



RESEARCH ARTICLE

STANDARD OPERATING PROCEDURE (SOP) OF MOSQUE AND SURAU ACTIVITIES DURING CONDITIONAL MOVEMENT CONTROL ORDER (CMCO) IN PENINSULAR MALAYSIA: STUDY IN SELANGOR AND MELAKA

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Manuscript Info

Manuscript History

Received: 31 May 2023
Final Accepted: 30 June 2023
Published: July 2023

Key words:-

Standard Operating Procedure (SOP),
Conditional Movement Control Order
(CMCO), Mosque, Covid-19

Abstract

The COVID-19 pandemic that hit the world at the end of 2019 has changed people's lives, including the worship matters for Muslims. To prevent the pandemic that has caused millions of deaths from spreading, the Malaysian government has implemented a series of Movement Control Orders (MCOs) by introducing various Standard Operating Procedures (SOPs) that all Malaysians must adhere to. During this MCO period, the prohibition of worship activities carried out in mosques and Surau involving gatherings of many Muslims has triggered various community reactions. Some of them are dissatisfied when the limit on the number of jama'ah allowed to attend is very small and varies by state. Therefore, this study aims to identify the SOP setting method used by two states namely Selangor and Melaka. These two states were selected based on the significant differences between the two states in terms of the limit on the number of jama'ah allowed to attend mosques and Surau. Interviews with SS Mufti of Selangor and Melaka were conducted to obtain data on the question of this study. The findings from this study show that the difference between SOPs issued is to look at the situation during the ongoing infection cases. The situation and the level of dharurah (harm) or masyaqqah (hardship) that occurs is the basis of the setting of an SOP so that harm can be prevented and controlled from continuing to be rampant to preserve the maqasid syariah of the protection of human life.

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Introduction:-

At the end of 2019, the whole world was shocked by the spread of the coronavirus pandemic which led to its declaration as a pandemic on March 11, 2020, by the World Health Organization (WHO). The drastic spread of the pandemic has led to changes in the procedures of human life in economic, social, and cultural activities including religious activities in synagogues (Nur Kamilah et.al, 2021).

As a result, most countries including the Malaysian government have taken various measures to curb the spread of the epidemic among the Malaysian community. Preventive action is highly demanded by Islam and it is in

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accordance with the fiqh method of *sadd al-dharai'* which means blocking the door of damage or destruction. The preventive application taken by the government in controlling the spread of COVID-19 is the Movement Control Order (MCO) (Irwan Mohd Subri, 2016). The Movement Control Order includes a ban on worship activities carried out in mosques and Surau involving public gatherings. Among the activities of worship such as congregational prayers, Friday prayers, tarawih prayers, *i'tikaf*, funeral management, and funeral prayers are subject to new norms such as physical distancing of one meter, wearing a face mask, no contact of members, the use of hand sanitizer, and so on should be performed by worshippers (Mohd Hapiz, 2020). The new situation and norms have provoked various public reactions including some scholars who dispute the decision made by the ruling by bringing certain Islamic evidence and arguments.

There is a sense of dissatisfaction among the Muslim community when the activities of mosques and Surau are restricted by complying with the SOPs set by the respective state Islamic Religious Departments. The number of *jama'ah* allowed to attend by some states is very small which only involves members of the mosque or Surau committee. This situation caused frustration to the parishioners who consistently attended the mosque and Surau for having to leave what is highly encouraged in Islam for a long period of time. Their concern is justified as it is the worry that will cause laziness and negligence when it has become a habit, whereas shopping malls and restaurants are open as usual with no capacity restrictions, merely operating in accordance with the SOPs established. (<https://www.bharian.com.my/>)

As we know, the operation of mosques and Surau is subject to the jurisdiction of the state religious authority, the Islamic Religious Department of the states. Therefore, there is a diversity of SOPs issued by the Islamic Religious Department of the States thus raising questions among the community about the differences. Some states are quite strict in determining the number of *jama'ah* especially in the red zone, while some do not specify the number of *jama'ah* and do not distinguish between zones. Therefore, this study aims to identify the SOP setting method used by two states namely Selangor and Melaka. These two states were selected based on significant differences in terms of the maximum number of *jama'ah* allowed to attend mosques and Surau in these two states. (JAKIM, 2020)

Setting Of Hukm (Law) And Standard Operation Procedure (SOP)

Since the outbreak of the pandemic Coronavirus Disease (COVID-19) which began in Wuhan China, scholars and mufti from various countries have given their views and fatwas especially on the implementation of worship. This is as done by Hay'ah Kibār 'Ulamā' al-Aẓhar al-Sharīf in an official statement on 15 Mar 2020, Ministry of Waqaf and Islamic Affairs of Kuwait, Bayān Hay'ah Kibār al-'Ulamā' Su'ūdiyyah, Indonesian Council of Scholars (MUI) and others. (Edi Kurniawan, 2021)

When a new legal issue arises, the authorities should come out with an *ijtihad* and a fatwa. In the current context in Malaysia, the fatwas are collected through the institution of fatwas. Although the post of mufti exists in the institution of fatwa, it is assisted by several individuals and departments in issuing fatwas such as the deputy mufti and the *istinbat* committee (Muhammad Ikhlās, et.al., 2013). This institution is considered to reflect the requirement to be a mufti is very strict. Of this, the need for a body capable of issuing fatwas jointly or performing collective *ijtihad* or *jama'ie* (Muhammad Ikhlās, 2017).

