

Movement Control Order (MCO): An Syar'iyah Political Approach

Mohd Zulhazrin Mizan¹

Universiti Kebangsaan Malaysia
rohaidah@fsmf.upsi.edu.my

Ahmad Aizuddin Hamzah³

Faculty of Labuan International Finance, Universiti
Malaysia Sabah

Kauthar Razali⁵

Universiti Sultan Zainal Abidin, Kuala Terengganu,
Malaysia

Mohd Norazmi Nordin⁷

Cluster of Education and Social Sciences, Open
University Malaysia

Suddin Lada²

Faculty of Business, Economics & Accountancy,
Universiti Malaysia Sabah

Nor Adila Mohd Noor⁴

Universiti Teknologi MARA (UiTM) Terengganu,
Dungun Campus, Malaysia

Asrizam Esam⁶

Putra Science Park, Universiti Putra Malaysia

Corresponding author: Universiti Kebangsaan Malaysia Email: mifamaju1234@gmail.com

Abstract

Covid-19 is a pandemic that has been declared by the World Health Organization (WHO) as a pandemic that has claimed many lives around the world. As of January 1, 2021, the world has recorded at least two million infected victims. Implementing the movement control order is one of the best ways implemented by the government today in curbing the Covid-19 epidemic until a vaccine is available. The method of discussion found in this article is based on document analysis by referring to authoritative books, journals, articles, and websites. The study's findings found that the Movement Control Order implemented by the Malaysian government is based on 'Siyasah Syar'iyah' in maintaining and curbing the spread of Covid-19 in Malaysia.

Keywords

Coronavirus, COVID-19, Movement Control Order, Siyasah Syar'iyah

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Introduction

The Covid-19 Pandemic, known as coronavirus that hit the world today, has become a phenomenon that has changed the lives of the world community in various aspects such as socio-administrative, socio-economic, socio-worship, and many more. Implementing the movement control order (MCO) implemented in Malaysia has much impact on the local community. On March 18, 2020, history with a special announcement from the Prime Minister of Malaysia, Tan Sri Muhyiddin Yasin, has declared the Movement Control Order (MCO) implementation throughout the country. This implementation had through the National Security Council (NSC) and the Ministry of Health Malaysia (MOH). It was due to the increased Covid-19 pandemic infection (Tang, 2020). Therefore, an approach to the concept of syar'iyyah politics used in the administration of the Malaysian government today is timely in controlling the spread of this Covid-19 Pandemic. It coincides with the implementation of Islamic law in prioritizing the obligatory matter of taking care of life (*Hifz al-Nafs*). Furthermore, as an Islamic state, the actions were taken by the government also depend on several other methods of fiqh. Therefore, the syar'iyyah political approach in implementing the Movement Control Order (MCO) issued by the government for the people to comply with and obey all standard operating procedures (SOP) based on the concept of obedience to the leader (*ta'at waliyyul amri*) to curb the spread of pandemics. Covid-19 in Malaysia, which hit the whole world today.

Definition of Siyasaḥ Syar'iyyah

Siyasaḥ Syar'iyyah (سياسة الشرعية) comes from two different words. According to Fayyumi (1884), siyasaḥ which is from the Arabic word al-Siyasaḥ from the derivative word (masdar) (ساسة-يسوسو-), means to administer and handle a business, job and so on well. The word siyasaḥ can also use in performing beneficial actions or bringing benefits such as government governance covering administration, economy, social, and so on, as explained by Manzur and Alī (2013). While the word Syar'iyyah is originally the word syara' (شرع), which means something that is confirmed, but in terms of language, it carries the meaning of a straight path or a place of water passage (Shib, 2013). The fuqaha define the word al-Syariah as the law of hakam revealed by Allah s.w.t. to the Prophets for all his servants (Santoso, 2012). Therefore, Siyasaḥ Syar'iyyah can define as an action, method, step in the administration, and governance. According to the Islamic perspective based on Al-Quran and As-Sunnah use to determining law and implemented by the government and followed by the people or society. This approach to administrative governance based on syar'iyyah policy also does not include aspects of administration, health, economy, worship, social, financial, and more to protect and ensure the people's interests, safety, and welfare.

