

# AWARENESS OF OCCUPATIONAL FIQH (ISLAMIC JURISPRUDENCE AND LAW) IMPLEMENTATION IN COVID-19 SITUATION AMONG WORKERS IN TERENGGANU, MALAYSIA<sup>1</sup>

## CONSCIÊNCIA DA FIQH OCUPACIONAL (JURISPRUDÊNCIA ISLÂMICA E LEI) APLICAÇÃO NA SITUAÇÃO COVID-19 ENTRE TRABALHADORES EM TERENGGANU, MALÁSIA

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**Abstract:** Occupational fiqh (Islamic Jurisprudence) is a branch of fiqh dealing with Islamic laws for contemporary occupational issues. Terengganu's implementation of *Pelan Induk Terengganu Sejahtera* (Master Plan of Prosperous Terengganu) or PITAS 2030 which is aiming to form a prosperous and religious state, occupational fiqh implementation among the workers is highly essential, particularly while facing COVID-19 pandemic new normal situation. However, effective implementation needs excellent awareness among the workers so that it will be practiced efficiently and committedly. Therefore, this study aimed to survey the level of awareness on occupational fiqh implementation especially during COVID-19 situation among workers in Terengganu. Dynamically, this study was performed through quantitative approach employing survey and descriptive method. Through the survey, it was found that the level of awareness regarding occupational fiqh among Terengganu workers was high. Thus, further programs can be organised to improve further their level of awareness and encourage efficient occupational fiqh implementation among the workers particularly during COVID-19 pandemic situation and to "The New Normal".

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**Keywords:** Occupational Fiqh, Islamic Jurisprudence and Law, Covid-19 Pandemic, The New Normal, Quality of Terengganu Workers.

**Resumo:** A fiqh (Jurisprudência Islâmica) é um ramo da fiqh que lida com leis islâmicas para questões ocupacionais contemporâneas. A implementação de Pelan Induk Terengganu Sejahtera (Plano Mestre de Terengganu Prospero) ou PITAS 2030 que visa formar um estado próspero e religioso, a implementação da fiqh ocupacional entre os trabalhadores é altamente essencial, particularmente quando se enfrenta a nova situação normal pandémica da COVID-19. Contudo, a implementação eficaz necessita de uma excelente consciencialização entre os trabalhadores para que seja praticada de forma eficiente e empenhada. Por conseguinte, este estudo visou o levantamento do nível de consciencialização sobre a implementação de fiqh ocupacional especialmente durante a situação da COVID-19 entre os trabalhadores em Terengganu. Dinamicamente, este estudo foi realizado através de uma abordagem quantitativa empregando o inquérito e o método descritivo. Através do inquérito, verificou-se que o nível de consciencialização sobre a fiqh ocupacional entre os trabalhadores de Terengganu era elevado. Assim, podem ser organizados mais programas para melhorar ainda mais o seu nível de consciencialização e encorajar a implementação eficiente de fiqh ocupacional entre os trabalhadores, particularmente durante a situação pandémica da COVID-19 e para 'O Novo Normal'.

**Palavras-chave:** Fiqh ocupacional, Jurisprudência Islâmica e Direito, Pandemia de Covid-19, A Nova Normal, Qualidade dos Trabalhadores de Terengganu.

## INTRODUCTION

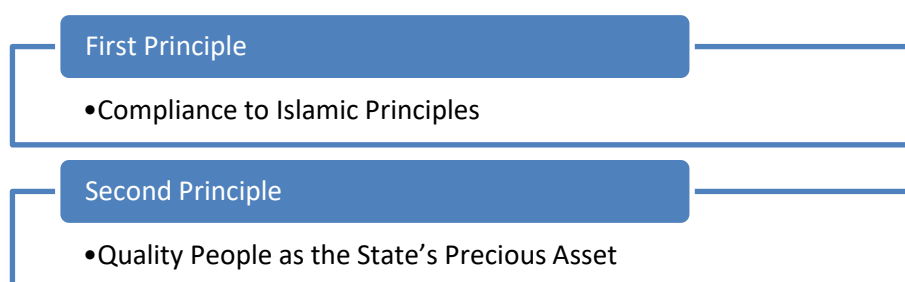
Fiqh is a branch of Islamic knowledge. The word fiqh is derived from Arabic word *فَقِيْهٌ* which literally means an understanding (Abd. Rauf Hassan et al., 2011), while technically it is defined as the understanding of Syariah laws (Saadan Man, n.d). The importance of fiqh in life of a Muslim is portrayed through a narration by Mu'awiyah bin Abi Sufyan RA where Rasulullah SAW said: "Whoever Allah wants goodness in him, He will bestow him the understanding of religion (Muslim: 1037)."

