excessive, these actions also make people afraid. Meanwhile, for the second, the national survey agency, Indikator, as reported by CNBC

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<sup>1</sup>Iwan Supriyatna, "Aksi Borong Sembako Karena Takut Corona Picu Kenaikan Harga," 2021, <https://www.suara.com/bisnis/2020/03/03/155153/aksi-borong-sembako-karena-takut-corona-picu-kenaikan-harga?>

Indonesia said the conclusion that the more religious a person is, the less afraid he is of Corona, also the more distrustful of the effectiveness of vaccines and their lower willingness to be vaccinated.<sup>2</sup> Therefore, of course, this group is indifferent to the health protocols that are often campaigned by the government.

A number of people who are ignorant of the severity of the Corona virus do not seem to understand the arguments including the Hadith that explain this issue well. This then has an impact on the attitude of those who deny the fact that the virus exists. In addition, there are not a few religious leaders who provide an explanation of a proposition unilaterally without paying attention to the context that is developing in society. The explanation given seems unbalanced so that in understanding it, people tend to be negligent and careless. This, in the end, can lead the people to an attitude of 'surrender without effort and being ignorant'. The Hadith of the Prophet which clearly contains this issue is no longer being ignored. Even though, Maslahah Mursalah and Sadd al-Dzariah became the main study related to this issue in substance and in principle been used by the Prophet and contained in his words.

Maslahah Mursalah and Sadd al-Dzariah as part of a legal instrument that is *ghair muttafaq 'alaih* which relies on *maqasid al-sharia* which is the main basis in producing sharia law<sup>3</sup> should be a very important discussion in relation to this virus outbreak. The reason is, the first information of Muslims in dealing with this epidemic was obtained from the Hadith of the Prophet (hereinafter referred to as the Ta'un Hadith), "if you hear that the plague is infecting a country, then do not go there and if it infects a country and you are in therein, so do not go out and flee from it".<sup>4</sup> The consideration of benefit and harm which is the principle of Maslahah Mursalah and Sadd al-Dzariah is the benchmark used by the Prophet as *'illat mustanbatah* which is part of the preacher to explore it. This means that the Hadith ta'un is a reinforcement of the Maslahah Mursalah and Sadd al-Dzariah theories in the Islamic legal hierarchy.

There are many studies on Maslahah Mursalah and Sadd al-Dzariah as instruments of law digging. Likewise with the study of the virus outbreak in Islam. Muslim scholars identify viral outbreaks with events *epidemic*, a plague that has appeared even since the time of the Children of Israel as a form of punishment for them for their disobedience to God. This plague then reappeared after the Prophet died repeatedly up to five times in the history of Muslims.<sup>5</sup>

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<sup>2</sup>Yuni Astutik. "Survei: Masih Banyak Orang Indonesia Tak Takut Covid," 2021. <https://www.cnbcindonesia.com/news/20210221155129-4-224985/survei-masih-banyak-orang-indonesia-tak-takut-covid-19>.

<sup>3</sup>Mohammad Hashim Kamali, *Shari'ah Law An Introduction* (Oxford: Oneworld Publication, 2008), p. 53.

<sup>4</sup>Muhammad bin Isma'il Abū'Abdillāh Al-Bukhārī, *Al-Jami' Al-Shahih Al-Mukhtashar* (Beirut: Dār Ibn Kašīr, 1987), p. 1123.

<sup>5</sup>Ahmad bin 'Ali bin Hajar Al-'Asqalani, *Badz'l Al-Ma'un Fi Fadbl Al-Ta'un* (Riyad: Dar al-'Asimah, n.d.), p. 361.

However, none of them seems to have touched on the angle that is actually a fundamental part of this discussion, namely the authenticity of Hadith as the main source of the emergence of the theory. *Maslahah Mursalah* and Sadd al-Dzariah in the hierarchy of Islamic law. In addition, they also seem to have not seen Hadith as the first source of information claiming the existence of this plague in the period before the Prophet was born and how the Prophet provided a solution when this plague re-emerged in human life. Therefore, this study intends to fill in the gaps that are still there.

The focus of this research is to see how a hadith that lives in the community, in the form of the Ta'un hadith, responds to a healthy quarantine policy issued by the government when the Corona virus appeared in Indonesia. This is then seen from the point of view of Maslahah Mursalah and Sadd al-Dzariah and then offered as a theoretical precedent in Islamic law. Based on the analysis perspective, the research method used is qualitative. The reason is, the object of this research requires researchers to build a complete and holistic picture, where one of the workloads is to analyze words or sentences contained in the source.<sup>6</sup> Literature review is also the method used as a reference in this research. This is because the problem to be studied can only be answered using this method. The data was obtained by referring directly to one of the books containing the Ta'un Hadith, namely Sahih al-Bukhari. Furthermore, the data were analyzed using the Hadith criticism method, in this case the sanad criticism, which is a method for selecting the quality of Hadith narrators through ilm jarh wa ta'dil. This study is qualitative in nature using the Proposed Fiqh approach, and the existing data is presented in an analytical descriptive manner.

## B. Result and Discussion

### 1. Ontological Review: *Maslahah Mursalah* and Sadd al-Dzariah as a source and tool of legal discovery

The Maslahah Mursalah has two definitions; etymology and terminology. From an etymological point of view, Maslahah Mursalah or maslahah comes from the root of the word saluha yaluhusalah salahiyatan suluhan which means zala 'anhu al-fasad.<sup>7</sup> Therefore, Maslahah Mursalah and maslahah themselves are opposite in meaning to istifsad and mafsadah (Al-Badawi, 2000: 61). While mursalah is something common that is not bound by any bond.<sup>8</sup> Based on this

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<sup>6</sup>Yuni Astutik. "Survei: Masih Banyak Orang Indonesia Tak Takut Covid," 2021. <https://www.cnbcindonesia.com/news/20210221155129-4-224985/survei-masih-banyak-orang-indonesia-tak-takut-covid-19>.

<sup>7</sup>Abd al-Wahhab Khallaf, *Mashadir Tasyri' Al-Islami* (Kairo: Dar al-Kitab al-'Arabi, 1955), p. 70.

<sup>8</sup>Muhammad Abū Zahrah, *Uṣūl Al-Fiqh* (Beirut: Dār al-Fikr Al-'Arabī, n.d.), p. 280.

etymological definition, the scholars then defined Maslahah Mursalah or Maslahah Mursalah in terminology in Islamic law.