'Maslahah al-'Ammah' in the Face of the Covid-19 Epidemic

'Maslahah ammah,' which carries the meaning of public interest, is a significant focus in the syar'iyyah siyasaḥ approach. The public interest in question is a policy and policy implemented by the government in determining the direction of the country, which must safeguard the interests of the people. It involves legal, educational, economic, social, and so on. In the face of the Covid-19 Pandemic, the Malaysian government has implemented several drastic measures. This action follows the increase in the Covid-19 epidemic that has hit the world, especially in Malaysia. In order to safeguard the public interest, among the measures implemented by the government are:-

1. Movement Control Order (MCO)

The Movement Control Order (MCO), implemented from March 18, 2020, involves all states in Malaysia until May 3, 2020. It is also known as 'Malaysian Quarantine' (Sukumaran, Tashny, 2020). Almost the entire administrative sector stopped involving the economy, education, worship, and society of the people who had to stay at home for long periods.

2. Tightened Movement Control Order (TMCO)

The government also implements MCO in areas identified as having infections. Through the Ministry of Health Malaysia (MOH), these identified and more targeted localities facilitate government affairs, especially the MOH, to investigate and curb the spread of epidemics out of the area.

3. Conditional Movement Control Order (CMCO)

Within weeks of the MCO implemented, the impact on the economic downturn and the social balance of society forced the government to relax restrictions, especially on the economic sector. Its aim to revive economic growth in Malaysia starting on May 4, 2020.

4. Rehabilitation Movement Control Order (MCOP)

Malaysia's success in reducing the incidence of Covid-19 in Malaysia has enabled the government to determine rehabilitation policies for all sectors to provide opportunities for the community, especially to live life as usual despite the set of Standard Operating Procedures (SOP) for all sectors.

5. Movement Control Command 2.0

Once again, Malaysia was shaken by the increase in the Covid-19 epidemic and forced MCO 2.0 in Malaysia to take effect on January 13, 2021. This MCO was implemented throughout Malaysia except in Sarawak, where only a few districts were involved until (January 24, 2021).

6. Amendment of Act 342

Through the implementation of this MCO, the legal aspects were studied. Through act 342 of the federal constitution, the government has amended the act and set the compound rate imposed on offenders who violate the movement control order (MCO) and standard operating procedures (SOP) set by the government.

7. Implementation of Standard Operating Procedures (SOP)

The SOP is a measure to prevent the spread of the Covid-19 epidemic issued by the government to the people. It covers all aspects such as administration, education, economy, religion, society, and many more.

8. Proclamation of Emergency

They are dated January 12, 2021, a declaration of emergency implemented with the consent of DYMM Yang Di-Pertuan Agong following Clause 6A of Article 150 of the Federal Constitution and effective until August 31, 2021, to allow the current government to deal with the Covid-19 epidemic more effectively.

Siyasah Syar'iyah in the Implementation of the Movement Control Order

Maslahah in Islam is to guard, avoid and maintain. Keeping from the occurrence of evil (*mafsadah*) is obligatory. Ghazzali and Ashqar (1997), through the book of al-Mustafa, explains that the obligation to maintain the five primary objectives of sharia are;

With which the judge following the law.

وقال: ومقصود الشرع من الخلق خمسة: وهو أن يحفظ عليهم دينهم ونفسهم وعقلهم ونسلهم وما لهم، فكل ما يتضمن حفظ هذه الأصول الخمسة فهو مصلحة، وكل ما يفوت هذه الأصول فهو مفسدة، ودفعها مصلحة

It means, "The meaning of *maslahah* is to maintain the objectives of Syarak. There are five Islamic objectives for slaves: protecting their religion, life, intellect, lineage, and property. Everything that takes care of these five motions is *maslahah*. Everything that challenges these five proposals is *mafsadah* (evil), and avoiding it is *maslahah*".

In implementing Islamic law, one must adhere to five basic concepts: taking care of religion, life, intellect, lineage, and property. Preserving from the occurrence of damage and harm will provide stability to the life of the community.

To prevent means to prevent (prevent, repel, etc.), to try not to happen ([Dictionary of the House of Commons](#)). The preventive application taken by the government in the COVID-19 Pandemic is the Movement Control Order (MCO). Islam indeed highly demands Prevention-related actions. It follows the method of *usul fiqh*, namely '*sadd al-dhari*,' which means to block the door of damage or destruction ([Subri, 2016](#)). [Al-Janabi \(2021\)](#), Lecturer at Sidi Muhammad bin Abdullah University, Fas, Morocco, stated that prevention of destruction (death) is one of the essential things enshrined Shari'ah in many verses of the Qur'an and hadith. It is evident by the general principles of Islamic Shariah and its objectives, which all scholars agree. The proof is the words of Allah SWT:

وَأَنْفَقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ

Which means, and spend (what you have) for the cause of Allah, and do not throw yourselves into destruction (by being niggardly), and make good your deeds; for verily Allah loves those who strive to improve their deeds (al-Baqarah: 195)

The same is true of other propositions that point to the care of life and body and the need to be careful of things that can lead to human death. Islamic law teaches treatment when an illness occurs, the care of everything that hurts human beings or otherwise, the care of things that happen to prepare for it. That is how the Islamic Shariah teaches all the things that take care of life in this world with the concept of avoiding evil and bringing good. It has proven that the concept of prevention is better than cure. When the epidemic/disease spreads, one should not be disappointed and give up and cause panic and fear in the community. Islamic law has guided in dealing with epidemics as they occur, as it urges prevention before epidemics occur.

