

Rights of Deceased in Islam during Pandemic Situation: A Study of Rights of Muslim Deceased in Covid-19 Pandemic

[DOI:10.5281/zenodo.7486782](https://doi.org/10.5281/zenodo.7486782)



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Abstract

COVID-19 is the disease which has been emerged from the family of the corona viruses. The name to this disease is given by world health organization in 2020. Corona viruses include Para influenza, rhinoviruses, influenza, RSV, mild and infection in upper tract of respiratory system involving pneumonia and common cold. It has affected more than 200 countries whether rich or poor. Islam honors the dignity of the deceased person equal to that of the person who is alive. The world health organization also talks about the preventive measures which one should take for safeguarding the lives of an individual. The purpose of the research is that how such pandemic shall be deal according to Shariah as cremation of the deceased is not allowed in Islam. But still burial rights of the deceased shall be performed as prescribed by Shariah. There is a need to find the solution of the problem for the welfare of the people. The reader will come to know that fard-e-kafaiyah is also important for the deceased. The rights of the deceased should be performed and must not be neglected. But on the other hand Islam also permits haram things in the situations of necessity for the welfare of the people. The medical science proves the teachings of the Prophet Mohammad (S.A.W). As being practicing in the contemporary world for avoiding its spread and coping with the situation.

Keywords: Shariah, Covid-19, disease, Rights, deceased, Allah Almighty, Holy Prophet (S.A.W.), Islam

Introduction

The research has been conducted on the rights of the deceased which are affected due to the covid-19 pandemic. As it is a new disease in the global world which has put the life of the human beings in danger. The purpose of the study is to create awareness among the people as to how the rights of the deceased shall be implemented when any

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pandemic or epidemic disease causes the death. While living in the Muslim community, the problems which the family members and the relatives of the deceased are facing is about the burial and funeral practices. That how they shall perform burials when any victim of covid-19 Muslim dies. In order to control the spread of the disease, everyone has to take care of themselves and others especially in case of contagious diseases. According to Islamic law, fulfillment of the rights of the deceased is *Fard-e-Kifayah* to which has been given much importance.

As this disease have clamped the whole world. But with regard to the communities of the Muslims living worldwide, they were facing the problem of cremations of a deceased Muslim who dies due to covid-19 pandemic. This practice is against the teachings of the *Shariah*. The Muslims are treated badly when their deaths have occurred due to covid-19 pandemic which has created anguish among their communities. So, this research has been done with the intention to make people aware about the techniques of controlling its spread for the safety of the community. And to make people aware that despite the situation and its condition; they must prepare themselves for any decision taken for the welfare of the community by the GoP and religious scholars. Furthermore, there is no evidence found in Islam regarding the permissibility for cremating Muslims after death.

There are some practices which have been followed by the Muslims in the past in case of death due to pandemic diseases. Such practices were against the cultures and religions of the people who had died due to plague. Though in Islamic Jurisprudence, the prohibited things become halal in time of urgencies. However, there are many rights of deceased in Islam on the other hand, which shall not be ignored rather, should be given. So, it is binding on all that they shall adopt and implement those measures which prove beneficial for solving the problem. Such as imposition of lockdown, social distancing, taking care of the personal and physical hygiene. Moreover, following the SOP's and guidelines which have been given by WHO and GoP which are according to the teachings of *Shariah*. In Pakistan, such measures were adopted and the disease was controlled to some extent. But, sooner or later, it again increases and reaches to its peak when the people showed their careless attitude in the adoption of these measures. It has neither abated nor vanished completely. So, for stopping the spread of disease, cremation is not the solution of problem for mankind.

In some of the countries, the practice of cremation was done against the will of the Muslims without informing them. This was an injustice done on their part. As the law

had been passed in some of the countries for cremating the deceased covid-19 victim irrespective of their faith to which they belong mainly in Sri Lanka. It had badly affected the emotions of Muslims due to which that fear had spread everywhere and also in the Pakistani Muslims. That if such a law has been passed than how Muslims can bear such situation. Due to which the religious scholars of IIC together with the medical experts from WHO and the officials of GoP held meetings and discussions for the welfare of the individuals regarding coping with such tough times. They had come on the common grounds that the measures such as quarantine, social distance, lock down, face masks, gloves, hand sanitizers must be followed. Moreover, avoiding gatherings, isolating the sick persons from the healthy people, and the SOP's that are similar to some extent that were followed preferably at the time of plague. These measures are the solution for controlling the disease. Therefore, Islam has given a complete pattern of living. As well as, it also provides guidance that one must have a strong faith in Allah Almighty. If any problematic situation comes then they must not lose their hope on Allah and must prepare themselves for any kind of situation. In Pakistan the situation of covid-19 pandemic was controlled by adopting the preventive and precautionary measures which helps them to fight against the disease.