Al-Shatibi, for example, views Maslahah Mursalah as a maslahah that is not proven to have an explicit Shari'a foundation in the texts or ijmak, is neither recognized nor rejected.<sup>9</sup> Likewise Al-Baghdadi, according to him, Maslahah Mursalah is a maslahah that does not have a specific basis of argument either in the form of acknowledgment or rejection but its legal construction shows that there are benefits according to the generality and origin of the Shari'a.<sup>10</sup> Al-Ghazali also gives the same view in defining Maslahah Mursalah, namely maslahah that is not proven to have specific legitimacy, either to reject it or admit it.<sup>11</sup> Meanwhile, Ramadan Al-Buti defines Maslahah Mursalah from a different point of view. According to him, Maslahah Mursalah is all forms of benefit that are part of the objectives of the Shari'a that Allah has set for His servants including protection of religion, soul, mind, lineage and property.<sup>12</sup> Another different definition is also presented by Wael B. Hallaq. According to him, Maslahah Mursalah is a legal reasoning dictated by considerations of the public interest which in turn is based on universal legal principles.<sup>13</sup> However, in summary, Mohammad Hashim Kamali in his book *Shari'ah Law An Introduction*, said that Maslahah Mursalah is a law making technique based on the consideration of a large audience.<sup>14</sup>

Based on the series of definitions above, presumably the scholars agree that Maslahah Mursalah is decision making based on benefit as part of the objectives of the Shari'a which basically there is no specific text that acknowledges or even rejects it. Specifically, the author conveys his agreement with the definition expressed by al-Baghdadi. The reason is, the definition he offers is very specific, focused and directed and represents all definitions described by others. In principle, Maslahah Mursalah is to take advantage and keep away harm as a form of maintenance of maqasid al-Sharia.<sup>15</sup> The difference between Maslahah Mursalah and Qiyas lies in the specific inclusion of the text. Simply put, if a specific text is found, it becomes the realm of qiyas, while if a specific text is not found, it becomes the realm of Maslahah Mursalah. Benefit is something that fluctuates along with changes in human behavior and the environment.

<sup>9</sup>Abi Ishaq al-Syatibi Al-Maliki, *Al-Muwafaqat Fi Ushul Al-Syari'ah* (Riyad, n.d.), p. 27.

<sup>10</sup>Abd al-Mu'min bin 'Abd al-Haq al-Baghdadi Al-Hanbali, "Taisir Al-Wusul Ila Qawa'id al-'Usul" (Dar al-Fadilah, 2001), p. 345.

<sup>11</sup>Al-Maliki, *Al-Muwafaqat Fi Ushul Al-Syari'ah*, p. 28.

<sup>12</sup>Muhammad Sa'id Ramadan Al-Buti, "Dhawabit Al-Maslahah Fi Al-Syari'ah Al-Islamiyah" (Muassasah al-Risalah, n.d.), p. 288.

<sup>13</sup>Muhammad Al-Tahir Ibn Ashur, *Treatise on Maqasid Al-Shari'ah* (Washington: The International Institute of Islamic Thought London, 2006), p. 473.

<sup>14</sup>Kamali, *Shari'ah Law An Introduction*, p. 49.

<sup>15</sup>Muhammad bin Muhammad Al-Ghazali, *Al-Mustasfa Fi 'Ilm Al-Ushul* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1413), p. 286.

Therefore, a law can be considered beneficial at one time, but not at another. It can also bring benefits in one place, but not in another.<sup>16</sup>

Likewise with Sadd al-Dzariah. This legal digger's analysis knife is claimed to have a close relationship with the benefit aspect. How not, linguistically, Sadd al-Dzariah is a phrase consisting of mudhaf and mudhaf ilaih, sadd as mudaf and al-Dzariah as mudaf ilaih. Sadd means ighlaq al-khalal (covering defects), al-radm al-thalm (clogging the grooves) and al-man'u (prevention).<sup>17</sup> While al-Dzariah means al-wasilah (intermediary) for both good and bad things.<sup>18</sup> Thus, Sadd al-Dzariah literally means closing the way to an intermediary. Meanwhile, according to the term, al-Dzariah has been defined by many scholars with their respective versions. Abu Zahrah for example defines al-Dzariah as something that mediates the realization of what is forbidden or allowed.<sup>19</sup> In contrast to Abu Zahrah, Al-Qarafi and Zuhaili made it more specific. According to them, Sadd al-Dzariah is an intermediary for something. What is clear is to prevent something that mediates the occurrence of damage. If something permissible becomes an intermediary for the realization of something unlawful, it is clear that this must be prevented.<sup>20</sup> Meanwhile, according to Ibn Mulqin, Sadd al-Dzariah is an intermediary for something that is prevented that leads to damage or an intermediary for something that leads to benefit.<sup>21</sup> Based on these four definitions, it can be mapped that Abu Zahrah and Ibn Mulqin define it in general. While al-Qarafi and Wahbah Zuhaili looked at it from a specific and focused point of view, Sadd al-Dzariah. However, overall these definitions can be accepted and it is agreed that Sadd al-Dzariah is something that is basically permissible to do which mediates the realization of an unlawful act.

*Al-Dzariah* itself is generally an intermediary that depends on the law for the purpose of the intermediary. If the goal is mandatory, then the intermediary must also be. If the goal is haram, then the intermediary is also haram. Including if the goal is makruh, mandub and permissible, then the intermediary is also makruh, mandub and permissible.<sup>22</sup> Reflecting on this definition, the scholars divide al-Dzariah based on its provisions into two parts, namely Sadd al-

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<sup>16</sup>Khallaf, *Mashadir Tasyri' Al-Islami*, p. 84.

<sup>17</sup>Su'ud bin Mulluh Sultan Al-'Anzi, "Sadd Al-Dzara' 'inda Al-Imam Ibnu Qayyim Al-Jauziyyah Wa Atsaruh Fi Ikhtiyaratih Al-Fiqhiyyahh" (Oman: Dar al-Atsariyyah, 2007), p. 37.

<sup>18</sup>Wahbah Al-Zuhaili, *Uṣūl Al-Fiqh Al-Islami* (Damaskus: Dār al-Fikr, 1986), p. 873.

<sup>19</sup>Zahrah, *Uṣūl Al-Fiqh*, p. 288.

<sup>20</sup>Syihab al-Din Abu al-'Abbas Ahmad bin Idris Al-Qarafi, "Syarh Tanqih Al-Fusul Fi Ikhtisar Al-Mahsul Fi Al-Usul" (Beirut: Dar al-Fikr, 2004), p. 353.

<sup>21</sup>Al-Din, p. 248.

<sup>22</sup>Al-Zuhaili, *Uṣūl Al-Fiqh Al-Islami*, p. 874.

Dzariah and Fath al-Dzariah. Sadd al-Dzariah is to block the way to the forbidden act. While Fath al-Dzariah is to open the way to actions that are required or allowed.<sup>23</sup>

## 2. The Formative Years of Maslahah Mursalah and Sadd al-Dzariah

The concept of Maslahah Mursalah is strongly suspected to have emerged during the time of Imam Maliki, the founder of the Maliki school of thought in his book, al-Muwatta. This is as stated by Tayyib Shatab in his writings, *Ihtijaj al-Imam al-Malik bi al-Maslahah al-Mursalah min Khilal Kitabih al-Muwatta*. In fact, this information has been implied by al-Ghazali in his *al-Mustasfa*. He quoted al-Shafii's statement that anyone who uses Istislah as a tool to explore the law, it means he has made a new Shari'a, just as he made Istihsan.<sup>24</sup> As it is known that al-Maliki died in 795 AD, while al-Shafii died in 820 AD. That means, al-Shafii's words actually commented on what was conveyed by his predecessors, namely Abu Hanifah and al-Maliki.

