

The Concept of Quarantine and Its Importance in Legitimate Purposes

Subhan Sattam Ghanm Zawba¹, Dr. Yaser Adnan Hassan², Dr. Yousef Mazhar Ahmed³

Abstract

Praise be to God who made the miracle of the Seal of the Prophets, Muhammad, may God's prayers and peace be upon him and his family, remain until the Hour of Resurrection, which is the Noble Qur'an, and prayers and peace be upon the most eloquent of the Arabs, Muhammad, may God's prayers and peace be upon him and his family, to whom God gave the summaries of words.

The Holy Qur'an was a divine source of legislation, and it was a guide for the righteousness of the nation and societies, and a guide to action. It is the supreme guide for the teachings of life in transactions and worship, and we draw inspiration from it in everything that concerns us. He said his words in more than one article regarding spatial separation and separation between human races in cases that represent danger to human life, especially In the case of the existence of contradiction between human beings with regard to safety and well-being, and he approved the divergence between contradictory human beings and from other races of existence that are corrupted by the merger between their individuals and their parts, and made between them an isthmus and an inscribed stone. a And He placed between them a barrier and a stone of confinement] Surah Al-Furqan: 53 Thus, quarantine is a necessity for survival and prevention from epidemic and calamity. We ask God for safety and wellness.

Keywords:

Introduction

Research importance: The importance of the subject of this study lies in the following points:

- 1- Explaining the causes and types of quarantine.
- 2- Proving that the wise Islamic law has adopted a basic plan to limit the spread of epidemics and infectious diseases.
- 3- Explaining the necessity of imposing quarantine according to Islamic law and the responsibility in this regard.
- 4- Identify the role of quarantine in reducing the spread of epidemics and infectious diseases, as many individuals still do not realize the importance of this role and consider it a restriction and underestimate the role of quarantine for the sake of their freedoms.

¹ Samara University, Faculty of Education, Department of Quranic Sciences, Iraq, Sabhans.ghanm@uosamarra.edu.iq

² Samara University, Faculty of Education, Department of Quranic Sciences, Iraq, Yaseradnan2014@uosamarra.edu.iq

³ Samara University, Faculty of Education, Department of Quranic Sciences, Iraq, Yousef_ab76@yahoo.com

Reasons for choosing to search:

- 1- The main reason is my desire to research this article and not other materials, especially since it falls within the Sharia jurisdiction.
- 2- The new Corona virus (Covid 19) has invaded all countries of the world and caused it in Egypt. Hundreds of thousands of people infected with it.
- 3- The countries of the world adopt all methods of quarantine, sanitary isolation, and social divergence as a basic strategy to limit the spread of epidemics, diseases, and infectious viruses.

Research problem: The research problem is manifested in the following:

- 1- The new Corona virus (Covid 19) has invaded all countries of the world, causing the death of hundreds of thousands. Epidemics and infectious diseases are also spreading rapidly in all countries of the world, and most countries lack ways and means to combat it or stop its spread.
- 2- Countries adopting the method of isolation and quarantine as a plan and procedure to ensure that infection does not spread, given that imposing quarantine and restricting the movement of people coming from places affected by the disease and preventing them from mixing with others is also another guarantee against the spread of infection.

Research aims: This study aims to:

- 1- Highlighting and elevating the role of quarantine in limiting the spread of epidemics and infectious diseases.
- 2- Statement of what is meant by quarantine, and its causes and types.
- 3- The objectives of the quarantine are the prevention of infectious diseases and their impact on public interests, in addition to the obstacles that impede the implementation of the quarantine.

Search questions:

- 1- Is there a contradiction in conducting quarantine on people with personal freedoms and rights?
- 2- Is the quarantine based on an Islamic legal basis and a preventive medical basis that can be relied upon to impose it on members of society?

Research Methodology

In the title of my research, I relied on the analytical descriptive approach, due to its advantages, and to reach its goal and purpose. The Qur'anic verses were extracted and attributed to its surahs, then the name of the surah and the number of the verse were mentioned, then the verse was interpreted from the books of interpretations and the aspect of its evidence was clarified. And also I extracted the Prophetic hadiths, documented them from the books of Sahih and Sunan, attributed them to their sources, and explained the meaning of the hadith explanation books. As for the book's card, I mentioned it in the margin completely when I mentioned it for the first time, but when I mentioned it again, it was sufficient to mention the name of the book, the name of the author, the part, and the page. In the list of sources and references State it briefly.