Rights of Deceased in Islam during Pandemic Situation

In the job of a doctor, caring for the members of the deceased and the patient who had died is a very difficult job. If one helped an individual in its difficult situations and even in its end times of life and enabled that patient that he died such that his respect and dignity is maintained. So such a person will be rewarded. It is also required in a profession of job that the doctors should be well literate and will enable the family of the patients understand the situation through their skills, abilities and knowledge. As the law of Islam is grounded on the teachings of the Quran and Sunnah of the Prophet (S.A.W). Some behavior has been defined by Islam which is expected to perform when the incident of death occurs.

Death is not something of which one can fight against it; it is something which is to be accepted by all individuals according to the plan of Allah. It is not a matter on which one can convince for it to another. It is accepted generally by the individuals of all the societies and religion. The life from Allah to a mankind is a gift. There are some customs of death which are practiced and exercised by the believers. It is the desire of all the Muslims that they should die at the safe place at their home respectively. When an individual dies, his mouth and eyes should not be remaining open. It shall be close

by someone and its limbs shall be made straight. The direction of the body should be facing Mecca. According to the perspective of religion, it shall be buried quickly without any delay. The dead body should be washed and it shall be shrouded in a cloth of white color.

The mosque which is located in a local area, there the funeral prayer shall be performed. Members of the community should follow the procession of funeral till the graveyards there the last prayer is performed as the dead will be buried for rest there. As the events took place in quick succession and the deceased is buried in a one day. (Sheikh, A. 1998). The phenomenon of death is an extremely painful time along with emotions. Death is basically the process in which the person is departed from this worldly life. On the other hand; it is not the end of the existence of an individual. (C.G,Ekpo., A.B, Ishaq, 2016).

There is a check list for washing and shrouding the deceased individual:

1. For women, five wraps are required.
2. For man, three wraps are required.
3. The material which is required its length should approximately be about fifteen yards.
4. For tying a deceased shroud, three strips are required which are thin.
5. For washing, three are required two long pieces which shall covers the body.
6. Two towels which are large shall be required for drying an individual's body who is died.
7. Pairs of gloves be needed which will be strong and are of a rubber material.
8. A disposable kind of box is required which contains the gloves of surgery.
9. Shampoo and cotton is required.
10. A dispenser which includes either soap or a liquid.
11. For removing a polish from the nails, a remover is required.
12. Scissors which includes a pair of two and a tape for masking.
13. Camphor or a perfume is needed which is of a kind of non-alcoholic.

14. For throwing the rubbish material, a bin or bags are required.
15. Jug is required along with a bucket which is of large size.

Al-Ghusal

The individual when dies, in a community of Muslims it is a duty of the members of the family or relatives to wash the body of an individual who is died. But if they both are not able at the location, then at that time a responsibility shifts from the community of Muslims for washing it according to rights of Islam. The person who used to wash the body they must be not less than two people or more than three people to wash the body until or unless they are trustworthy, adult, sound mind and honest ones. And they shall know how to wash the body according to the steps which are told by Islam. While washing the deceased they should not pass any comment. As it is prohibited in Islam. (Abidin,N.Z, 2013).

Al-Kaffan

After the process of washing and drying, the process of shrouding takes place. White shirts which are not expensive are required and recommended for the purpose of shrouding. During the time of *Kaffan*, not any extravagance is recommended. It has been related by *Hisham bin Urwah* narrated from his father that Aisha said: The Prophet (S.A.W) was shrouded in three white Yemini clothes, three was no shirt nor turban among them (At- Tirmidhi, 2007). When the body of a male is performed with the help of incense, then the sheets will be used which are winding for cleaning and the full body of an individual who is died shall be covered. Ropes are used which are from four to seven feet that can be able to tie white sheets all over the body. For the body of a female, the shrouding is done by five garments which are white which involves two sheets which are winding. A long shirt of sleeve which is loose which can cover from the shoulders of a deceased till the feet. A wrapper of waist and veil that covers head. It shall be in larger length which covers the body fully. The white sheets are perfumed with the help of incense (Abidin,N.Z, 2013).