[Al-Janabi \(2021\)](#), Lecturer at Sidi Muhammad bin Abdullah University, Fas, Morocco, stated, treatment must take the cause of '*musabbab*,' and it is a definite Islamic requirement. It reaches a mandatory level either in treatment or prevention if feared that it would die. An individual should seek medical and find a suitable medicine to cure his illness with his experts and experts' guidance and experts (physicians) without neglecting spiritual medicine, which many human beings forget. It is because there are diseases that a doctor cannot cure, and the cure is unknown. The Corona Plague (COVID-19) that is befalling humankind now is clear evidence that there is no cure to treat it so far. Islamic law has shown ways to avoid this plague, whether it is physical or spiritual medicine. One of the most substantial reasons to reject this epidemic is to pray to Allah Azza Wa Jalla with repentance, remembrance, prayer, intercession, alms, and recitation of the Qur'an. The power of praying to Allah SWT and asking for healing from Him exceeds the power of medicine. The power of Allah SWT who can prevent the power of poisons that kill as the sickle of Rasullullah SAW who treat companions".

[Wildan \(2021\)](#), Lecturer at Hamad bin Khalifah University, Qatar, said, "Isolation and quarantine are two methods outlined by the Prophet SAW to prevent the spread of epidemics. Plagues and diseases occur less in Islamic countries than in Europe in the fold of history. The cholera epidemic, which killed a quarter of Europe's population, diminished its effects when it reached Muslim countries. The uniqueness of Islam lays down a method of treatment prevention in which the modern medical world recognizes its effectiveness. The western world considers it to have invented this formula when it is rooted in the Islamic faith. Islam on a broad framework in medical issues, treatment, and health aspects that taking care of life, limbs, mind, and mind is a fundamental pillar, where the Islamic Shariah emphasizes it and care and preserve it. That is why Allah SWT ordered His Messenger to take medicine. Allah SWT says: And do not be afraid of the enemies. Meaning, "Do not throw yourselves into the valley of destruction" (Qur'an. Al-Baqarah: 195).

The Sunnah of the Prophet has many hadiths that contain prayers in which Muslims can pray with him to protect themselves from diseases and epidemics. Similarly, relying on God to save oneself from the disease and the plague. For example, the words of the Prophet SAW:

God blesses with the fruit of the womb, and the angels, and the angels, and the wise men.

Meaning, "O Allah, I seek refuge with You from hair loss, insanity, leprosy and the ugliness of disease" (Hadith. Abu Dawud. Chapter Fi al-Istidhah. No. 1554). [Bos \(1993\)](#) said, "The Prophet SAW urged Muslims about the importance of following specific actions in this life to avoid diseases and epidemics from them. In a hadith, the Prophet SAW said:

غَطُوا الْإِنَاءَ وَأَوْكُوا السَّقَاءَ فَإِنَّ فِي السَّنَةِ لَيْلَةٌ يَنْزِلُ فِيهَا وَبَاءٌ لَا يَمُرُّ بِإِنَاءٍ لَيْسَ عَلَيْهِ غَطَاءٌ أَوْ سَقَاءٍ لَيْسَ عَلَيْهِ وَكَاءٌ إِلَّا نَزَلَ فِيهِ مِنْ ذَلِكَ الْوَبَاءِ

It means, "Close the container and close the drink. In a year, there will be one night where the plague descends. He will not pass through an uncovered container, or an uncovered drink unless the plague falls on him "(Hadith. Muslim. Chapter al-Amr Bi Taghtiyat al-Ina 'Wa Ika' al-Siqa 'Wa Ighlaq al-Abwab Wa Dhikri Ismillah Alayha. No. 2014). By following this action, there is no denying that it is a method of prevention in combating any epidemic or disease that may found in open (uncovered) containers or drinks".

It coincides with the objective of Syarak (maqasid al-shari'ah), which among others, is to protect life (hifz al-nafs) and property (hifz al-mal) (Al-Shatibi & Nyazee, 2015). Keeping lives can be realized by barring outsiders from entering places hit by epidemics such as cholera. Similarly, the barrier of a patient prone to the disease from getting out of the place, in turn, can infect others. While taking care of property can be realized by saving money from being wasted to treat patients if preventive measures are not taken (Subri, 2016).