The reality, *Maslahah Mursalah* is not the only term used in the study of Islamic law. Another equivalent term is Istislah. The difference in the use of these two terms was pioneered by the scholars of the previous schools. The Malikiyah group prefers to use the term *Maslahah Mursalah*.<sup>25</sup> while the Hanabilah group tends to use the term Istislah.<sup>26</sup> while Syafi'iyah did not mind it, even al-Ghazali used the two terms, Istislah and *Maslahah Mursalah*.<sup>27</sup> Thus, the relationship between the two terms is *muradif*, equal, commensurate and equal in Islamic law.

The difference in the use of the two terms is generally not explained explicitly. In this case, neither Malikiyah, Shafiiyah nor Hanabilah provide any information regarding this. Although the use of the terms is different, the application and the terms are generally the same.

Likewise with Sadd al-Dzariah, this instrument of exploring Islamic law was also pioneered and disseminated by Imam Malik. Imam Malik, according to Abu Zahrah, often uses the Sadd al-Dzariah principle in many legal products that are produced<sup>28</sup>. Imam Malik and Imam Ahmad made Sadd al-Dzariah the original rule in their respective schools of thought. Unlike the case with Hanafiyah and Syafi'iyah, which only use it in branch areas.

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<sup>23</sup>Al-Zuhaili, p. 873-874.

<sup>24</sup>Al-Ghazali, *Al-Mustaṣfa Fi'Ilm Al-Uṣūl*, p. 338.

<sup>25</sup>Al-Maliki, *Al-Muwafaqat Fi Uṣūl Al-Syari'ah*, p. 27.

<sup>26</sup>Khallaf, *Mashadir Tasyri' Al-Islami*, p. 70.

<sup>27</sup>Al-Ghazali, *Al-Mustaṣfa Fi'Ilm Al-Uṣūl*, p. 327&338.

<sup>28</sup>Zahrah, *Uṣūl Al-Fiqh*, p. 345.

### 3. Variety of Classification of Maslahah and Sadd al-Dzariah

Regarding the term maslahah in the field of fiqh proposals, the scholars have divided it into three parts, namely maslahah mu'tabarah, maslahah mulghah and maslahah mursalah.<sup>29</sup> *Maslahah* mu'tabarah, namely maslahah that has syar'i legitimacy (stated clearly in the text).<sup>30</sup> While maslahah mulghah is maslahah that does not have the legitimacy of sharia (contrary to sharia). Like QS. Al-Nisa: 11 which means: Allah prescribes for you about (the division of inheritance for) your children, namely: the share of a son is equal to the share of two daughters. Making maslahah al-taswiyah on this verse by equating the male and female parts in inheritance is a form of maslahah mulghah, and this should not be.<sup>31</sup> While Maslahah Mursalah is decision making based on benefit as part of the objectives of the Shari'a which basically there is no specific text that acknowledges or even rejects it.<sup>32</sup> Each of the three maslahahs has its own status and position in Islamic law.

As for the level, the scholars divide maslahah into three other parts, namely maslahah dharuriyah, maslahah hajiyah and maslahah tahsiniyah. Maslahah dharuriyah is a maslahah that is closely related to human goodness both for worldly affairs and the affairs of the hereafter, such as maintaining the five principles of benefit.<sup>33</sup> Maslahah hajiyah is a maslahah that brings relief in the maintenance of individual basic needs, such as relief for summarizing prayers and breaking the fast for those who are on their way.<sup>34</sup> Maslahah tahsiniyah is a maslahah that provides flexibility to cover previous problems, such as taking vitamins and dressing well.<sup>35</sup>

Meanwhile, al-Dzariah, the scholars divide it into two groups, namely based on the weight of its mafsadat and natijah. Based on the weight of kemafsadatnya, al-Dzariah is divided into four types: al-Dzariah which absolutely / definitely plunges into kemafsadat. For example, digging a hole in the road with the intention that people who pass through it can fall into the hole for sure; al-Dzariah which predominantly brings benefit compared to its mafsadat/nadir al-mafsadah. For example, seeing the (face) of the proposed woman, planting grapes and digging wells in places that are rarely touched; al-Dzariah which dominantly brings harm than benefit. For example selling weapons to the enemy in critical conditions; al-Dzariah which usually brings

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<sup>29</sup>Taufiqur Rohman, "Kontroversi Pemikiran Antara Imam Malik Dengan Imam Syafi' i Tentang Maslahah Mursalah Sebagai Sumber Hukum" 19, no. 1 (2017): 73–90, <https://doi.org/10.21580/ihya.18.1.1743>, p. 75.

<sup>30</sup>Khallaf, *Mashadir Tasyri' Al-Islami*, p. 71.

<sup>31</sup>Khallaf, p. 72.

<sup>32</sup>Al-Hanbali, "Taisir Al-Wusul Ila Qawa'id al-Usul.", p. 345.

<sup>33</sup>Ahmad Qorib et al., "Penerapan Maslahah Mursalah Dalam Ekonomi Islam," *Analytica Islamica* 5, no. 1 (2016), p. 76.

<sup>34</sup>Qorib et al, p. 76.

<sup>35</sup>Khallaf, *Mashadir Tasyri' Al-Islami*, p. 71.

benefit, but sometimes also brings harm.<sup>36</sup> In this matter there is a difference of opinion between the two groups of priests of the madhhab; Imam Syafi'i and Imam Abu Hanifah allow buying and selling with this system based on the law of origin of the sale and purchase itself. While Imam Malik and Imam Ahmad forbid it.<sup>37</sup> According to Khalid Abdullah al-Muslih, al-Dzariah which is forbidden based on this division are points 1 and 3. He also added that al-Dzariah which has the same quantity of maslahat and mafsadat is included in the forbidden al-Dzariah. In general, he emphasized that there is no provision of intention in performing *al-Dzariah al-iftiha ila al-mafsadah*, but it is considered sufficient with the passage of customs in the area.

#### 4. The Validity of Maslahah Mursalah and Sadd al-Dzariah as Legal Digging Tools and Instruments

The consensus of scholars states that the issue of worship<sup>38</sup> does not give the slightest opportunity to be entered by qiyas, Maslahah Mursalah and Istihsan. The reason is, reason (al-ijtihad bi al-ra'y) is not the way to find the specific benefit of each provision contained in it. As for aside from matters of worship, the scholars from across the sects themselves are not completely one voice in legitimizing Maslahah Mursalah as the basis for establishing a sharia law.<sup>39</sup>

Imam Malik, Imam Ahmad and those who agree with them agreed to use Maslahah Mursalah. According to them, Maslahah Mursalah is a method that is legitimized by the Shari'a to find a determination in an issue that is not found in either the text or the consensus.<sup>40</sup> In theory, Imam Malik himself is a well-known scholar in using Maslahah Mursalah. This was later recognized by one of the followers of his school, Al-Shatibi. According to him, Imam Malik uses Maslahah Mursalah in matters referring to the ability to reach the mind and always prioritize sharia principles and stay away from conflicts with Islamic teachings.<sup>41</sup> Likewise with Imam Ahmad, Ibn al-Qayyim as a scholar of the Hanabilah school revealed that all syara issues related to muamalah (which have no provisions in the text) can be formulated by prioritizing benefit and avoiding harm.<sup>42</sup>

However, this is not the case with Imam Shafi'i and those who agree with him. They expressed their disapproval of the use of Maslahah Mursalah. His popular slogan is "Whoever is

<sup>36</sup>Al-Din, p. 250.