Research Difficulties:

It is natural for every researcher to encounter difficulties during the completion of his research, and with regard to the obstacles and difficulties that stood in the way of my research, despite the availability of scientific material related to this topic, not the cinema

of the legal aspect, it is difficult to select the accurate information that pertains to my research and put it in the appropriate place

Previous studies on the subject:

In fact, I found very few studies that talked about quarantine or had anything to do with it, including the following:

1. The provisions of quarantine, a comparative study in Islamic jurisprudence and order, by the researcher Qasim bin Muhammad Abdulaziz Al-Qasim, which is a master's thesis from the Higher Institute of the Judiciary in 1421 AH, in which the researcher talked about the provisions of quarantine in jurisprudence and order with a comparison between them, and the thesis was in 1421 AH as It is clear from its history, that is, before the issuance of the new health monitoring system issued in 1433 AH. This study dealt with the provisions of quarantine in Islamic jurisprudence and the system, a comparative study.

As for my study, it touched on the legitimate and legal purposes of quarantine, a comparative study, and this is what distinguishes my study from the previous study.

2. The provisions of quarantine in prophetic medicine and the modern era, a scientific study from a legal perspective, by researcher Maan Badie Ragheb Hussein, a research published in the Journal of Sharia Research and Studies in Cairo, Volume Eight, Issue 75, issued in June 2018 AD. This study was distinguished by being a specialized study of the provisions of quarantine. In Prophetic Medicine and the Modern Era, a scientific study from a Sharia perspective. The researcher approached it from a Sharia perspective

As for what distinguishes my study from it, it was in the legitimate and legal purposes of quarantine (a comparative study), in which I dealt with the concept of the legitimate and legal purposes, the concept of quarantine, its types, the wisdom of it, its controls, and its effects, legally and legally.

3. Health prevention in Islam, by Dr. Marwan Ali Al-Qadoumi, which is a research published in the Journal of Al-Quds Open University, Volume 26, issued in 2012 AD, and it is a research in Islamic culture, not an objective research, and he also talked about prevention and did not talk about quarantine.

Search Plan: This thesis was divided into an introduction, two requirements, and a conclusion, as follows:

In the introduction, I touched on: the importance of research, the reasons for choosing the research, the objectives of the research, the research problem, the difficulties of the research, and previous studies. I mentioned what distinguished my study from those studies, the research methodology, and the research plan.

In the first requirement, I addressed: the concept of quarantine, its history, its legitimacy, and the wisdom behind it. The second requirement included the reasons for quarantine and its types.

The importance and concept of quarantine in Sharia objectives

Quarantine is considered an important measure through which the spread of diseases can be prevented or their impact on members of society can be reduced. Some of them mention that quarantine is the separation of people from each other through social distancing and in accordance with the instructions and controls in force according to Sharia law. Due to the importance of this research, the researcher will address quarantine, its definition in linguistic terms, the legitimacy of quarantine, the wisdom of it, and the reasons for quarantine and its types due to its importance. The researcher will address the topic in two requirements: The first requirement: The concept of quarantine, its history,

its legitimacy, and the wisdom of it. As for the second requirement: Reasons for it Quarantine and its types.

First Branch

Quarantine concept

First: Stone is a language: The source of interdiction is that the judge imposes an interdiction if he prevents him from disposing of his money. The interdiction continues in the language: "what he has interdicted," meaning he prevented him from reaching it, and everything that was prevented from him was interdicted. And likewise the rulers' prohibition against orphans And the Almighty said: (And your stepsons who are under your guardianship) And the Almighty said: (And they say, "A stone shut down.").

It is taken from the verb stone, and it comes in the sense of prevention, and it is said: The ruler's stone on the bankrupt is his money if he prevents him from disposing of it.)

It was said in defining quarantine as: "It is prevention and restriction This is what Ibn Faris had in terms of linguistic standards, where he defined stone as prohibition.