Everything for the maslahah of the ummah is only recommended by syarak if it does not contradict the maqasid al-shariah, protecting the religion, life, intellect, lineage, and property (Al-Shatibi & Nyazee, 2015).

Therefore, when we prevent the spread of this epidemic or infectious disease, preventing those in places where infectious diseases spread or are referred to as quarantine is one of the best measures to avoid more significant harm. Therefore, the government or authoritative bodies must address the issues of epidemic transmission by looking at the problems to the local community and taking into account the factors of the local environment and community conditions. It coincides with a method of fiqh which states:

Deliver the mother to the people in good faith. That is, "The governance of the government over the people must be tied to maslahah" (RUSLI, 2020).

Closing

In conclusion, the government's action in implementing the movement control order (MCO) is an action in the form of the syar'iyah policy. By emphasizing the people's welfare and emphasizing Islamic law is the cornerstone of government administration today.

History has proven several measures to prevent infectious diseases or epidemics based on Islamic law. As 'ulul amri,' it is an obligation to plan, implement and issue orders, policies, and policies in any issue related to the country. Siyasa Syar'iyah is the way to it. The people of society are obliged to obey the order (ta'at waliyul amri) as long as it on Islamic law.

References

- Al-Janabi, M. A. (2021). The Purposes of Islamic Law and Facing Epidemics. *Turkish Journal of Computer and Mathematics Education (TURCOMAT)*, 12(13), 1293-1317. Retrieved from <https://www.turcomat.org/index.php/turkbilmat/article/view/8693>
- Al-Shatibi, I. I., & Nyazee, I. A. K. (2015). *The Reconciliation of the Fundamentals of Islamic Law*: Garnet Publishing. Retrieved from <https://books.google.com.pk/books?id=ScXIngEACAAJ>
- Bos, G. (1993). The miswak, an aspect of dental care in Islam. *Medical history*, 37(1), 68-79. Doi:<https://doi.org/10.1017/S0025727300057690>
- Dictionary of the House of Commons. (Ed.).
- Fayyumi, A. i. M. R. i. A. a.-K. i. M. G. (1884). *Kitab al-misbah al-munir fi gharib al-sharh al-kabir lil-Imam al-Rafi'i*. [Al-Qahirah]: Al-Matba'at al-Bahiyah al-Misriyah. Retrieved from <http://www.worldcat.org/oclc/23499075>
- Ghazzali, M. S., & Ashqar. (1997). *Al-Mustasfa Min Ilm Al-Usul: Mu Assasat Al-Risalah*. Retrieved from <https://philpapers.org/rec/GHAAMI-2>
- Manzur, I., & Ali, M. I. M. I. (2013). *Lisān al-'Arab*. Kairo: Dār al-Hadīs.
- RUSLI, M. F. (2020). IRSYAD USUL AL-FIQH SERIES 45: HOW SHOULD WE FACE EPIDEMIC AND ILLNESS ACCORDING TO THE PERSPECTIVE OF USUL AL-FIQH? Retrieved from <https://muftiwp.gov.my/en/artikel/irsyad-usul-fiqh/4138-irsyad-usul-al-fiqh-series-45-facing-epidemic-in-the-perspective-of-usul-al-fiqh>
- Santoso, B. (2012). Money in Islam: the siyasah shar 'iyah' Perspective and implementation strategy. *Tazkia Islamic Finance and Business Review*, 7(2), 200-233. Doi:<http://dx.doi.org/10.30993/tifbr.v7i2.14>

- Shib, I. I. M. (2013). *Al-Muwafaqat Fi Usul Al-Shari'ah Volume 2 - Primary Source Edition*: BiblioBazaar. Retrieved from <https://books.google.com.pk/books?id=juo1ngEACAAJ>
- Subri, I. (2016). Disease prevention through immunization methods according to islamic perspective. *Ulum Islam. J*, 17, 57-77.
- Tang, A. (2020). Malaysia announces movement control order after spike in Covid-19 cases (updated). *The Star*, 16, 1-5.
- Wildan, A. D. (2021). Handling the COVID-19 Pandemic through an Islamic Perspective. *ENDLESS: International Journal of Future Studies*, 4(2), 31-42. Doi:<https://doi.org/10.4712/etdjournal.v4i2.59>
- National Security Council Act 2016 (Act 776).
- Infectious Diseases Prevention and Control Act 1988 (Act 342).
- Police Act 1967 (Act 344).