<sup>37</sup>Al-Zuhaili, *Uṣūl Al-Fiqh Al-Islami*, p. 885-892.

<sup>38</sup>Khallaf, *Mashadir Tasyri' Al-Islami*, p. 73.

<sup>39</sup>M Syakroni, "METODE MASHLAHAH MURSALAH DAN ISTISHLAH (STUDI TENTANG PENETAPAN HUKUM EKONOMI ISLAM)," *AL-INTAJ* 3, no. 1 (2017): 187–201, p. 189.

<sup>40</sup>Mohammad Rusfi, "Validitas Maslahat Al-Mursalah Sebagai Sumber Hukum," *AL-'ADALAH* XII, no. 1 (2014), p. 70.

<sup>41</sup>Qorib et al., "Penerapan Maslahah Mursalah Dalam Ekonomi Islam.," p. 58.

<sup>42</sup>Qorib et al., p. 61.



in Maslahah Mursalah, he has made the Shari'a, just like those who do Istihsan. Maslahah Mursalah is like istihsan, following the will of lust".<sup>43</sup> However, other sources say that this information is wrong. Imam Haramain and Imam al-Ghazali as followers of the Shafi'iyah school denied this. According to them, Imam Shafi'i in fact used Maslahah Mursalah when deciding a law in his time. For example, when a number of witnesses testified in court that a husband had done talak to his wife three times until the court decided on their divorce on the testimony claim. Furthermore, a number of witnesses appeared before the court and said that the claim the other day was not true. Since this issue is not specifically found in the Qur'an, nor in the Hadith, then based on considerations of benefit, Imam Shafi'i decided that the witness should be fined for causing harm to the couple.<sup>44</sup>

While the Hanafiyah school, based on opinions that are well-known in the literature of this school, the Hanafiyah do not accept Maslahah Mursalah, they also do not recognize Maslahah Mursalah as a syara argument.<sup>45</sup> However, in Ibn Qudamah's view, some of the scholars following this school have used it.<sup>46</sup> Although the claim of the Hanafiyah school to deny Maslahah Mursalah is quite well-known, the fact that this school uses istihsan cannot be ignored. Of course, it is understood that one of the divisions of istihsan is istihsan bi al-maslahat, namely istihsan which is referred to benefits based on text or results of ijtihad which in application has the same relationship with Maslahah Mursalah.<sup>47</sup>

Indeed, apart from the time of the Prophet, the use of Maslahah Mursalah also took place at the time of the companions, tabi'in and mujtahid priests. Among the forms of Maslahah Mursalah that were carried out by the Companions were Abu Bakr who collected separate manuscripts and fought people who were reluctant to pay zakat; Umar bin Khatab who validated three divorces with just one sentence and prevented converts from giving zakat; Usman bin 'Affan who recorded and distributed manuscripts and burned other manuscripts; Ali bin Abi Talib who burned the Rafidah Shiites.<sup>48</sup> Meanwhile, the forms of Maslahah Mursalah during the tabi'in and mujtahid times included: Malikiyah which allowed the detention of defendants until a court decision was issued; Another is Syafi'iyah which requires kisas against all members of the group who committed the murder of one person.<sup>49</sup>

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<sup>43</sup>Khallaf, *Mashadir Tasyri' Al-Islami*, p. 73.

<sup>44</sup>Qorib et al., "Penerapan Maslahah Mursalah Dalam Ekonomi Islam.", p. 62.

<sup>45</sup>Rusfi, "Validitas Maslahat Al-Mursalah Sebagai Sumber Hukum.", p. 70.

<sup>46</sup>Qorib et al., "Penerapan Maslahah Mursalah Dalam Ekonomi Islam.", p. 78.

<sup>47</sup>Rusfi, "Validitas Maslahat Al-Mursalah Sebagai Sumber Hukum.", p. 70.

<sup>48</sup>Khallaf, *Mashadir Tasyri' Al-Islami*, p. 85-86.

<sup>49</sup>Khallaf, p. 86.

The entire sequence of forms of using Maslahah Mursalah above is not covered by any *syara'* arguments; no one commands, no one forbids. Maslahah Mursalah users believe that there is benefit to what they have been punished for. So in commenting on this, Al-Qarafi stated "indeed the companions did things that contained absolute benefit but were not based on the underlying argument".<sup>50</sup> The form of implementation of Maslahah Mursalah itself according to Hallaq is not difficult. In the matter of private ownership, for example, in some circumstances where the explanation is not found in the arguments, by reviewing the general principles, we can do Maslahah Mursalah.<sup>51</sup>

Like Maslahah Mursalah, the scholars do not entirely agree on the use of Sadd al-Dzariah as the basis for extracting sharia law. Some fully support it, some only use it in part of the problem, some even reject it. Imam Malik and Imam Ahmad are of the opinion that *dzara'i* is the foundation of *ushul fiqh*. Even Ibn al-Qayyim strengthened it with his famous statement "إن الذرائع الدين", in fact Sadd al-Dzariah is a quarter of religion. Likewise with the Shia. While Imam Hanafi and Imam Shafi'i in some cases use Sadd al-Dzariah, while in other cases do not use it. This can be seen from the story perpetuated by Wahbah Zuhaili in *Usul al-Fiqh al-Islami*. Once, Imam Shafi'i left the sacrifice because he was afraid there would be an assumption that he was obligated. Different attitude with buying and selling the death system, he does not use Sadd al-Dzariah because of the vagueness of *qasd al-mamnu'* in this case and believes that Ayesha's Hadith is only his *ijtihad*. Unlike Imam Malik and Imam Ahmad bin Hanbal, they use Sadd al-Dzariah because it is clear *qasd al-mamnu'* in *bai' al-ajal* and adheres to the Hadith of Ayesha.<sup>52</sup> Unlike the case with Ibn Hazm al-Dzahiri, he did not accept Sadd al-Dzariah as a method of seeking law. The reason he rejects Sadd al-Dzariah is because it is part of the chapter on *ijtihad*.<sup>53</sup>

The scholars who legitimize Sadd al-Dzariah as a foothold in exploring the law note that this method is only applied to something that is really intended for things that are prohibited by the Shari'a, such as buying and selling with the intention of usury, donating inheritance to avoid inheritance provisions. prescribed and others. Because basically, both Sadd al-Dzariah and *ijab (fath) al-Dzariah* aim to guard against what has been prescribed or prohibited, not to create a new Shari'a as alleged by Ibn Hazam. Furthermore, Wahbah Zuhaili revealed "whoever intends to destroy the provisions of the Shari'a, opposes the provisions of the Shari'a and justifies something that is forbidden, then this is rejected".<sup>54</sup> Among the forms of Sadd al-Dzariah are the

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<sup>50</sup>Khallaf, p. 86.

