

**GOVERNMENT DIRECTIVES VS. HUSBAND'S INSTRUCTIONS: THE OBEDIENCE (AL-TĀ'AH) OF MUSLIM WIFE AMIDST THE COVID-19 PANDEMIC IN MALAYSIA FROM ISLAMIC PERSPECTIVES**

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<b>Abstract</b>	<p><i>The COVID-19 pandemic has raised compelling questions within Muslim communities, particularly to Muslim wives where their "obedience" faces challenges when they are caught between obeying the government or their husband's directives during the pandemic. This study provides a conceptual analysis that examines the complexities and conflicts that arise when Muslim wives face dilemmas and obstacles in determining their decision of whom to obey during the pandemic-complying with government mandates or adhering to their husband's wishes in issues related to quarantine, vaccination, travel, and intimate relations. This paper explores the concept of Obedience (al-Tā'ah) in terms of Wife's Obedience to her husband versus government directives during the Covid-19 pandemic in Malaysia. It calls for an expanded understanding of Fiqh to encompass the principle of obedience (al-Tā'ah) and the duty of obedience (al-Tā'ah) within the context of the pandemic. This study aims to scrutinize the degree of compliance a wife owes to her husband per Islamic teaching and, in the meantime, to elucidate the position of obedience which clarifies to whom obedience should be prioritized during the pandemic phase. Thus, it will illuminate how supposed Muslim women balance their husbands' instructions and the government directives. Employing a qualitative approach, this research seeks to illuminate the Islamic perspective on these pressing issues through jurisprudential text, scholarly interpretations, and legal framework. As a result, the research could potentially reduce marital conflicts between spouses, promote marital harmony during the pandemic, and also can eliminate confusion in implementing government directives that conflict with obedience to the husband.</i></p> <p><b>Keywords:</b> <i>Pandemic, Communities, Wives, Obedience, Husband.</i></p>
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**INTRODUCTION**

In the wake of the COVID-19 pandemic in Malaysia, the government implemented various preventive measures to curb the spread of the virus. The most significant among these were movement restrictions and health guidelines. Compliance with these preventive measures was heavily emphasized for the entire society and was deemed mandatory as they provided benefits to the community.

The convergence of religious duty and public policy has rarely been as pronounced as it was during the COVID-19 pandemic. In Malaysia, a predominantly Muslim country, the traditional expectation for women to obey their husbands in all circumstances posed

significant challenges when scrutinized against government directives during this public health crisis. The enforcement of preventive measures amidst the pandemic created pressure on Muslim wives to adhere to government directives, often leading to confusion regarding the priority of their obedience to either their husbands or the government. This situation worsened when some husbands, exercising their perceived authority, prohibited their wives from following government directives due to their reluctance to comply with these regulations.

In Islam, indeed, obedience to one's husband is highly emphasized and considered crucial in marital relationships. However, there are conditions outlined for this obedience, including that it should not contravene Islamic teachings or harm the wife. The issue of COVID-19 involves the preservation of human life, and deliberately placing oneself in danger by not complying with government directives is considered harmful and thus undesirable.

The primary focus of this discourse is the concept of obedience (*al-Tā'ah*) within Islamic jurisprudence, particularly concerning a wife's obedience to her husband. Therefore, to address the confusion and questions regarding whose obedience should take precedence during the pandemic, this paper seeks to explore the balance and conflicts between religious obligations, state mandates, and familial authority within the context of the COVID-19 pandemic. It aims to unravel and provide clarification on the prioritization of obedience in critical times such as a pandemic, while also assisting wives in navigating their obedience between their husbands and the government.

#### **OVERVIEW OF THE COVID-19 PANDEMIC**

Beginning with common symptoms of dry coughs, fever, and sore throat, it was unprecedented for a 55-year-old man from the Hubei province of Wuhan to become the core agency of SARS-CoV-2 RNA virus to contaminate the adequacy of the worldwide advanced medical care system (Hale, 2023). Malaysia is one of the countries critically affected by the sudden rise of the COVID-19 virus. The first three cases were detected to subsist from the visit of Chinese tourists originating from Singapore in Johor, confirmed on 25th January 2020 by the Malaysian Ministry of Health (Hashim et al., 2021).