And it is said that a stone has been placed on him, meaning that he is prevented from disposing of it, so it is said that so-and-so, in the stone of so-and-so, meaning: in preventing him from disposing of his money and many conditions, and his collection is interdicted.

As for the healthy linguistically: taken from the verb sahih, sahih, sahih, and health in the language means: the disappearance of sickness and innocence from every defect and doubt, and it is the opposite of sickness.

And Quarantine - bypassing the illness from its owner to another, so if the word quarantine is added to (healthy), it is intended to prevent social mixing; For fear of the spread of an epidemic or contagious disease, and this origin also goes back to the competence to reside in a place alone or isolated from others..

Quarantine, in its linguistic meaning, can be compared to quarantine in Islamic jurisprudence, in the sense of preventing people from disposing of oneself because of a minor, foolishness, madness, or dementia..

Second: the stone idiomatically In Sharia terminology, stone has several meanings, all of which meet in the direction of preventing a person from disposing of what harms him. And the Malikis defined it as: "They said the stone is a judgmental characteristic that is governed by the Sharia, which necessitates preventing its characterizer from influencing his disposal in what exceeds his strength, just as it necessitates preventing him from influencing his disposal in excess of one-third of his money." The Shafi'is defined it as: "preventing the disposal of money for specific reasons."

The Arab World Encyclopedia defines quarantine as "isolating specific people, places, or animals that may carry a risk of infection and its duration depends on the time necessary to provide protection against the risk of spreading certain diseases."

Some see in its meaning a term that applies to its linguistic meaning, as it is preventing the interdicted from acting, and that it may respond to verbal actions (legal actions, as it is the prevention of a special action for a special reason, and it is of two types, the first of which is: judgmental, and it includes those who are interdicted for themselves and the second: judicial, it is Which the judge rules on the foolish, the bankrupt debtor, or the convicted person, and the stone may respond to actual (material) disposals, preventing the quarantined person from performing a certain behavior, and the two kinds of stone aims to prevent harm from occurring, so the stone on verbal actions aims to prevent harm from occurring with the money of the disposer of affairs.

As for the World Health Organization, it has defined quarantine as: "restricting the movement of people coming from a country infected with the virus to their countries for a

period of not less than fourteen days, the incubation period of the virus, and there are those who have argued that the incubation period is three weeks as the first thing to avoid transmission of the infection and prevent them from mingling with others and imposing. They should be kept alone in their homes or in a health facility specially prepared for quarantine, by periodically examining them and giving the infected ones appropriate chemotherapy.”.

As for the isolation

Isolation is the language of disqualification, it is said: isolating him from the matter or action, i.e. removing him from it.)

Isolation in terminology is “separating a person infected with or suspected of being infected with a contagious disease in a way that prevents the spread of infection. Isolation takes place either in the hospital or at home.” It was also defined by “separating sick or infected people from healthy people, and restricting their movement, and it is applied to prevent the spread of the Corona virus, and patients who have been isolated are treated in health facilities, and they receive treatment and medical care according to the case.”

As for home isolation:

It is a procedure that relies on separating members of the same family to separate those infected or likely to be infected with the Corona virus, for example, from other healthy individuals, in order to avoid exposure to the virus. Home isolation is based on preventing people who may be infected with the virus from going to public places or their work or study centers, while avoiding using public transportation, and staying at home while avoiding mixing with others. While they can go out for a walk or walk alone away from other people. The home isolation period lasts 14 days, which is the incubation period for the virus.

The difference between quarantine and quarantine

Quarantine is used to prevent and restrict the freedom of people who may have been exposed to a contagious disease but do not show symptoms? Let's see if they got sick or not? These people may or may not be contagious. Isolation is a strategy used to isolate those infected with a contagious disease from healthy people, so that isolation restricts the freedom of patients to help prevent the spread of a particular disease. Isolated people can be cared for in their homes, the hospital, or designated health care facilities..

As for the legal concept of quarantine, we point out that the legal intent was in general to protect freedom of movement, which means the freedom to come and go and go and come from one place to another, whether within the borders of the state or abroad, without restrictions except what is required by the country's highest interest, provided that this is an exception. It cannot be measured or expanded upon, and the ban must be for a temporary period and within the limits set by the law.