<sup>51</sup>Hallaq, *The Origins and Evolution of Islamic Law*, p. 146.

<sup>52</sup>Al-Zuhaili, *Uṣūl Al-Fiqh Al-Islami*, p. 889, 895-896.

<sup>53</sup>Al-Zuhaili, p. 888-903.

<sup>54</sup>Al-Zuhaili, p. 909.

inability to look at women because it is feared that it can lead to adultery, the inability to give gifts to judges when the case has not been decided for fear that this will affect the resulting decision.<sup>55</sup>

As something that is postulate, to determine the level of maslahah, it seems that there is a need for a reference as a starting point for law diggers in using Maslahah Mursalah. The requirements set by Abd al-Wahhab al-Khalaf are: maslahah must be based on a definite count, not mere conjecture. This is intended so that the goal of maslahah itself is achieved properly, namely to benefit and avoid harm; Maslahah must cover many people, not just a few. This is intended so that the benefit reaches the people in general, not just a small group; Maslahah does not conflict with the provisions that have been assigned or the agreed agreement. Therefore it is not valid maslahah that equates the share of men and women in terms of inheritance, this is what is called maslahah mulghah.<sup>56</sup>

Likewise with Sadd al-Dzariah. In using it, the law explorer must start on its pillars, namely: something that is not prohibited based on its substance. This section is divided into three: a) the purpose of the act is for himself, such as buying and selling ajil; b) the intention of the act is not for himself, such as insulting the gods of others; c) his actions become the reason for making him an intermediary to do something, such as stamping his feet for women; there is a strong suspicion that certain actions are intermediaries for something that leads to evil; the forbidden act itself. That is, if the act is clearly prohibited, then the intermediary is also prohibited.<sup>57</sup>

## 5. The Existence of Maslahah Mursalah and Sadd al-Dzariah in the Hadith of the Prophet

Hadith, as an authoritative document regarding the words, deeds and decrees of the Prophet as well as data that can be a liaison between him and his people,<sup>58</sup> in substance it turns out to contain Maslahah Mursalah and Sadd al-Dzariah. This is evident in his saying about the year. although methodologically, these two tools of law digging did not exist at the time of the Apostle. He actually knew that ta'un was a contagious plague. Transmission can occur when one person with another is in the same environment. In this case, the Prophet wanted social distancing as well as physical distancing. This is where the Maslahah Mursalah principle is used.

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<sup>55</sup>Al-Zuhaili, p. 878.

<sup>56</sup>Khallaf, *Mashadir Tasyri' Al-Islami*, p. 86.

<sup>57</sup>Al-Burhani, p. 103-122.

<sup>58</sup>Jennifer Boutz, Hannah Benninger, and Alia Lancaster, "Exploiting the Prophet's Authority: How Islamic State Propaganda Uses Hadith Quotation to Assert Legitimacy," *Studies in Conflict & Terrorism*, no. 1 (2018), <https://doi.org/10.1080/1057610X.2018.1431363>, p. 12-13.

He also knew that trying to run away from the plague was a wrong decision, because doing so would only increase the chances of getting infected from other people. And in this section Sadd al-Dzariah is used. This is as stated in his words which were enshrined by many Hadith scholars, including Imam Bukhari and Imam Muslim.

In the book can be found hadits said:

*Had told us Abdullah bin Yusuf had informed us Malik from Ibn Shihab from Abdullah bin 'Amir that Umar had traveled to Sham, when he arrived at the Sargha area, it was informed to him that the country of Sham was afflicted with a contagious disease, then Abdurrahman bin 'Auf informed him that the Messenger of Allah (sallallahu 'alayhi wa sallam) said: "If you hear that a plague is infecting a country, then do not go there, but if it infects a land and you are in it, then do not go out and run from it. (Narrated by Bukhari).<sup>59</sup>*

In the book can be found hadits said:

*Having told us Yahya bin Yahya he said; I read the Hadith of Malik from Muhammad bin Al Mukandir and Abu An Nadhr the slave of 'Umar bin 'Ubaidillah from 'Amir bin Sa'ad bin Abu Waqqash from his father that he heard him ask Osama bin Zaid 'What did you hear from the Messenger of Allah -peace and prayer of Allah be upon him- about Ta'un disease? ' replied Osama; The Prophet sallallahu 'alaihi wasallam said: "Ta'un (the cholera epidemic) is a kind of punishment (torment) that Allah sent down to the Children of Israel or to the people before you. So when you hear that the disease of the year has spread in a country, do not you come to that land. And when the disease is contagious in the land where you are, do not go out of the land to escape from it.' Abu an-Nadlar said; "Do not flee from it except to save yourself. (HR. Muslim).<sup>60</sup>*

## 6. Ta'un Hadith and Theory of Precedent in Law

The two Hadiths above were narrated by narrators who met the criteria for the validity of the Hadith, both Bukhari and Muslim criteria. The narrators in Bukhari's history for example, Abdullah bin Yusuf who chewed Abu Muhammad was a level ten narrator who met Bukhari directly in Egypt in 217 and died the following year, ie 218 H in the same place. According to Abu Hatim, he is a thiqah. Meanwhile, according to Yahya bin Ma'in, he is an authaq al-nas.<sup>61</sup> Likewise with Malik bin Anas bin Malik bin Abi Amir bin Amr bin Haris who chewed Abu Abdullah. He is an athbat ashab al-Nafi' figure who is at level seven and according to Muhammad bin Ishaq, the most valid sanad is Malik from Nafi' from Ibn 'Umar.<sup>62</sup> Next is Ibn Shihab. His real name is Muhammad bin Muslim bin Ubaidillah bin Abdullah bin Shihab bin

<sup>59</sup>Al-Bukhārī, *Al-Jami' Al-Sahih Al-Mukhtasar*, p. 1123.

<sup>60</sup>Muslim bin Hajaj Al-Naisaburi, *Sahih Al-Muslim* (Riyad: Bait al-Afkar, 1998), p. 910.

<sup>61</sup>Al-'Asqalani, *Bad'ul Ma'un Fi Fadhl Al-Ta'un*, p. 461.

<sup>62</sup>Al-'Asqalani, p. 6-7.

Abdullah bin Harith. It has the chew of Abu Bakr. The level is at level four. According to Bukhari he narrated about a thousand Hadith.<sup>63</sup> Next, Abdullah bin Amir bin Rabi'ah, when he was a child he met the Prophet and died in 65 H. According to Abu Zar'ah, he was a thiqah.<sup>64</sup> Finally, Abdurrahman bin 'Auf, he was a friend of the Apostle who narrated Hadith from two people, namely the Prophet himself and Umar. He was a rich and generous friend, so he donated five hundred horses for jihad purposes.<sup>65</sup> Mujarrihin and Mu'addilin (scholars who evaluate the narrators of Hadith) in explaining the personality of the narrators from among the companions simply say "friends". The reason is that the integrity of the Prophet's companions does not need to be questioned anymore.