There are many branches of fiqh in Islamic knowledge such as *usul fiqh*, *fiqh sunnah*, *fiqh solah*, *fiqh sirah*, *fiqh al-amlawiyat*, *fiqh jibad* and others. However, this study only focused on a branch known as *fiqh waqi'iy*, also known as *fiqh wazifiy* or contemporary fiqh.

According to Kamaruddin Salleh (2012), contemporary fiqh is a branch that caters the needs of Islamic laws in modern era of science and technology. In the current situation, the knowledge is highly needed especially in COVID-19 pandemic where new workplace situations are being faced. In this matter, contemporary fiqh discipline provides solutions through evidence from Quran and Prophet's tradition so that Muslims will still comply to Islamic teaching even during difficult time of COVID-19.

One of the sectors which are highly affected in this COVID-19 pandemic situation is occupational sector. A study by Amanina Abdur Rahman et al. (2020) found that 64.5% of Malaysian workers are not comfortable with home-based work, while 50.9% need physical proximity in their job. The COVID-19 situation has put a heavy burden upon every one of us in work environment while especially at the same time trying to conform to Islamic laws. Regarding this matter, contemporary fiqh would provide solution for Islamic law compliance in occupational sector during COVID-19 situation. The contemporary fiqh focusing on occupational sector will be referred specifically after this as occupational fiqh. In this study, the occupational fiqh discusses every aspect of occupational sector from perspective of Islamic laws, focusing workers in Terengganu state as the target group.

Terengganu is a state of Malaysia located in the eastern region of Peninsula. According to Population and Housing Census Malaysia (2020), labour force in Terengganu had increased from year 2010-2019 at an annual rate of 2.8%. The study also dictated an elevation in work force from more than 480 thousand workers in year 2019 compared to approximately 470 thousand workers in year 2018. These figures indicate a vast number of worker in Terengganu and they will become the target group whose awareness of occupational fiqh will be observed in this study. Findings from this study would highly be benefited by them in conjunction with the call from State Government to implement the principles of Pelan Induk Terengganu Sejahtera (Master Plan of Prosperous Terengganu Year 2030) or PITAS 2030, in which the first two principles are closely related to the workers which are: First, Compliance to Islamic Principles; and second, Quality People as the State's Precious Asset (Majlis Perbandaran Kemaman, 2021). The two principles are visualised in Figure 1.



**Figure 1: The first two principles of PITAS 2030**

First Minister of Terengganu, Dr. Ahmad Samsuri Mokhtar explained regarding the first principle of PITAS 2030 that every development in this state including policy, strategy and activity must comply to the need of Islamic principles based on Quran, Prophet's tradition, *ijma'* (scholarly consensus) and *qiyas* (analogy). Furthermore, he also defined that

Quality People in the second principle are not only people with academic qualification, but the most important value that needs to exist within themselves is the passion (Ahmad Samsuri Mokhtar, 2018).

To answer the call by the First Minister regarding PITAS 2030 in occupational sector, the first principle can be translated in action as a compliance of Islamic laws in every activities. And whenever any problem occurs in any matter regarding the sector, the solution must always be referred to Islamic laws in prior, as Allah SWT said:

O People who believe, obey Allah and obey the Messenger and those from among you how have authority. Then if you had dispute in any matter, then refer it to Allah and the Messenger if you do believe in Allah and the Last Day. That is better and more commendable in the end (QS, 4:59).

Meanwhile, the second principle can be implemented through policy that quality in worker is not evaluated just from outer element such as qualification and skills, but also inner value such as enthusiasm. To achieve these two principles, occupational fiqh can serve as a great instrument as it can nurture Islamic principles and values among workers in Terengganu in developing them to become great contributors of State, as Allah SWT said:

And if the People of the cities believed and feared Allah, surely We would open to them blessings from the heaven and the earth. But they denied, then We seized them for what they were earning (QS, 7:96).