Prayer of Janazah

When an individual die, the prayer of *janazah* shall be performed. If the prayer of *janazah* should not be performed from the complete community of Muslims, then it is regarded an act of sin in Allah's vision. If not all but few people area sked for the prayer of the funeral, then the community of Muslims shall save from Allah's anger.

Whether the reward shall be granted to those who are the participants. Prophet (S.A.W) in many of His (S.A.W)'s traditions had motivated the individuals who are Muslims for attending the ceremony of funeral.

1. *Janazah* prayer should be offered in congregation, as this is more rewarding. It can be prayed in more than one congregation but by different people.
2. *Janazah* prayer should be offered in an open place but in case of rain or bad weather or any other reason it can be prayed in a mosque or a hall etc.
3. It is *makruh* to perfume the *janazah salaah* while the sun rises, when it passes the meridian (ZAWAL) and when it sets. Besides these three times, which last for a very short period, this salaah can be performed at any time during the day or night. It can also be read after the *Asr-salaah*. (Abidin, N.Z, 2013).

For male it is required that the imam in the time of prayer must stand at the level of both head of the deceased and its shoulder. And for female must stand at the level of abdomen with the body of female.

When the prayer of funeral differs?

For this prayer there is no final time. At the time of *makruh*, this kind of prayer shall not be performed. It is performing in a position of standing. It includes the condition besides this which are purification, dress, facing the direction of *Qibla*.

The procession of funeral

Janazah after the process of funeral prayer must immediately be buried. *Janazah* must be placed on the direction of *Qibla*. Head of the deceased must be towards the right hand side. It is required that only those relatives which are *Mehram* or any relative which is closer enter inside the grave for lowering dead body. The husband is not allowed to enter grave of his wife for burying her. This is not the Prophet's *sunnah*.

For female, it is *Mustahab* of holding the sheet from above when a female is lowered down and burry. If incase there might be a fear that her *kafn* can open in that case it becomes *wajib*. And the body shall face *Qibla*. The white strips which are tied shall be made united from the side of head, legs and the chest. The recess might be covered with bricks which are unbaked, timber and bamboo. This act is considered *Mustahab* of closing the trenches in case of males from the side of legs and in case of females, from the side of head. The small opening which is remained there must be shut with

the help of mud or the grass. Blankets or any other sort of fabric is not required and it is considered wasteful. Those individuals who are present must participate for closing the grave with the help of three people's hands that are full of soil. Aisha narrated: 'I saw the Messenger of Allah (S.A. W) while he was dying .He had a cup with water in it, he put his hand in the cup then wiped his face with the water, then said : O Allah ! Help me with the thrones of death and the agony of death.'" (At-Tirmidhi, 2007).

Prayer which is performed over a dead individual

For deceased, it is obliged on the people to pray for him by saying or starting with *Allah u Akbar* having an intention, then *surah-e-Fatiha* will be recited, then *Allah u Akbar* will be said which the prayer of the dead individual be followed by. The supplication which is made for the deceased is *Allahumma ghfir lihadha l-mayyit(10.37)* it means, "O the Lord of Allah, forgive the dead individual." After that *Allahu Akbar* will be said which is followed through the closing of the prayer by *salams*.

Consoling relatives

The relatives which belong from the family of the deceased should be consoled. They should be join by the people with steadfastness. They should be encouraged by the people that the deceased will be rewarded in its next life when burial is performed when the three days will be passed. For those who are bereaved they are allowed to cry, but to cry in a loud voice is unlawful or even rending the garments of the deceased. (Al.Nawawi, A.Z.Y.I.S, 2003).