In Malaysia, every state has an institution or authority that discusses and decides the *hukm* on issues that arise. In addition to the state-level Fatwa Committee, there is a national-level Fatwa Committee, which is the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia (JFMKBHEUIM) under the National Council for Islamic Religious Affairs (MKI). The Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia (MKI) was established in early 1970 (Muhammad Ikhlās, 2017) comprising Mufti, academician and local legal scholars who discussed and decided on fatwas at the national level.

Standard Operation Procedure (Sop) Of The National Security Council (MKN)

When the Movement Control Order (MCO) was declared by the government, the National Security Council (MKN) introduced the Standard Operation Procedure (SOP) that Malaysians must adhere to curb the spread of the COVID-19 pandemic. The Movement Control Order is first in force from 18 – 31 March 2020 which applies throughout Malaysia. The enforcement of the Law of this Order is based on the Prevention and Control of Infectious Diseases Act 1988 and the Police Act 1967. The directive contained in the Movement Control Order is a total ban on movement and mass gatherings including religious, sports, social and cultural activities. At the time of closure all government and private premises except those involved with essential national services.

After that, various phases of the MCO were introduced such as the CMCO (Conditional Movement Control Order) and the RMCO (Recovery Movement Control Order) with a look at the spread of the COVID-19 pandemic throughout Malaysia. For this study, the focus is SOP for the mosque and Surau activities during the CMCO (Conditional Movement Control Order) phase in Peninsular Malaysia which takes effect from 9 November – 6 December 2020. The following are the SOPs issued by MKN for religious activities:

Activities in mosques and Surau are **ALLOWED** with attendance limits set by **the State Religious Authority**.

Activities in non-Muslim houses of worship are **ALLOWED** with attendance limits set by MKN/MOH/State Government and Federal Territories Ministry for houses of worship in the Federal Territory.

Islamic wedding ceremonies are **ALLOWED** with a maximum limit of 30 persons based on the area of space and physical distancing at the religious office or subject to the amount set by the **State Religious Authority**.

Non-Muslim wedding ceremonies are **ALLOWED** with a maximum limit of 30 people based on the area of space and physical distancing at the National Registration Department / House of Worship / Non-Muslim Religious Association

MKN, updated on 14 November 2020

From the above SOP, the attendance limit is set by the State Religious Authority, meaning for activities in mosques and Surau are set by the State Islamic Religious Department.

Mosque and Surau activities.

The most important activities of the mosque and Surau are Friday prayers, congregational obligatory prayers, and knowledge ceremonies. The focus of this study is related to the number of jama'ah allowed to attend mosques and Surau to perform Friday and obligatory prayers. When the pandemic situation did not allow for large gatherings, the state religious authorities limited the number of attendees. However, scholars agree that the legal condition of Friday prayer should be performed in congregation, but they have been at odds over the number of jama'ah which is the limit for the validity of Friday prayers to some opinions. Madhhab Syafie puts the condition that the minimum number of Friday prayers is forty. This is the opinion presented by Ubaidullah bin Abdullah bin Utbah, Ahmad, Ishaq and one of the opinions narrated by Umar bin Abd Aziz. Another opinion narrated by him mentions the requirement for fifty people. **(Al-Nawawi, 2009)**

In madhhab Hanafi, according to Abu Hanifah, Ats-Tsauri, Laits and Muhammad said Friday prayers took place with four people, one of them the imam. Ibn Al Mundzir narrated this opinion from al-Auza'i and Abu Tsaur. Ibn al-Mundzir chose this opinion. While the opinion of al-Auza'i and Abu Yusuf, Friday prayers took place with three people, one of them the imam. According to al-Hasan bin Shalih and Daud, Friday prayers took place with two people, one of them the imam. This is the essence of the opinion narrated by Ibn al-Mundzir of al-Makhul. **(Al-Nawawi, 2009)**

Imam Malik believed there is no requirement of a certain amount, which is required to be a jama'ah that occupies a village and the place where a sale and purchase occurs, but it does not happen with only three people, four people or the like. Rabi'ah is of the opinion that Friday happened with twelve people according to the hadith of Jabir, the Prophet PBUH preached by standing last Friday, the caravans of the trade from Syam came, and the Pilgrims had moved to approach the caravan until only twelve remained. Muslim narration (863)