We find that all the texts, whether they referred to freedom of movement explicitly or implicitly, opened a wide scope for restricting this freedom of movement when they set the restrictions and exceptions to this right. As for the human right to freedom of movement in international human rights law, it is essentially... Public and humanitarian law is private. The International Covenant on Civil and Political Rights stipulates in (Article 12) that every human being legally present in the territory of a state has the right to move within it and the freedom to choose his place of residence, and that every human being has the freedom to leave any country, including his own. The aforementioned rights may not be restricted by any restrictions other than those stipulated by law, and which are necessary to protect national security, public order, public health, public morals, or the rights and lives of others..

Second section

The legality and wisdom of quarantine

Islamic law was the first to approve health rules to prevent the spread of epidemics, diseases, and plagues throughout history and time. The quarantine procedure is considered one of the most important of them, and it has its evidence and evidence in the Holy Qur'an and Sunnah. Purified prophetic evidence, jurists' evidence, and the jurisprudence and consensus of jurists that benefit people and protect their lives and property from the danger of the epidemic that is sweeping the country throughout history, the latest of which is the new Corona pandemic (Covid).(19) which swept the world overnight and claimed the lives of millions of people, and the importance of the legitimacy of quarantine and the wisdom of it will be explained in the following paragraphs.

First: the legality of quarantine

Islamic law has approved the rules of health and self-preservation to prevent the spread of epidemics, diseases and contagious viruses, and the legitimacy of quarantine is indicated by many pieces of evidence, including:

A: The Holy Quran:

The Islamic religion has paid great attention to the foundations of public health and preserving it from epidemics and diseases through preventive medicine. Islamic law was the first to establish a quarantine law that Muslims adhere to, since if a Muslim is strong and well-built, he is more capable of carrying out his duties.

1. God Almighty said: "And do not throw yourselves into destruction with your own hands, but do good. Indeed, God loves those who do good." And there are two sayings in the Baa': one of them is: it is superfluous, and its appreciation, and do not throw your hands into destruction. The second saying: It is not superfluous, that is, do not throw yourselves into destruction with your own hands, and destruction and destruction are one and the same.)

2. God Almighty said (O you who have believed, take heed of yourselves, and go forth steadfastly, or go forth all together.) Caution and caution in the sense, which is to guard against it, and they are like the impact and impact. It is said that he takes caution when he wakes up and is on his guard against the fearful thing, as if he made caution his instrument by which he protects himself and protects his soul, and the meaning is beware and beware that it is from the enemy (So set out steadfastly)So go out against the enemy in separate groups, swarm after swarm. For the groups are steadfast, and one of them is steadfastness.)Or go all out(That is, all together or with the Prophet, peace be upon him, because gathering without hearing is not completed and the contract without an intermediary is not organized. Or they departed firmly if the mobilization did not prevail, or they departed all together if the mobilization prevailed and the situation remained stable, and so on all of them.)).In the noble Qur'anic verses, God Almighty commands us to preserve the soul, which is one of the purposes of Islamic law, and included in the generality of these noble verses is to preserve the soul from infection with epidemics and diseases, and let us be careful of their spread, and the necessity of taking the necessary procedures and measures for that.

B: The Sunnah of the Prophet: Hadiths from the Messenger indicated the legitimacy of quarantine, which proves that approving quarantine in times of epidemics is not one of the innovations of modern medicine, but rather was ordered by the Messenger to limit the spread of epidemics and diseases, and among these hadiths:

1. The Messenger of God, may God bless him and grant him peace, said: "A nurse should not be brought to a hospital."

2. What was narrated on the authority of Amer bin Saad bin Abi Waqqas, on the authority of his father, is that he heard him ask Osama bin Zaid: What did you hear from the Messenger of God regarding the plague? Osama said: The Messenger of God said: “The plague is an abomination sent upon a group of the Children of Israel, or upon those who were before you, so if you hear of it in a land, do not approach it, or If it falls on a land while you are there, do not escape from it..