Government of Pakistan (GOP)

Guidelines: Infection Prevention and Control (IPC) or the safe management of a dead body during Covid-19 Outbreak

1. After the meeting held in the house of the President, a talk was held between the guiding person Dr. Tanveer Ahmad Qureshi, the secretary of health. He has provided some literature. He was trying to contact with WHO, through which more information would be brought. The literature which has come it shall be followed. (World Health Organization, 2020).
2. The purpose is to guide and provide guidance to the mortuaries, families, people of health care and managers, facilities for public authorities of health along with, those

individuals attended body of the deceased who had died due Covid-19 pandemic. (World Health Organization, (2020).

Underlying Principles

1. As covid-19 is transmitting from man to man due to which the whole world is suffering from it. According to the evidence of the global world, it is a severe disease that includes the ninety- eight percent of the rate of survival of those people who are affected by this virus. Eight percent cases recover from this disease. Fourteen percent of the cases are in the critical and severe state. Five percent of the people are those which demand special care in the hospital due to severe sickness. And 3.4 percent of the cases of covid-19 died due to the variation in different places worldwide.
2. The death which has caused due to Covid-19 must take place in the settings of health care or home. Not any evidence has been found of transferring of the disease from the covid-19 dead body. While handling the dead bodies of the infected patients of covid-19, it is important to ensure certain precautions. The aim of the document is to provide a strict protocol which shall be based on the guidelines of WHO; so, that any possible transmission is prevented.
3. The tubes, pipes and catheter that are connected with the deceased shall be taken out.
4. The body shall be covered with a piece of cloth and shall be transfer to the area of mortuary immediately.
5. The body shall be disinfected before the time of transfer.
6. The transfer shall be done with the help of ambulance or any kind of vehicle.
7. The process of cremation of the deceased and burial must be handled by the concerned authorities. On the basis of case, keeping in view the rights of the members of the family, investigating the cause of death and avoiding the exposure due to spread of infection.

Process of disposing the deceased by family members

3. The family members and friends can view the body of their deceased relative. They are not allowed to kiss their deceased relative or even touch it.

4. The members of the family of the deceased must follow the precautionary measures which are standard for wearing (PPE).
5. The exposure of the members of the family shall be minimum while keeping in mind the sensitivity of culture.
6. Those individuals whose health condition is not good or immune system is not much strong, which are above the age of sixty years; must avoid the direct contact with the deceased.
7. Clothes which have been used by the deceased including towels or any other stuff must be washed with the detergent of laundry in machine. With water with the temperature ranging from 60 degrees centigrade to 90 degrees centigrade or 140 degree or 194 °F. (World Health Organization, (2020).

Guideline SOP's by WHO for the burial of victim covid-19 in Islam.

Red Cross an international committee has provided guidelines for the burials of covid-19 patients. The legal advisor of ICRC Ahmad al-Dawoody and Oran Finnegan, the head for forensics ICRC have explained how to conduct the burial of covid-19 deceased with dignity. (Al-Dawoody., & Finegan, 2020)

1. **Ritual Purity:** For giving *ghusl* to the deceased, it is required to wear the protective gloves. While handling the dead body special care shall be taken in order to keep safe from face, fluids of the body, mouth and blood of the dead body if there is a danger of spreading disease during *ghusl*. Then it will be sufficient enough to spray water on the body or pour it. After done with the procedure, it is required that the surfaces must be washed and disinfected. Disposables shall be used for throwing the waste. If still there is a danger for the spread of disease, then in that case two instructions are given. *Tayamum* or the dry purification shall be performed according to the guidance given by Leader of Iran *Ali Khamenei*. Also *Al- Sayyid Ali Al-Husseini Al-Sistani*, the eminent of *Ali Khamenei* said that the burial shall be performed without giving *ghusl* in that case. If the health officials prohibited of giving any type of *ghusl*.
2. **Shrouding:** The dead body shall be shrouded after permission from the health authorities. The body is wrapped in shroud in the three layers which also include wrapping the body from outside of the bag. Ayatollah Al- Sistani permitted it by declaring.

- 3. Funeral Prayer:** It is also performed by the two individual's minimum. Such prayer shall be performed in open air. This is the prayer which is also known as *Salat al-ghai'b*. Such a prayer shall be offered for the victims of covid-19. (Al-Dawoody., & Finegan, 2020)

There is a document that has been updated which is a guidance for the people; which is entitled as **“Critical preparedness, readiness and response actions for covid-19”**. Further, the details provided by WHO for such actions is available in the table provided in the document. (World Health Organization, (2020.