While the scholars of madhhab Maliki state that the minimum number of Friday prayer jama'ah is twelve men who are residents and remain with the Imam from the beginning of the sermon until the completion of Friday prayers. (See **Mausu'ah al-Fiqh al-Islami wa al-Qadhaya al-Mu'asirah**, 2/248-249) (muftiwp.gov.my)

Performing congregational obligatory prayers in mosques or Surau is highly encouraged in Islam. Scholars have differing opinions in determining the ruling of congregational prayer. In madhhab Syafi'i, scholars have differing opinions on two rulings which are fardhukifayah and sunnah muakkad. According to the opinion of Imam an-Nawawi and several other scholars, the ruling of congregational prayer is fardhukifayah, while according to the opinion of Imam al-Rafi'i and some other scholars, the ruling of congregational prayer is sunnah muakkad. (al-Bakri, 2017). The opinion that is asah in the ruling of congregational prayer is fardhukifayah for men who are free,

settled and have clothes that cover the aurah. This is because establishing, then it will reveal the syiarjama'ah in each state or anywhere else whether in the city or in the village whether small or large (al-Zuhaily D. M., 2011). Hence, the claim was not dropped by all the locals until the congregational atmosphere really seemed to exist in the place. If it is not done at all or done in an unreal situation in the case of all residents, the government is obliged to act (al-Bakri, 2017). Although the jurists have various opinions on the hukm of congregational prayer, it should be emphasized that congregational prayer in the mosque has a great religious objective which is to revive the syiar of Islam in this world. (Muhammad Safwan, 2020)

However, there is a rukhsah or excuse that allows skipping the congregational prayer. This excuse is divided into two which are general excuse and special excuse. A common excuse is an excuse faced by all mankind such as rain which causes hardship (masyaqqah) to go out either day or night, thick mud, gusts of night, too cold, overheating, earthquakes and so on. While specific excuses such as pain, being very hungry, thirsty, afraid of people tying themselves or their property and being desperate for urination or defecation. (al-Bakri, 2017)

Research Methodology:-

This study is a qualitative study using primary and secondary data. Primary data is obtained through interviews with the state mufti involved as chairman of the State Fatwa Committee member who is responsible for issuing these guidelines. Two states were chosen namely Selangor and Melaka due to the significant SOP difference between the two states in terms of the limit on the number of jama'ah allowed to attend mosques and Surau. (JAKIM, 2020). This interview is to obtain data on the methods used by them in setting the SOPs of the mosque and Surau activities in their respective states as well as the justification of the number of worshippers allowed to attend mosques and Surau during the CMCO.

While secondary data were obtained through the study of the books of usul fiqh and fiqh. In addition, the study was also based on the guidelines and SOPs issued by the states through media statements in the official media of the State Islamic Religious Department. References are also made to books or chapters in books, articles in academic journals and so on.

Findings And Discussion:-

Limit the number of mosques and Surau jama'ah in Selangor.

Based on the SOP of the mosque and Surau activities in Selangor for the CMCO period (9 November – 6 December 2020), Friday prayer and Fardhu prayers are ALLOWED to be performed in all mosques and special Friday prayers according to the zones as follows:

	Friday prayer	Fardhu prayers
Red and yellow zone	NOT allowed	6 members of the Committee
Green zone	23 (mosque committee members) 16 (Surau committee members)	23 (mosque committee members) 16 (Surau committee members)

When compared to the SOP between the states in Peninsular Malaysia, Selangor sets a relatively strict limit on the number of jama'ah. According to SS Dato' Mufti Selangor, the justification is as follows:

The difference of SOP issued is to look at the situation, when the red, green, and yellow zones are introduced at that time is a very critical time based on the area. One time, the determination was made based on district, but it was less effective because Duli Maha Mulia Tuanku mainly looked at the number of deaths in the state of Selangor, not just the number of those infected in the red and yellow zones. What worries Tuanku is that the data shows that more Muslims die daily than other races.

The second basis is to make a set based on the SOP set by MKN. When MKN allows the maximum limit of jama'ah attending mosques and Surau, for example, if MKN sets a total of 30 people, therefore the state of Selangor will not set more than that amount. This setting also looks at the number of people infected and the number of deaths due to COVID-19 cases in Selangor is very high compared to other states.

The third basis is to determine the number allowed to attend the mosque and the Surau look at how far control is feasible. The decision made at the level of the Selangor Islamic Religious Department under the approval of Tuanku

to designate 23 people refers to the maximum number of mosque committees and 16 Surau committees in Selangor. Only committees are allowed to be present. This is intended to facilitate monitoring and detection in the event of a sudden infection. If the permission is opened to the public, it will cause difficulties in tracking and knowing who is present from among the many qariah members. Furthermore, at that time the My Sejahtera application is still not established and depended only on the records written by the jama'ah in the book provided.