However, as the verse states, if there is any in compliance to what Allah has commanded upon us, then He will punish the people. This is proved in several studies indicating that in compliance of Islamic laws had led to many problems among the workers. Some studies also pointed several factors that might hinder successful implementation of occupational fiqh among the workers. These will be discussed further in the next part.

## **PROBLEM STATEMENT**

Recently, there was arising issue regarding occupational environment that does not comply with Islamic laws. Even though the concept of contemporary fiqh has been understood by Malaysian community (Rahimin Affandi, 2010; Kamaruddin Salleh, 2012), there are still some people who argue the applicability of fiqh in mid-century to fulfill the needs of modern era (Kamarudin Salleh, 2012; Sholihur Rahman, 2011). Moreover, the situation is worsened by lack of religious knowledge among Muslims nowadays, much arguments of Islamic fiqh which are deemed outdated (Sholihur Rahman, 2011; Rahimin

Affandi et al., 2010) and interference by Western and modern influence that contaminates authenticity of Islamic laws (Sophia Pandya, 2012; Sholihur Rahman, 2011).

These factors resulted in in compliance of Islamic guideline of aurat covering, laws of musafir and social interaction among workers (Rohaiza Abd. Rokis, 2011; Basri Ibrahim, 2007). Besides that, there is still confusion on Islamic laws for both male and female workers while going out working and managing their home together. As a consequence of those, the level of contemporary fiqh implementation among civil servants was observed still at unsatisfying level (Hasni Mohd Ali, 2003; 'Adawiyah Ismail, 2011).

Allah SWT said:

Corruption has spread on land and sea as a result of what people's hands have done, so that Allah cause them to taste (the consequences of) some of their deeds and perhaps they might return (to the Right Path) (QS, 30:41).

Related to the verse, it can be seen that as an impact of this in compliance of Islamic laws, serious misconducts are witnessed occurring among the workers such as sexual harassment, which is mainly caused by breach in Islamic clothing guideline (Ishak Mad Shah et.al, 2004). Consequently, the victim will suffer emotional distress, inferiority complex, trauma and phobia that lead to declined performance in work and family problem (Siti Nadiah, t.t). Besides that, excessive interaction between work colleagues of opposite gender that does not comply with Islamic laws would threaten the stability of family institution, as one of the factors causing it is promiscuous relationship with work colleagues (Noor Syaibah Syabuddin et.al, 2016).

Fortunately, Islam always comes with solution to all problems faced by human beings, so as to fix all the chaos caused by human misconducts. Allah SWT said:

Say, "He is the (one) Able to unleash upon you a torment from above or from below your feet or He splits you into (conflicting) factions or make you taste the violence of one another". Look how We vary the signs, so perhaps they will understand (QS, 6:65).

Tafsir al-Jalalayn explained from the verse that the first step as a solution to the problems faced due to misconducts is the understanding that what they did was wrong (al-Suyuthi & al-Mahalliy, 2010) and needs a fix, and relatedly the Arabic word for understanding is fiqh. Thus, we can implement the wisdom from this verse that to solve the problems faced by human beings in any field, a fiqh system must be outlined according to Islam to understand the problems and provide solution to them. However, to apply fiqh efficiently in

human daily life especially occupational sector, people involved must be aware of its implementation and applicability even in COVID-19 pandemic new normal situation. Therefore, the first step that must be taken before efficient implementation of occupational fiqh among workers can be achieved is to survey the awareness of the people involved. This will become the objective of this study. In context of this study, the people refer to the workers in state of Terengganu.