Doctrine of Necessity

The reason of *Aql* is also used in case of permitting or prohibiting certain actions for the welfare and survival of any human individual. For each new problem which the society encounters; it is the duty of jurists that they through reason permit the things for public. (Nyazee, I.A.K, 2013). There is a legal maxim which connotes:

ما أبيض للضرورة يقدر بقدرها

Duress is to be dealt with up to its extent.

Similarly, necessity in term of medical treatment shall also be considered to consent, irrespective of its incompetence for saving the lives of people. Such treatments shall be taken as an example that are meant, as the treatment that are performed in a best way for the interests of the people. For example, if any medical surgeon operates a person who is in the unconscious state, then it is considered an assault on his part without taking the consent of the patient. But if the consent is taken by the woman for saving her life and then any treatment performed for it, will be for the condition of necessity. Under the doctrine of necessity, situations arise such as necessity and the ordinary. When such situations are justified then the treatment shall be done. (McSherry, B, 2002).

An individual who is the part of the society; its dignity shall be maintained. (Yadollahpour, 2011).

Protecting the dignity of an individual is another objective of *Shariah*. The dignity of human individual shall not be violated. (Abdullah, 2012).

Fard Kifayah in the light of Maqasid-e-Shariah

Nausation, M. S. A, (2020) explains that *Fard Kifayah* is defined as the responsibility or duty of an individual which must be carried out by the group of people (in collective form). On the basis of which the people of other groups get free from the law or sanctions. The terminology of *Fard Kifayah* means when an individual performs the obligation at single or collective level. An individual's body is placed at the site from where it shall be carried. All the provisions have been made by *Shariah*, from *ghusl* till burring. For giving *ghusl* to the deceased; three conditions are required:

1. Deceased shall be a Muslim.
2. Presence of a body.
3. Death has not occurred because of martyrdom. (Nausation, M. S. A, 2020).

Burial of the deceased

Making the burial quick is also necessary. There are traditions present regarding it. Instead of an individual who died under the water because Maliki school of thought is of the view that the burial of such individual shall be performed late. Because there is a doubt that an individual due to the water had gone in the state of unconsciousness and regarding its life it would be not confirmed. (Rushd, 2009). For the deceased this has been regarded obligatory that the deceased should be buried in such a way that he faces the *qibla*. To burry an individual in the grave of *lahd* is the Sunnah which faces the *qibla*. From the top of the grave shall be made leveled. Irrespective of building anything above it or the grave is whitened with the help of plaster. (Al-Nawawi, 2003). It is to be recommended that the dead individual shall be buried in *Lahd* which consists of a grave that is in L-shape. It consists of crevice below that faces *qibla*. A partition shall be made which consists of bricks that are unbaked. As for Prophet it was made. The deceased should not be put in wood clay that is baked, which the fire touches it. (Al-Maqdisi, 1428).

On the obligation of burial there is an *ijma* (consensus) of the scholars. Its real basis is the verse of the *Quran* of *surah Al-Mursalaat*, verse number 25, 26 that,

«وَأَمْوَاتُنَا أَحْيَاءٌ . كِفَاتًا الْأَرْضُ نَجْعَلِ أَلَمَ» ...

“Have We not made the earth (as a place) to draw together. The living and the dead”.

In this ayah the word *Kifat* according to *Ibn -e-Kathir* refers to the shelter place. In the view of *Mujahid* it is that place which holds deceased so not anything can be seen besides it. Whereas it has been said by *Ash-Shabi* that the interior part of the land is for the dead individuals and for living individuals it has the outer surface. Furthermore, *Qatadah* along with *Mujahid* are of the view that it refers to mountains. Because the land is placed with mountains so that the earth does not sway or disturb from its place. (Kathir, 2000).

Graves

Regarding sitting on the grave there comes in *ahadith* that,

... يُجْصَصَ الْقَبْرُ وَأَنْ يُفَعَّدَ عَلَيْهِ وَأَنْ يُبْنَى عَلَيْهِ ...

...“That Messenger of Allah ﷺ forbade from plastering graves, sitting on them and erecting structures over them.” (Al-Hajjaj, 2007, h.no. [2245] 94- (970).