3. What was narrated on the authority of Amr ibn al-Sharid, on the authority of his father, said: There was in the Thaqif delegation a man with leprosy, so the Prophet sent to him, “We have pledged our pledge to you, so return.” “»These hadiths indicate that quarantine is not one of the innovations or inventions of modern medicine. The Messenger of God has adopted it and ordered it as a means to prevent the spread of epidemics and infectious diseases among people on a large scale, and also to preserve lives from destruction, and to preserve private and public money from loss.. From the previous evidence, it is clear that quarantine must be adhered to in the event of an epidemic or dangerous infectious disease that spreads in a way that leads to the death of people or a whole in the country. This is due to the specialists, including doctors, competent state institutions, and legislators of laws, instructions, and controls that regulate the affairs and lives of people.

A: It is reasonable

Working in quarantine as a precautionary measure preserves the soul from the point of view of existence and guarantees its survival because the soul is the basis of life and the adoption of wellness, which is the substance of pension and return.

Scientific progress in studying microorganisms and revealing the ways they reproduce, spread, and cause diseases and epidemics has shown that healthy people who do not show symptoms of the disease in the place of the epidemic are carriers of the disease microbe, and they are so. Because of that, the internationally known quarantine system arose, which was approved by the Messenger, may God bless him and grant him peace. Peace be upon him 1400 years ago.

Special custom among medical and health professionals has indicated that quarantine is one of the most important means of resisting the spread of epidemic diseases, and it is consistent with what was stated in the Prophet’s guidance, by preventing people from entering a country afflicted by plague and epidemic, just as it prevents the people of that country from leaving it, and this is what it called for. The World Health Organization and the Ministry of Health call for quarantine, and even isolate entire cities, and obligate the authorities to implement it when the Corona disease (Covid-19) spreads and turns into a pandemic.

Second: The wisdom behind the legality of quarantine To clarify the wisdom behind the legality of quarantine, it will be dealt with through the evidence of the Holy Qur’an and the purified Sunnah of the Prophet, according to what is indicated in the following points.

1. Preserving the human soul from destruction, God Almighty said: {And do not throw yourselves into destruction with your own hands} verse [Al-Baqara: verse 195].
2. Providing public economic resources to be spent on treatment, infection control and limiting its spread.
3. Ibn al-Qayyim, may God have mercy on him, mentioned several rulings on preventing entry to the land in which the plague or epidemic occurred, including: avoiding harmful causes and keeping away from them, and adopting well-being that is the material of the pension and the return..

The second requirement

Reasons for quarantine and its types

The reasons for quarantine vary from one person to another depending on the symptoms experienced by the person who has symptoms of illness, and quarantine varies from one type to another, and it may be preventive self-quarantine, which is suggested to people who do not have symptoms or signs of the new Corona virus. (Covid19), and curative quarantine for people with symptoms of the virus Preventive quarantine applies to people who are in certain places and people coming to a country where the virus is spread, and in order to avoid exposure to dangerous disease, a preventive measure must be taken before the virus infects them, and therapeutic quarantine applies to people who have symptoms of the disease (coughing, sneezing, and high temperatures)... etc.), and due to the importance of the requirement related to the causes and types of quarantine, the researcher will deal with this requirement in two branches: the first branch: the reasons for quarantine, and the Second Branch: Types Of Quarantine.

First Branch

Reasons for quarantine

Legislating laws and setting controls in human societies came in response to the imperatives of achieving interest and repelling harm, in a way that achieves complete stability for humanity and gives it the right to reassurance in a way that keeps away from it the specter of fear and the causes of turmoil and breakdown. Thus, the spread of epidemics and their aggravation among people of all kinds and forms were among the reasons, And the most prominent reasons that necessitated the imposition of prevention laws and the establishment of safety and diligence in providing care, and since the reasons were signs indicating the occurrence of their causes in reality, it was necessary to search and strive to collect these signs and clarify their truth, and among the most prominent deadly epidemics that swept through human societies and dismantled their strength, is the plague epidemic that differed Describing its signs and the nature of its spread between the ancient and the modern on aspects of it, including the saying of Al-Khalil and others: The epidemic is the plague, and he said it is every general disease, and what the investigators said is that it is the disease of many people in one part of the earth to the exclusion of other regions, and it is contrary to the usual diseases in abundance and others And their disease is one type unlike all other times, because their diseases are different, and the Arabs knew of its types, including lentils: a seed of the genus of the plague that rarely escapes from it, and with it Abu Lahab died. Most of them said: It is an agitation of blood in all the body, and its swelling, said Al-Mutwalli, who is close to leprosy. Whoever afflicts it, his organs erode and his flesh falls off, and among those who described it among the ancient doctors and pointed out the cause of its occurrence, Abu Ali bin Sina, that it is a toxic substance that causes a fatal tumor that occurs in the soft and hidden places of the body, and most What is under the armpit or behind the ear or at the groin.