## METHODOLOGY

This study was of quantitative approach employing survey and descriptive method. Respondents comprising of workers in state of Terengganu were provided with survey form through Google Form application. Firstly, demography of respondents comprising age, gender, occupational sector, occupational group, district of workplace, highest academic level, highest religious education level and marital status were collected. The survey form contained 36 questions regarding occupational fiqh issues including situations related to COVID-19 pandemic and new normal situation. The questions were divided into 11 categories which were:

1. Choice of job
2. *Ibadah* and *jihad*
3. Social interaction
4. Clothes and dressing
5. Office situation
6. Time of work
7. Salary
8. Online matters
9. Communication
10. Integrity
11. *Tawazun* and *tawasut* (balance and moderate)

For each question, a particular situation was mentioned and the respondents needed to choose the correct *taklifi* law for the situation which was either *wajib* (compulsory), *sunat* (recommended), *harus* (permissible), *makruh* (abominable) or *haram* (forbidden) and placed under the research design of *Tafsir al-Fiqhiy* (Quranic Juristic Commentary) (Embong, A. H. et al, 2022). The questions were posed specifically to survey the understanding of

respondents on occupational fiqh issues in COVID-19 pandemic situation and at the same time will be used to evaluate their awareness on occupational fiqh in general. The awareness level for each question was evaluated from the percentage of correct responses according to the following categories in Table 1.

**Table 1: Level of awareness based on percentage score**

No.	Range of percentage score (%)	Level of awareness
1.	0-20	Very low
2.	21-40	Low
3.	41-60	Moderate
4.	61-80	High
5.	81-100	Very high

After that, quantitative analysis was performed based on percentage of correct responses for each question. The results were then related to the demography of respondents. Finally, general conclusion on awareness level among workers in Terengganu regarding occupational fiqh issues in COVID-19 pandemic situation was determined.

## RESULTS AND DISCUSSION

The following Table 2 depicts demographic aspects of the 146 respondents in this study.

**Table 2: Demography of Respondents**

Demographic aspect	Percentage	
Gender	Male	34.2
	Female	65.8
Age (years)	25-34	21.9
	35-44	59.6
	45-54	16.4
	55-64	2.1
Marital status	Single	13.0
	Married	86.3
	Divorcee/widow	0.7
Highest educational level	PMR	2.1
	SPM	20.5
	STPM/STAM	5.5
	Diploma	23.3
	Bachelor's degree	12.3
	Master's degree	10.3
Formal religious educational level	Doctor of Philosophy	26.0
	None	50.7
	UPKK	15.1



	SPM (Religious stream)	19.2
	<i>Pondok/ madrasah</i> (traditional religious institution)	0.7
	STAM	1.4
	Diploma	6.8
	Bachelor's degree	4.1
	Master's degree	1.4
	Doctor of Philosophy	0.7
Occupational group	Support	57.5
	Management and professionals	40.4
	Academics	0.7
	University Malaysia Terengganu	0.7
	Self-employment	0.7
Occupational sector	Education	50.7
	Service	34.9
	Healthcare	8.2
	Transport	3.4
	Construction	2.1
	Business	0.7

From Table 2, it can be pointed out that from 146 respondents, more than half of the respondents (59.6%) aged from 34-55 years old, and most of them were female (65.8%). The sectors with the highest participation were from educational sector (50.7%), followed by service (34.9%) and healthcare (8.2%). Almost all respondents were workers from support (57.5%) and professional group (40.4%). Meanwhile, the respondents' educational levels were highly variable. 26% of them held Doctoral degree, 23.3% owned Diploma, 20.5% were SPM graduates while the remaining was from other levels. Meanwhile for level of formal religious education, more than half of them (50.7%) did not have formal religious education. From other aspect, most of them (86.3%) were married, while 13% percent of them were single. The remaining was from divorcee or widow category.

After data analysis according to guideline in Table 1, the level of awareness for each questions based on percentage of correct responses are as in Table 3.

**Table 3: Respondents' responses and level of awareness**

Category	Number of question	Percentage of correct responses (%)	Level of awareness
Choice of job	1a	38.4	Low
	1b	76.7	High
	1c	65.1	High