Relating to death, visiting the places of graveyards and the hereafter are said to be the issues of controversy in the Islamic religious thought. The reason behind is that the opinions and the beliefs of the people differs regarding the unseen things. The Islamic jurisprudence or the laws related to it vary and they also alter from one place to another place along with time. (Elaskary &Yun, 2017).

The concept of grave, burial and funeral rites differs from Muslims to another in religion.

Peoples who used to treat the graves as holy places, staying there is not holy and correct according to the view of Islam. It is allowed that Muslims shall pass through the grave, pray for deceased also read verses of Quran. (Elaskary &Yun, 2017). There comes in a hadith that,

" الْآخِرَةَ تُذَكِّرُكُمْ فَإِنَّهَا الْقُبُورُ زُورُوا "

.....Messenger of Allah ﷺ said, visit the graves for they will remind you of the hereafter. (Sahih) (Al-Qazwini, M.B.Y.I.M,2007, h.no. 1596).

For male there not shall be any harm or bad in going to visit graves. When he passes through the graves and visits, he must say, May the peace of Allah be upon those who had died.

Graves have two shapes which are different from each other. They are:

1. *Lahd*

2. *Shiqq*

1) *Lahd*: The shape of the grave is that in which inside the wall, a hollow which is concave is digging in a grave. So, that the body which is placed should be housed enough. It follows the direction of *Qibla*.

2) *Shiqq*: By *shiqq* it means that grave should be digged. Its hole consists of a rectangular shape inside the ground. Over the ceiling, the body shall be put which protects the body of deceased from diet.

Every believer whether poor, commoner, rich and king shall be buried in the same manner. The deceased should not be buried in a coffin until or unless, it is allowed. If there is any requirement which shall require following in any country or region particularly. (C.G & A.B, 2016).

And when the dead body shall be completely covered, then it is required that the grave of a deceased shall be filled by soil. For the identification of grave it shall be permitted that a stone shall be placed. This is not allowed that to construct or cement on above the grave. To write something on grave is not allowed. Incense should not be burned. It is complete overview which is practiced by the people of Islam. (C. G & A.B, 2016).

After death customs

The ceremony of funeral is a final practice which the individuals participate. As it is the opportunity to show their existence in this world. According to the theology of Islam. When burial is performed after that the two angels came to visit the deceased in grave and they ask questions from male/female. On the basis of this questioning, it is determined that whether a deceased individual is a Muslim or a non-Muslim. The questions which are asked include: What is the name of your Creator or Lords, Tell the name of your Messenger? To which religion you belong? If a deceased is a believer, then the grave in which he/ she be put will expand. If the deceased is a non-believer, then the grave does not expand it only contracts. And the ribs of the deceased piled with each other. From hell, the door will be opened so that the heart reaches the dead person's grave. The contraction and expansion processes of the grave continue till the time of judgment day. (Bicer, 2009).

The aim of burring the deceased in the grave is to guard the dignity of deceased. It is compulsory to bury the deceased or cremate according to the religion of the dead individual within a time of twenty-four hours. In the fatwa of MUI, the Secretary named *Asronin Niam Shalah* said that the body of the deceased shall be managed according to the law of Islam. Fatwa also includes washing the victims of this pandemic without remaining clothes. Because the purpose is to clean body and things which are unclean. When the purification is done then comes washing. It shall be covered with a single piece of cloth. Then it is covered with plastic and placed in a crate for avoiding the transmission of disease. Then funeral prayer is performed for the infected Muslims. It has been said by *Khoffiyah* from the council of *Ulama* in Indonesia who had given a fatwa in 2020, number eighteen, which states that those infected Muslim who died due to the outbreak of covid-19 are regarded martyrs. (Nausation, M. S. A, 2020).

The rights of human beings are also applied to corpse. Whereas the phenomenon of dignity, the word corpse has been used for dead. To distinguish this word from animals, human corpse is used for the deceased. Similarly, the remains of a deceased means body of a dead individual. The practices of cremation along with, mass burial of deceased are against the right of human dignity. (Nyazee, I, A.K, 2013)

Nyazee, I, A.K, (2013) further says that when any disaster came, it shall be responded with a management done in a proper way. Because service, care for the humanity shall be given to the human individuals essentially. If the cremation and the mass burial are carried out; then it will be extremely emotional for the loved-one, relatives and friends. When respect is given to the deceased, the sufferings and pain of the loved-one will ease with the help of it. The corpses shall not be cremated based on the motive of religion. As a result of cremation, the mass burials shall also be avoided. It shall only permit in that case if the circumstances of the present time do not allow for the graves to be used individually. There is an Islamic legal maxim that,

It means, necessity permits the prohibited. (Nyazee, I, A.K, 2013).