Al-Bukhari as a Hadith holder who is in the fourth generation/level has a proven authority and reputation. He is considered to have stricter requirements in accepting the transmission of Hadith compared to other scholars, both contemporaries and those after him. So because of this tightness, the number of Hadiths that were originally so many, then he was selected based on his provisions until finally only a small part was chosen.<sup>66</sup> In providing an interpretation of a Hadith, the way that Al-Bukhari took was through the classification he did on the selected narrations. By entering a specific title in the subject column, it is considered that it can reduce the ambiguity of a text.<sup>67</sup> Therefore, Al-Bukhari gave the title "Treatment" to this Hadith. This indicates the Hadith contains material about treatment, prevention or solution in it.

Actually, the focus of this research is not on the quality of the sanad or matan of Hadith, but how the essence of Hadith is comprehensively weighed based on the essence of its matan itself. Thus, it would not be substantial to describe the narrators' judgments at length. It will only make the discussion too broad. Therefore, the author only performs takhrij saghir on the two Hadiths (only limited to showing the original source of the two Hadiths). Nevertheless, all of the Hadiths narrated by the two Imams in their respective Sahih books are claimed to be valid by the majority of scholars, including the confessions of Muslims themselves in their Sahih Muslim preambles.

The two Hadiths above were narrated by different Hadith scholars. The first Hadith was narrated by Bukhari, while the second Hadith was narrated by Muslim. The editorials of the two

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<sup>63</sup>Al-'Asqalani, p. 696-697.

<sup>64</sup>Al-'Asqalani, p. 361-362.

<sup>65</sup>Al-'Asqalani, p. 540-541.

<sup>66</sup>Sarah Z Mirza, "The Peoples' Hadith: Evidence for Popular Tradition on Hadith as Physical Object in the First Centuries of Islam," *Arabica* 63, no. 2 (2016): 58, <https://doi.org/10.1163/15700585-12341382>, p. 58.

<sup>67</sup>Youshaa Patel, "Whoever Imitates a People Becomes One of Them': A Hadith and Its Interpreters," *Islamic Law and Society* 25, no. 1 (2018), <https://doi.org/10.1163/15685195-00254A01>, p. 20-21.

Hadiths basically have the same meaning, namely the order not to go to areas affected by the infectious outbreak and also the order not to leave the area affected by the infectious outbreak. If examined further, the Hadith narrated by Muslim explains the Hadith narrated by Bukhari, which in Ali Mustafa Yaqub's terms is called *mubayyan*, meaning the editorial of the Hadith whose meaning is not clearly explained by the editor of the Hadith whose meaning is clear. This can be seen from the history of Bukhari who uses the "al-waba" editorial, while Muslims use the "al-ta'un" editorial. Therefore,

The two Hadiths are also strongly indicated as precedents for *Maslahah Mursalah* and *Sadd al-Dzariah*. In a simpler sentence, by precedent, *Maslahah Mursalah* and *Sadd al-Dzariah* are correct because their theories in the form of living Hadith and living law already exist and are carried out by the Prophet. Thus, these two Hadiths can remain actual and relevant to the values, theories and principles of life in contemporary times, including during the current pandemic.

### 7. The Polemic of Ta'un Termonology and the Scope of Its Coverage

Ibn Hajar al-'Asqalani in *Bazl al-Ma'un fi Fadhl al-Ta'un* quotes al-Jauhari's opinion on the meaning of ta'un. According to al-Jauhari, ta'un is an infectious disease that can cause mass death, for example an epidemic (epidemic).<sup>68</sup> Next, Ibn Hajar said that ta'un has many types and characteristics. This is as he quoted from the opinion of several scholars, including Ibrahim al-Harabi, Ibn al-'Arabi, Abu al-Walid al-Baji, Khalil bin Ahmad, Ibn al-Tin, Ibn al-Asir and 'Yad. According to Ibrahim al-'Arabi, ta'un is a purulent disease that Allah gives to whomever He wills. Next, according to Ibn al-'Arabi, ta'un is a kind of disease that has the potential to kill one's life, such as being slaughtered. Meanwhile, according to Abu al-Walid al-Baji, ta'un is a disease that is generally suffered by most human beings based on different causes, therefore the disease is also different. Furthermore, according to Khalil bin Ahmad, ta'un is a contagious epidemic (epidemic). Then according to Ibn al-Asir, Ta'un is a common disease and plague that attacks the respiratory system and can weaken the immune system. Finally, according to 'Yad, ta'un was originally a disease with the criteria for discharge of pus from the body. Every year is a plague, but not every plague is a year. He continued, the plague that hit the area of Sham contained in the Hadith was ta'un, to be precise ta'un 'amwas and it was pus.<sup>69</sup>

Based on what the scholars have explained about the types and characteristics of ta'un above, it can be concluded that it does not consist of only one type. This may be because ta'un has occurred several times at different times and places. Therefore, ta'un is not limited to

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<sup>68</sup>Al-'Asqalani, *Badz'l Al-Ma'un Fi Fadhl Al-Ta'un*, p. 95.

<sup>69</sup>Al-'Asqalani, p. 95-97.

diseases that cause the discharge of pus from the body or diseases that attack the respiratory system, but all infectious diseases that can cause mass death. If you pay attention, the nature or symptoms of the year described by Ibn al-Asir and 'Yad have similarities with Covid-19 which is now engulfing the world. Both Ta'un and Covid-19 are part of a contagious epidemic that attacks the respiratory system and weakens the immune system and further causes death in large numbers.

### **8. The Malignancy of the Ta'un Plague in the History of Islamic Civilization**

Apart from the assumption of ta'un as a mercy and proof of Allah's omnipotence for those who believe in Him and punishment for those who do not believe in Him, this epidemic disease in the history of Islamic civilization has indeed occurred several times. This is as stated by Ibn Hajar which he quoted from various Hadith, including: 1) From Abi bin Abi Talib, he said that one of the Prophets was disobeyed by his people. Then Allah sent down a year that scorched their hearts and made them few in number (because of the many who died);<sup>70</sup> 2) Allah gave revelation to Prophet David in the form of an option to punish his people for the disobedience they had committed. Allah offers three options, namely (a) famine in two years, (b) make them hostile to each other in two months, (c) send down the year for three days. By considering a lighter punishment for his people, Prophet David chose the third option;<sup>71</sup> 3) The punishment received by the Pharaohs as contained in the Hadith Utsama is ta'un. In an instant, the death toll from this plague was twenty thousand. According to another opinion seventy thousand.<sup>72</sup> From several examples of the events of the year that were conveyed by Ibn Hajar, it was generally revealed to the Children of Israel for their disobedience, either to their Prophet or their Lord. Ibn Hajar also emphasized that each of the Hadiths mentioned above are all narrated by thiqah narrators.

Next, Saifuddin Zuhri Qudsy and Ahmad Sholahuddin recounted several disease events that plagued the Umayyad and Abbasid dynasties in power, including years. The following are among them: 1) Syirawaih which occurred in 627-628 AD in Persia. The type of disease was not identified with the number of victims not recorded by history. But the Persian King was confirmed to have died from the plague; 2) Amwas which occurred in 639 AD in Sham. The type of disease was bubonic plague and the death toll was estimated at 25,000, including Bilal bin Rabbah, Haris bin Hisham and Suhail bin 'Amr; Torrent Plague that occurred in 689 AD in Basrah. The type of disease is bubonic plague and the death toll is estimated at 253,000,

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<sup>70</sup>Al-'Asqalani, p. 82.