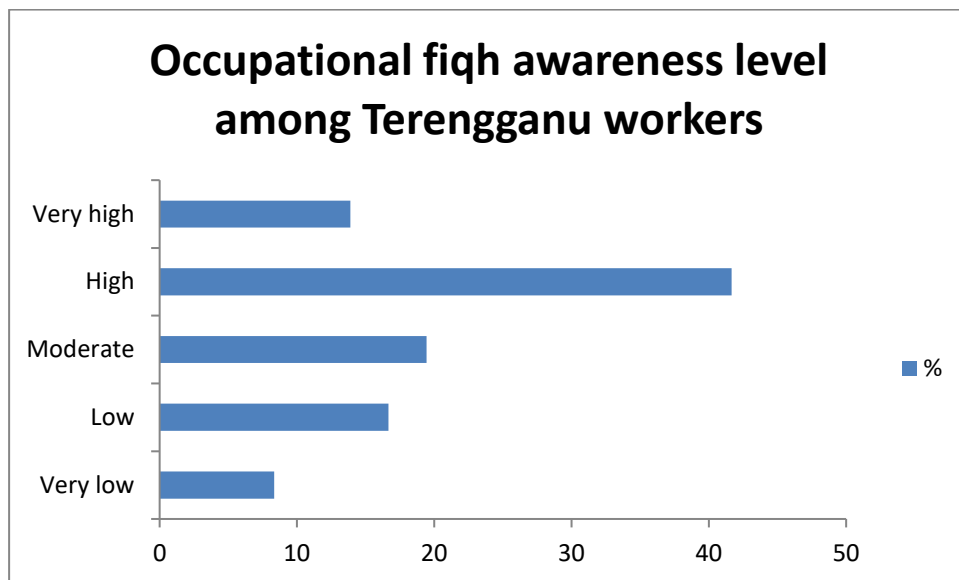
<i>Ibadah and jihad</i>	2a	26.7	Low
	2b	54.1	Moderate
	2c	59.6	Moderate
Social interaction	3a	78.1	High
	3b	65.1	High
	3c	11.6	Very low
Clothes and dressing	4a	74.0	High
	4b	40.4	Moderate
	4c	74.7	High
	4d	63.0	High
Office situation	5a	39.7	Low
	5b	39.0	Low
	5c	76.0	High
Time of work	6a	63.7	High
	6b	60.3	High
	6c	52.7	Moderate
Salary	7a	73.3	High
	7b	33.6	Low
	7c	8.2	Very low
Online matters	8a	79.5	High
	8b	24.7	Low
	8c	65.8	High
Communication	9a	61.0	High
	9b	11.0	Very low
	9c	43.8	Moderate
Integrity	10a	84.9	Very high
	10b	96.6	Very high
	10c	93.8	Very high
	10d	97.9	Very high
	10e	90.4	Very high
<i>Tawazun and tawasut</i>	11a	47.3	Moderate
	11b	59.6	Moderate
	11c	61.6	High

The data from Table 3 were then simplified in cumulative form as in Table 4.

**Table 4: Frequency of level of awareness categories**

Level of awareness	Frequency
Very low	3
Low	6
Moderate	7
High	15
Very high	5

From the data, it can be observed that three questions were under ‘very low’ category, six under ‘low’, seven under ‘moderate’, fifteen under ‘high’ and five under ‘very high’. Data in Table 4 is regarded as nominal data, so its central tendency can only be measured through mode (Kothari & Garg, 2014). Hence, the mode for frequencies in Table 4 which is for ‘high’ category suggested that awareness of occupational fiqh in COVID-19 pandemic situation among workers in Terengganu is generally at high level and quite satisfying. The data in Table 4 are simplified in percentage and presented as Figure 2.



**Figure 2: Occupational fiqh awareness level among Terengganu workers**

This is good news to Terengganu state government as high awareness of occupational fiqh among Terengganu workers would facilitate an effective implementation among them. This finding is in the contrary to Hasni Mohd Ali (2003) and ‘Adawiyah Ismail (2011) that there was still confusion among workers on Islamic laws issues leading to unsatisfying level of awareness on occupational fiqh.

Besides that, the result in this study is however surprising as more than half of the respondents has no formal religious education. It might suggest the respondents’ readiness to seek religious knowledge even from informal platforms such as lectures in mass media and mosque institution. This finding is supported by Adanan Mat Junoh (2006) in which most of the contents in informal education are religious matters. He explained further that the main place for them to seek informal religious education is mosque institution. Thus, alternative formal religious

education such as through microcredential courses and periodical religious lectures organised by each sector that can be planned further, should benefit the workers in improving their awareness of occupational fiqh. At the same time, these initiatives would encourage lifelong learning among the workers.