Even the remains of the body are also treated with respect just like the bodies of an individual. The deceased shall be disposed in the last by the way of burial which is a respectable process. (Hoe et al., 2018). As the diseases in past started from epidemic. When the death approaches to the Muslim, it is obliged on other Muslims that they shall perform the obligations of funeral and burial. The Prophet (S.A.W) had given guidance that a burial shall be performed quickly. There are some people in the society

who do not demand burial for the covid-19 deceased patients. The reason for it is the fear of spreading the virus. While on the other hand, *Shariah* demands that the body must be treated well. There are also some individual who do not accept to bury the deceased for the reason that virus can be transmitted from the deceased to the living individual. (Nyazee, I, A.K, 2013).

Analysis and Discussion

The covid-19 is a new disease which has put the humanity in an incredible situation. It is a pandemic disease which has affected everyone living in a large populace all around the globe. The family of corona viruses known as SARS-COV includes SARS-COV-2, and N-Covid-19. The word corona means the core like appearance which has circular crown like shape. It contains the spikes like projections. These viruses have affected both the human beings and animals, due to its contagious nature. Its new type is n-covid-19 which is a novel coronavirus that appeared first time in China in 2019 in the city of Wuhan. The name of this disease was given by WHO and it was declared as a global pandemic disease.

In some severe cases, the person becomes hospitalized because its immune system badly affected and sometimes an individual reaches the condition to use the ventilators. Furthermore, it is clearly mentioned in the tradition of the Prophet ﷺ that those who die with the plague are a martyr. So, the religious scholars from different schools of thought on the basis of mutual consensus (*ijma*) have given the fatwa, based on *qiyas* (plague), that those who die due to covid-19 are said to be a martyred. Regarding the conventional practices of burial of deceased person, the historical traces shows that there were different practices throughout the world in different pandemic situations.

Whereas in Islamic Law, the burial of deceased due to pandemic has some specific rights to be followed. These rights include firstly, funeral prayer of deceased by the community members and secondly washing, shrouding, paying off debts which are also acts of *Fard-al-Kifayah* as emphasized by some eminent Muslim scholars like *Imam Ghazali*, *Ibn-e-Taimmiyah*, and many others. Likewise, the practice of cremation related to the disposing off the body of pandemic Muslim deceased person has also been discussed by Islam. Islam says that cremation of deceased Muslim is not permitted based on the tradition of Prophet (S.A.W) as it is against the dignity of the dead body and rights of deceased person. In Islamic jurisprudence, there are five *Maqasid* of which protection of life and dignity of human beings are given the great

importance. It is said that harming the dead body is like harming the one who is alive. This thing is regarded as criminal offence under Islamic law and the person will be punished.

So, the aim of the *Maqasid al-Shariah* is to achieve *Maslahah* for avoiding harm which is *Mafsadah*. As it is not lawful to cremate the Muslim's dead bodies. During first phase of covid-19 pandemic worldwide, the practice of burial of infected Muslim deceased has been the point of discussion for most of the Muslim scholars. In order to find out the solution for prevention of spread of disease, the cremation of Muslim deceased due to covid-19 as discussed by the Muslim scholars can be done, if it is required, based on the Islamic legal maxim e.g. 'Prohibited is allowed in case of necessity'. That's why there were many Muslim dead bodies which were cremated in different parts of the world such as in India, Sri Lanka etc. But there is no requirement of this practice of cremation in covid-19 situation especially in Pakistan where only one case has been cremated in the first phase of covid-19. That's why scholars have not decreed about the cremation of Muslim deceased of covid-19.