Second Section

Types of quarantine

Quarantine differs from one type to another according to what is known, and whoever reads about the quarantine measures taken in different countries, especially the methods of quarantine in modern times, will find that the quarantine is divided into: Four types:

First: agricultural quarantine: It is one of the important types of quarantine that appeared in the present era, and it is considered one of the achievements of agricultural engineering, and it is intended to work on protecting plants from the transmission of agricultural pests and limiting their spread. In order to prevent or delay the entry of pests and diseases into areas that are still free of them, and the first measure of plant quarantine

was taken in France in the year (1858 AD), to protect the cultivation of lintels from the phylloxera pest. Which moved to it from America, followed by many European countries and North America. Russia issued its first law in (1873 AD), and this coincided with the German government issuing its law on that date, and America in (1912 AD). And Britain in (1952 AD), and in (1952 AD) the Food and Agriculture Organization established the International Plant Protection Convention, which was amended in (1979 AD) and then amended again in (1996 AD), and that agreement included the legislative foundations related to the protection of global plant production, and the regulation of the trade exchange process for materials. Agriculture among the countries that have ratified it.

Second, veterinary quarantine: It is the procedure decided and supervised by the competent administration in animal quarries or similar places to isolate incoming or outgoing animal consignments at the ports until the appropriate decision is taken regarding them. This type of quarantine is concerned with examining animal consignments and birds leaving or entering the country, to consider their suitability. And not to transmit infection to and from the country, by taking several scientific and administrative precautionary measures determined by the executive regulations of the laws issued and implemented by the competent departments. The executive regulations in the Kingdom of Saudi Arabia for the veterinary quarantine system (law) in the countries of the Gulf Cooperation Council have established quarantine methods for animals, making Specific ports of entry for animal consignments.

It also made it necessary to import live animals, waste, animal tools, animal biological preparations, or others by obtaining an import permit from the competent department. In the event that it is rejected, it may be confiscated or destroyed at the expense of the importer, in addition to specifying certain methods and procedures for importing animals, and it indicated the terms of reference for those in charge of implementing the system..

Third: Personal quarantine : This is the third and most important type of quarantine, and it is intended to isolate specific people who carry the risk of infection, and the duration of the quarantine depends on the time necessary to provide protection against the risk of spreading certain diseases. It has previously been said that the official quarantine dates back to the city of Venice in the fourteenth century AD, when the city authorities realized that ships coming from the eastern Mediterranean were causing some epidemics to be transmitted to the city. In the beginning, the ships were isolated for a period of (30) days, but this The period was later increased to (40) days. Venice opened the first personal quarantine on a nearby island in 1423 AD. Other countries quickly adopted this system, and it became a model for the process of controlling international quarantine over the centuries that followed. Then the concept of isolation for people with infectious diseases developed in the present era, and with the advancement of medicine and the availability of a clearer understanding of infectious diseases, until quarantine for humans became rarely necessary, but international quarantine may continue to be implemented in ports, airports and border points, in the event that If a confirmed case of a dangerous infectious disease is found, such as: Cholera, or Delirium plague (a type of swollen disease that spreads among rodents and is transmitted to humans), or the like on board a ship, plane, or train, and if such a disease is found, the ship must remain in the port while raising the yellow flag, and many countries issue laws to protect their lands and citizens from diseases For example: the British government, by virtue of a law issued in the year (1979 AD), established quarantine regulations that apply to any ship or plane arriving in Britain with a confirmed case of human or cholera epidemic on board, as is also done in accordance with this law Ships and planes are subject to quarantine, and many institutions contribute to the provision of health care. The World Health Organization was established as one of the United Nations organizations, and it is still working to raise the level of health in all parts of the world. In the past two decades, its slogan was health for all by the year (2000). The health authorities have already succeeded in eradicating some diseases, such as smallpox, and in reducing the risks of many other diseases.

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