In addition, as Zulkifli Hassan (2012) suggested, there should be continuous efforts to increase community's understanding on occupational fiqh. At the same time, this would facilitate Terengganu state government's intention in achieving the principles of PITAS 2030, especially the first two principles that highly involve committed participation of the workers. The workers must be equipped with adequate religious knowledge to face many fiqh issues especially during COVID-19 pandemic situation so that Islamic laws will always be conformed at all time.

Another promising finding in this study is the awareness among the workers regarding integrity aspect. All questions regarding integrity dictated 'very high' level of awareness. Although Transparency International reported on Corruption Perceptions Index that the ranking for Malaysia had decreased from 51 in year 2019 to 57 in year 2020 (Timbuong, 2021), the finding in this study has put a hope that there is still a sense of integrity among Terengganu workers and implementation of occupational fiqh among them would improve further their awareness on the importance of integrity value.

Nevertheless, there are some factors from fiqh aspect that might be considered contributing to 'very low' result in several questions. For question number 3c, most of the respondents (56.8%) chose *harus* as the law for choice of female doctor over male doctor to female patient. However, according to al-Qaradhawiy (2013), a fiqh method states that "priority must be given for more benefits than few benefits". In context of question 3c, choice of female doctor has more benefits than male doctor in which the patient's need regarding medical attention would be fulfilled while at the same time her dignity is also protected. These more benefits would reward the choice and the law would be *sunat*, and it is not just a mere *harus* action. Based on the result, the respondents might ignore the reward aspect for such choice.

For question number 7c, most of the respondents (86.3%) chose *haram* as the law for taking extras from the claim although the guidelines for claim have been followed properly. The exact law for this situation is *harus* as the claimer has followed the guidelines, and the extras are considered lawful. However, the respondents might take careful consideration based on *wara'* (carefulness) attribute according to a narration by an Nu'man bin Basyir RA where Rasulullah SAW said:

**Whoever fell into doubtful matter, he fell into haram (Bukhari: 2051 and Muslim: 1599).**

For question number 9b, most of the respondents (43.8%) chose *harus* (optional) for the situation where one needs to reveal his colleague's faults when the employer asks on the cause of his declined performance. The respondents might only consider the action as optional as they try to conceal his colleague's faults as to practise the hadith narrated by Abu Hurairah RA where Rasulullah SAW said:

**No person who concealed a person (the person's faults), except that Allah concealed him (his faults) in the hereafter (Muslim: 4692).**

However, the respondents might not be aware of another hadith narrated by Anas RA stating that:

**Rasulullah SAW said: Help your brother, whether he is an oppressor or he is an oppressed one. Then the companions asked: O Rasulullah, we know how to help him if he is an oppressed one, but how can we help him if he is an oppressor? Rasulullah said: Stop his hands (prevent him from oppressing) (Bukhari: 2264).**

In this narration, it is an obligatory responsibility by a Muslim to protect others from oppressing. This is because irresponsibility in work is regarded as an oppression towards others as it will spoil others' rights. Hence, the law for situation in question 9b would be *wajib* as a *fiqh* method lines that communal benefit must be prioritised over personal benefit (al-Qaradhawiy, 2013). In this situation, prevention of one's declined performance that would affect public benefit must be prioritised over seeking of reward by concealing one's faults (Wan Khairuldin, W. M. K. F. et al, 2022). Moreover, al-Nawawiy (2010) stated in *Riyad al-Solihin* that revealing one's faults or backbiting is permitted in Islam for several causes in which one of them is to eliminate wrongdoings.

## CONCLUSION

As of all, this study has showed that the level of awareness among workers in Terengganu on occupational fiqh implementation in COVID-19 pandemic new normal situation was at high level. Many programs and activities can be planned to further elevate their level of awareness on occupational fiqh, as Terengganu state government is striving towards PITAS 2030. Through occupational fiqh implementation among the workers, state's productivity will be boosted towards the development of a prosperous Terengganu, while at the same time conforming to Islamic teaching even in COVID-19 pandemic situation. Moreover, future studies on occupational fiqh understanding among workers in respective occupational sector can be performed so that the implementation of occupational fiqh is more meaningful and comprehensible as the contents are suited to their particular occupational sector.

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