<sup>71</sup>Al-'Asqalani, p. 82.

<sup>72</sup>Al-'Asqalani, p. 85

including Abu Aswad al-Duali, 83 children of Anas bin Malik, 40 children of Abu Bakr bin Abdurrahman; 3) Greetings Qutaibah bin Sa'id which occurred in 748 AD in Basra. The type of disease is bubonic plague and the death toll is around 1,000 people every day for two consecutive months;<sup>73</sup> 4) The plague that occurred in 455 AD in Egypt. The number of people who died in one day was 1,000 and this plague lasted for 10 months; 5) The plague that occurred in 469 AD in Damascus. Of the total population of 50,000 people, only 3,500 remain;<sup>74</sup>

Regarding the data regarding the epidemic, both during the Umayyad period and during the Abbasid period, Saifuddin Qudsy and Ahmad Sholahuddin did not mention it in full. It may be because the data regarding this matter is not found. The calculation of the death toll written in each outbreak is estimated to be based on mere speculation, regardless of the strength or weakness of the speculation. Even during the Abbasid period, the type of plague was not mentioned. But at least it can be concluded that in the history of Islamic civilization, infectious disease outbreaks have occurred several times and caused many casualties. A wide and limited discussion of the events of the ta'un epidemic in the history of Islamic civilization can be seen in Bazl al-Ma'un fi Fadhl al-Ta'un, pages 361-370.

### **9. How to Protect Yourself from the Plague of the Year in the Theory of Precedent**

Talking about ways means talking about business. As the saying "every disease has a cure", so is the plague. If our plague is equivalent to a disease, then "every plague has a way to deal with it". The Messenger of Allah has actually given his people a clue to do things that are considered an effort to avoid the plague. The methods offered and ordered by the Apostle are solutions that are still very relevant to the present, the time when the Covid-19 outbreak still exists on this earth. In principle, the solution of the Messenger of Allah is Sadd al-Dzariah (closing the road to forbidden acts) and Maslahah Mursalah (making decisions based on benefit to avoid harm).

Based on the Hadith narrated by Bukhari and Muslim above, firmly, concisely and clearly, the Prophet only gave two solutions when the year became a plague for mankind, namely the first command not to go to the area affected by the plague, the second command not to leave the area. affected by it. These two solutions from the Messenger of Allah are essentially essential things which are then referred to as the Sunnah principles which require someone to

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<sup>73</sup>Qudsy and Sholahuddin, "Kredibilitas Hadith Dalam COVID-19: Studi Atas Bazl Al-Mau'n Fi Fadhli Al-Ta'un Karya Ibnu Hajar Al- Asqalany.", p. 8.

<sup>74</sup>Qudsy and Sholahuddin, p. 9-11.



practice them.<sup>75</sup> Both are the parent of derivative solutions, such as social distancing and physical distancing.

If examined more deeply, this Hadith has 'illat mustanbatah, which is a hidden illat that must be sought through the process of ijihad.<sup>76</sup> As for the 'illat hidden in this Hadith, it is contagious, meaning that the Prophet's knowledge that the plague of the year was a contagious plague and it was very dangerous. Based on this consideration, the Messenger of Allah ordered his people to try their best to avoid the plague by not approaching it but not trying to run away from it, because this actually increases the chances of getting infected and spreading it.

Social distancing At the same time, physical distancing, which was taught in principle by the Prophet Muhammad in avoiding the plague this year, has also been implemented by doctors and scholars in the past of Muslim civilization. For example, Mrs. Hajar revealed that doctors have crystallized this principle in many ways, including removing objects that have high humidity, minimizing food portions, not doing sports (outside the house), being alone in the bathroom, getting used to being calm and still praying. and not to breathe more bad air contaminated by the plague.<sup>77</sup> This was then reinforced by scholars who revealed that the prevention of the plague infection could be done by avoiding physical contact with people infected with the plague.<sup>78</sup>

The doctor's directions and the recommendations of the scholars above were actually conveyed to prevent the transmission of the plague which is substantially the teachings of the Prophet Muhammad. However, this does not mean that you have to abandon your rights and good relations with one another. According to Ibn Hajar, as a religious person, of course, good attitudes towards those infected with the plague must be prioritized. Among these good attitudes are (a) praying for their recovery, (b) motivating them to always be patient and happy with the provisions that Allah has given, (c) motivating them to keep having a good attitude towards Allah, (d) visiting and treating them well.<sup>79</sup> For this last point, the author views the need for contextualization of attitudes. In substance, this point recommends visiting those infected with the plague. Therefore, visiting in this context is done virtually, there is no direct physical contact. This is intended to minimize the massive transmission of the epidemic.

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<sup>75</sup>Abdessamad Belhaj, "The Sunna and Its Status in Islamic Law : The Search for a Sound Hadith," *Islam and Christian-Muslim Relations* 28, no. 3 (2017), <https://doi.org/10.1080/09596410.2017.1320029>, p. 401.

<sup>76</sup>Ali Mustafa Yaqub, *Al-Turuq Al-Ṣaḥīḥah Fi Fahm Al-Sunnah Al-Nabawiyyah*, 2nd ed. (Jakarta: Maktabah Dār al-Sunnah, 2016), p. 54.

<sup>77</sup>Al-'Asqalani, *Badʿ al-Maʿun Fi Fadhl al-Taʿun*, p. 340.

<sup>78</sup>Al-'Asqalani, p. 343.

<sup>79</sup>Al-'Asqalani, p. 345-352.

As a result, Maslahah Mursalah and Sadd al-Dzariah have in principle been used by the Messenger of Allah in the Hadith about this year. The substance of the two Hadiths is still very relevant to be practiced both textually and contextually, especially during this Covid-19 outbreak. Many of the scholars understand this Hadith with a variety of flexible and innovative understandings. So as stated above, the Messenger of Allah only gave the 'principle of preventing transmission', related to the explanation, of course it was left to the people who lived in a period where this year's epidemic struck.

### C. Conclusion

The ta'un hadith set a precedent for the validity of the Maslahah Mursalah and Sadd al-Dzariah theories in Islamic law. This Hadith is a living Hadith and living law which in theory, values and principles are still relevant to be practiced in contemporary times, including during a pandemic like today. The steps stated in the Hadith can be applied textually with some necessary adjustments without losing their substance. The principles of Maslahah Mursalah and Sadd al-Dzariah in the Hadith of that year, respectively, are reflected in the editorial "if you hear that the epidemic is infecting a country, then do not go there" and "if it infects a country and you are in therein, so do not go out and flee from it." This word is based on the Prophet's knowledge of the disease of the year as a contagious plague that requires a person to maintain a distance (physical distancing) while avoiding crowds (social distancing). It the time of pandemic, it may be applied as a systematic health quarantine.