While the issue of Friday prayers is not allowed to be established in the red and yellow zones, the Selangor State Fatwa Committee refers to Friday prayers according to the opinion of the Syafi'i madhhab which sets a minimum of 40 people, whereas the situation at that time was quite critical to allow 40 people to gather in the mosque building. Therefore, Friday prayers are not allowed in the red and yellow zones. As for the green zone, it is still subject to the MKN's ruling that does not allow the number of 40 people, but the decision has been taken based on the opinion of qawlaqadim Imam al-Syafi'i and the opinion of madhhab Hanafi which narrates Friday prayers of less than 40 people. Thus, the Selangor Islamic Religious Department has decided based on the number of mosque committee members 23 while the Surau is 16. The Selangor Mufti Department has also recommended that the Zuhur prayer be performed after Friday prayers of less than 40 people as ikhtiyati (cautious).

Limit the number of mosques and Surau jama'ah in Melaka.

Based on the SOP of the mosque and Surau activities in Melaka for the CMCO period (9 November – 6 December 2020), Friday prayer and Fardhu prayers are ALLOWED to be performed at all mosques and special Friday Surau of the state of Melaka with the presence of jama'ah according to the capacity of the mosque size with the social distancing and compliance with the existing SOP.

	Friday prayer	Fardhu prayers
All zone	According to the capacity of the mosque size with physical distancing	According to the capacity of the mosque size with physical distancing

Based on the above SOP, the state of Melaka is quite loose by not setting a limit on the number of jama'ah but depending on the capacity of the mosque with physical distancing. According to SS Dato' Mufti Melaka, the justification is as follows:

The situation in Melaka at that time was that there were no cases of infection that occurred within a few months. After discussions with the state government and members of the Fatwa Committee, and then agreed by the State COVID-19 Committee, the number of jama'ah according to the capacity of the mosque was appropriate at that time. However, when infection cases are high, the JAIM will tighten the SOP. Thus, it is what Islam says is murunah or flexible according to the situation. In this uncertain situation, SOPs are also constantly changing over time. These results and actions show that Melaka was among the early states to set the number of jama'ah according to the capacity of the mosque. The basis is to refer to the number of cases of infection that occur at any given time.

According to SS Mufti, the slight cases of infection in Melaka are influenced by several factors. Geographical size plays an important role as well as the non-dense population in the Klang Valley making it easy to control and disconnect. The relaxation given is not permanent, it depends on the situation. Although permission is at capacity, there are times when mosques are not allowed to operate because there are cases of infection. For example, the imam, Bilal and the chairman of a mosque tested positive for COVID-19, so the mosque was ordered to close because it involved individuals of the main players in the mosque operation. So, only the villages involved are monitored and controlled, not involving other villages. The determination of whether the operation of mosques and Surau should be closed or opened, loosened, or tightened depending on the current situation.

Conclusion:-

When a legal issue concerning the public interest arises, the responsible party in Malaysia is the Fatwa Committee which discusses and decides the hukm and the regulation on issues arising at either the state or national level. At the state level, the State Fatwa Committee will discuss and conduct research by referring to the sources and manhaj of the issuance of the established ruling based on the sources agreed by the four main sects. Each decision made will also first refer to an expert in the relevant field. In this issue, it is necessary to obtain the views and advice of experts in the field of health, especially the Ministry of Health Malaysia (MOH) and the security authorities, especially the National Security Council (MKN). Based on the opinion of the mufti of Selangor and Melaka, the difference in SOP issued is to look at the situation during the ongoing infection case. In the state of Selangor which at that time had the

highest number of cases in Malaysia, there was a very limited number of jama'ah to curb the spread and facilitate control. Therefore, they only limit the mosque and Surau committee members to attending. The situation is different from the state of Melaka which does not specify the number of jama'ah but is based on the capacity of the mosque size with physical distancing for all zones due to very low cases of infection.

In conclusion, the factors of the current situation and the degree of harm influence the difference between the SOPs of these two states. Thus, it is in accordance with the speciality of Islam which is *murunah* or elastic according to the current situation in the matter of *furu'* but consistent in matters of general policy and principles (al-Qaradawi, 2012). The situation and the level of *dharurah* or *masyaqqah* that occurs is the basis of the setting of an SOP so that harm can be prevented and controlled from becoming more prevalent, to achieve the objective of *shariah* which is to protect life (*hifz an-nafs*) without neglecting the protection of religion (*hifz al-din*) through the performing *solah*.

Acknowledgement:-

The authors would like to take the opportunity to thank the Dean of the Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA (UiTM), Shah Alam, Selangor, for their support in this study.

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