Besides that, in Pakistan, the IIC has passed different decrees related to the burial of Muslim deceased. These decrees include the issues related to giving the *ghusl* to the victim of covid-19. It has been said that such a person shall be given *tayammum*. If the medical professionals have a fear that by giving *ghusl*, the infection will spread. The necessary precautions shall also be taken at the time of the performance of the final rites of the deceased. For example, a fatwa has been passed by the IIC in which one question was asked by Mohammad Arshad Kowloon regarding an individual, who died of covid-19, whether or not he shall be given *ghusl*? Then the answer was given that it should not be cremated. Rather, *tayammum* shall be performed and *ghusl* shall be given in that case if there is no fear of the spread of the contagion (A. Abdullah & Essa, 2020).

Besides that, WHO and GoP has developed some SOP's related to the process of burial to stop the transmission of pandemic covid-19. These SOP's are also in line with the teachings of *Shariah*. These includes wearing PPE by the paramedical staff for the process of burial, handing over the dead body to the family members and relatives, giving *ghusl* to the dead body, preparing the dead body for the funeral, and burying in the graveyard. Moreover, the GoP has taken the further strict actions for controlling the spread of the disease like partial lockdown which includes shopping malls, wedding halls, markets, schools, hotels, public transports, gatherings and travelling

restrictions. All these measures by the GoP have also been monitored and control by the healthcare institutions. These healthcare institutions issued guidelines related to the hygiene, staying at homes, maintaining social distance, disinfecting themselves and commodities.

The current research studies the Islamic law on the cremation of Muslim deceased which took place in certain parts of globe. Islam strictly condemns this practice because it is against the teaching of *Shariah*. Although, there were number of Muslims of old age, young age and even babies that were cremated due to fear of the spread of contagion and contamination of ground water. It has created a fear among the community of Muslims worldwide. But later on this practice has been controlled when *ullama* has been given clear verdicts related to cremation of Muslim deceased and also the fear of pandemic has been overcome by the people.

Conclusion

Maqasid al-Shariah has emphasized much on the protection of the life and dignity of an individual. Because human beings are the best creatures of Allah. Hence, to discourage the practice of cremation, and taking out the Muslim *ummah* from this horrific situation, the GoP has also condemned this practice. It does not mean that the prohibited things in case of necessity are not permissible. For saving the life, prohibited actions can be taken till the life of a person is no more in danger. But if the actions are taken beyond the necessity; than an individual will be accountable for it.

In some of the countries, the cremation of deceased Muslims due to corona virus become the big controversial issue for the Muslims. Muslims in the non-Muslim countries has suffered a lot due to the practice of cremation. It is an irreparable loss. It has badly affected them mentally, socially and physically. This problem has spread fear, panic and alarming situation among the Muslim communities. Because in Islam, the cremation is not allowed. Subsequently, much of the Muslim dead bodies are cremated. It is a very painful procedure. In Islam, the dignity of an individual is very important, but in cremation the respect of the deceased does not remain anymore. Criminal law protects the dignity of the deceased.

Instead, of focusing on cremation of Muslim's issue, religious scholars have been involved in thinking of imposing the lockdowns to prevent the spread of coronavirus. The religious scholars held different meetings regarding the issues which the Muslim

ummah is facing in this covid-19 pandemic situation. The fatwa has been passed that cremation is prohibited and every individual shall remain at their homes to pray Allah for seeking His forgiveness. So, that their sins might be forgiven by Allah Almighty. But it is the duty of the Muslims that they shall remain firm and does not lose their hope and trust in Allah in case of hardships.

By following the guidelines given in Quran and the Sunnah of the Prophet (S.A.W) they can fight against any disease. The disease of covid-19 is controlled in Pakistan after adopting the precautionary and preventive measures to prevent the spread of the disease. Covid-19 pandemic is not the first disease which has badly influenced the community of Muslims. In past, some diseases were also found which had occurred even in the reign of Prophet (S.A.W) after His demise. Furthermore, it is required that Muslims shall take care of themselves and adopt those measures which can stop the spread of the disease. If any individual get affected due to covid-19; then they shall isolate an infected individual. As a result of which the healthy individuals shall remain safe and protected. Today the medical science has proven the teachings of the Prophet (S.A.W). As the life of Prophet (S.A.W) is a complete guidance for the living individuals. Every individual must have faith that whatever is written in the destiny of an individual that destiny cannot be avoided. And to whomever Allah wills, will be protected from any particular disease. As Allah is the knower of everything.

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