### BIBLIOGRAPHY

- Al-'Anzi, Su'ud bin Mulluh Sultan. "Sadd Al-Dzarai' 'inda Al-Imam Ibnu Qayyim Al-Jauziyyah Wa Atsaruh Fi Ikhtiyaratih Al-Fiqhiyyahh." Oman: Dar al-Atsariyyah, 2007.
- Al-'Asqalani, Ahmad bin 'Ali bin Hajar. *Bad'ul Al-Ma'un Fi Fadhl Al-Ta'un*. Riyad: Dar al-'Asimah, n.d.
- Al-Bukhārī, Muḥammad bin Ismā'īl Abū'Abdillāh. *Al-Jāmi' Al-Ṣaḥiḥ Al-Mukhtaṣar*. Beirut: Dār Ibn Kaṣīr, 1987.
- Al-Burhani, Muhammad Hisyam. "Sadd Al-Dzara'i Fi Al-Syariah Al-Islamiyah." Damaskus: Dar al-Fikr, 1985.
- Al-Buti, Muhammad Sa'id Ramadan. "Dhawabit Al-Maslahah Fi Al-Syari'ah Al-Islamiyah." Muassasah al-Risalah, n.d.
- Al-Ghazālī, Muḥammad bin Muḥammad. *Al-Mustaṣfā Fi'Ilm Al-Uṣūl*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1413.
- Al-Hanbali, 'Abd al-Mu'min bin 'Abd al-Haq al-Baghdadi. "Taisir Al-Wusul Ila Qawa'idal-Usul." Dar al-Fadilah, 2001.

- Al-Maliki, Abi Ishaq al-Syatibi. *Al-Muwafaqat Fi Ushul Al-Syari'ah*. Riyad, n.d.
- Al-Naisaburi, Muslim bin Hajaj. *Sabih Al-Muslim*. Riyad: Bait al-Afkar, 1998.
- Al-Qarafi, Syihab al-Din Abu al-'Abbas Ahmad bin Idris. "Syarh Tanqih Al-Fusul Fi Ikhtisar Al-Mahsul Fi Al-Usul." Beirut: Dar al-Fikr, 2004.
- Al-Zuhaili, Wahbah. *Uşūl Al-Fiqh Al-Islāmi*. Damaskus: Dār al-Fikr, 1986.
- Amin, M. Nur Kholis Al. "Menakar Nilai Kemanfaatan Dari Penangguhan Walimat Al- 'Ursy Di Masa Darurat COVID-19 Melalui Sadd Adz-Dzari'Ah." *Ulumuddin: Jurnal Ilmu-Ilmu Keislaman* 10, no. 1 (2020).
- Ashur, Muhammad Al-Tahir Ibn. *Treatise on Maqas'id Al-Shari'ah*. Mashington: The International Institute of Islamic Thought London, 2006.
- Astutik, Yuni. "Survei: Masih Banyak Orang Indonesia Tak Takut Covid," 2021. <https://www.cnbcindonesia.com/news/20210221155129-4-224985/survei-masih-banyak-orang-indonesia-tak-takut-covid-19>.
- Belhaj, Abdessamad. "The Sunna and Its Status in Islamic Law : The Search for a Sound Hadith." *Islam and Christian-Muslim Relations* 28, no. 3 (2017). <https://doi.org/10.1080/09596410.2017.1320029>.
- Boutz, Jennifer, Hannah Benninger, and Alia Lancaster. "Exploiting the Prophet's Authority: How Islamic State Propaganda Uses Hadith Quotation to Assert Legitimacy." *Studies in Conflict & Terrorism*, no. 1 (2018). <https://doi.org/10.1080/1057610X.2018.1431363>.
- Hallaq, Wael B. *The Origins and Evolution of Islamic Law*. New York: Cambridge University Press, 2004.
- Kamali, Mohammad Hashim. *Shari'ah Law An Introduction*. Oxford: Oneworld Publication, 2008.
- Khallaf, Abd al-Wahhab. *Mashadir Tasyri' Al-Islami*. Kairo: Dar al-Kitab al-'Arabi, 1955.
- Mirza, Sarah Z. "The Peoples ' Hadith : Evidence for Popular Tradition on Hadith as Physical Object in the First Centuries of Islam." *Arabica* 63, no. 2 (2016): 58. <https://doi.org/10.1163/15700585-12341382>.
- Patel, Youshaa. "Whoever Imitates a People Becomes One of Them': A Hadith and Its Interpreters." *Islamic Law and Society* 25, no. 1 (2018). <https://doi.org/10.1163/15685195-00254A01>.
- Prihatin, Intan Umbari. "Belanja Pakai APD 'Astronot' Di Mal, Dua Orang Bikin Takut Sehingga Ditegur Petugas," 2021. <https://m.merdeka.com/peristiwa/belanja-pakai-apd-astronot-di-mal-dua-orang-bikin-takut-sehingga-ditegur-petugas.html>.
- Qorib, Ahmad, Isnaini Harahap, Bisnis Islam, and U I N Su. "Penerapan Maslahah Mursalah Dalam Ekonomi Islam." *Analytica Islamica* 5, no. 1 (2016).
- Qudsy, Saifuddin Zuhri, and Ahmad Sholahuddin. "Kredibilitas Hadith Dalam COVID-19: Studi Atas Bazl Al-Mau'n Fi Fadhli Al-Ta'un Karya Ibnu Hajar Al- Asqalany." *Al-Quds Jurnal Studi Alquran Dan Hadis* 4, no. 1 (2020). <https://doi.org/10.29240/alquds.v4i1.1476>.
- Rohman, Taufiqur. "Kontroversi Pemikiran Antara Imam Malik Dengan Imam Syafi ' i Tentang Maslahah Mursalah Sebagai Sumber Hukum" 19, no. 1 (2017): 73–90. <https://doi.org/10.21580/ihya.18.1.1743>.
- Rusfi, Mohammad. "Validitas Maslahat Al-Mursalah Sebagai Sumber Hukum." *AL-'ADALAH* XII, no. 1 (2014): 63–74.
- Supriyatna, Iwan. "Aksi Borong Sembako Karena Takut Corona Picu Kenaikan Harga," 2021. <https://www.suara.com/bisnis/2020/03/03/155153/aksi-borong-semako-karena-takut>

corona-picu-kenaikan-harga?

Syakroni, M. "METODE MASHLAHAH MURSALAH DAN ISTISHLAH (STUDI TENTANG PENETAPAN HUKUM EKONOMI ISLAM)." *AL-INTAJ* 3, no. 1 (2017): 187–201.

Syaputra, Elvan, Faridl Noor Hilal, Muhammad Febriansyah, Issa Qaed, Muhammad Majdy Amiruddin, Muhammad Ridhwan, and Ab Aziz. "Maslahah as an Islamic Source and Its Application in Financial Transactions." *Quest Journals Journal of Research in Humanities and Social Science* 2, no. 5 (2014).

Yaqub, Ali Mustafa. *Al-Turuq Al-Ṣaḥīḥah Fī Fahm Al-Sunnah Al-Nabawīyyah*. 2nd ed. Jakarta: Maktabah Dār al-Sunnah, 2016.

Zahrah, Muḥammad Abū. *Uṣūl Al-Fiqh*. Beirut: Dār al-Fikr Al-‘Arabī, n.d.