A sudden surge of 900 cases within 16 days was reported afterward, spawning Malaysia's notoriety as a country with the highest number of positive COVID-19 cases across the Southeast Asian continent (Ministry of Health Malaysia, 2022a). Agitated by the spiked numbers, the Malaysian government announced the implementation of a Movement Control Order ("MCO") 3 days after the sporadic events of the Sri Petaling Tabligh conventions, particularly on 18 March 2020, to contain the massive and rampant spread of the virus (Ang et al., 2021).

Within the context of this article, it is pertinent to highlight the role of the wife as the main anchor of the Islamic family institution, whose obligation primarily resorts to her husband's directives. A wife was expected to submit to the husband upon contracting a valid marriage as long as it did not contradict the rules stipulated in Hukum Syarak (Muhammad Ikbali, 2022). This instance invites a conflicting dilemma to be faced by the wives, given the latter's directives contravene the former, which shall raise an issue of the status of the wife's obedience towards the husband during the time of the pandemic (Norafiza Jaafar, 2023).

#### **METHODOLOGY**

This study is a qualitative study, which employs library research to get the data related to the primary and secondary sources. The primary sources such as the Al-Quran and al-hadith, and the secondary data such as books, articles, journals, contemporary books (ruling, fatwa, jurisprudence), newspapers, and online websites will be used to obtain the intended information. The information will also be obtained based on the critical analysis and synthesis from the existing literature review. It will be documented in groups following the thematic style.

### **CHALLENGES FACED BY MUSLIM WIVES IN NAVIGATING CONFLICTING OBLIGATIONS DURING THE PANDEMIC IN MALAYSIA**

In Islamic Syariah principles, a husband's duties include providing a dowry, maintenance, and education for the family. In contrast, a wife must follow her husband's directives and manage household affairs (Ahmed, 2021). Additionally, Purnamayanti mentions that a wife can be classified as *nusyuz* if she fails to fulfill her obligations or neglects the rights owed to her husband (Purnamayanti et al., 2023).

The Compilation of Islamic Law defines a *nusyuz* wife as one who does not adequately meet her responsibilities, fails to provide physical and emotional support, and neglects the household's daily needs (Izzah, 2021). The pandemic has introduced significant challenges for wives in adhering to their husbands' directives, particularly due to conflicting government mandates related to lockdowns, vaccinations, and quarantine measures. This raises a critical issue: should a wife's obligations to her husband be reconsidered in light of governmental restrictions? This discussion will examine the difficulties wives face in balancing their obligations to their husbands in compliance with government orders, and how these conflicts impact marital relationships.

#### **Movement Control Order: Long-Distance Spouses**

The initial government response to the spread of the COVID-19 virus was the implementation of movement restriction orders. Majlis Sukarelawan Bencana Negara ("MSBN") called on the public to prioritize collective well-being over individual interests and adhere to the directives issued by the presiding Prime Minister, Tan Sri Muhyiddin Yassin (Azil, 2020). This includes the enforcement of a nationwide 14-day Movement Control Order, effective from March 18 to March 31, 2020 (Bernama, 2021d).

It implies strict prohibitions for cross-state activities, including social activities, sports, and education, with exceptions for emergencies, such as travel related to health, work, economics, vaccinations, and long-distance spouses. However, on the 1<sup>st</sup> of June, the government unexpectedly announced the prohibitions on reuniting long-distance spouses through inter-state travel despite the previously granted flexibility (Faris Danial Razi, 2021; Hilmi Malik, 2021).

This intense instance was reported to trigger the wives, particularly those living with the children, given they were forced to balance loads of work, family duties, and life routines without the husband's presence in times of need (Anis Syuhada & Tengku Fatimah Muda, 2022). From the previous literature, wives are reported to experience increased agitations, exhaustion, depression, and anxiety during the pandemic, particularly during the EMCO, which strictly prevents spouses from reconvene with each other (Anis Syuhada & Tengku Fatimah Muda, 2022).

Both scenarios illustrate a serious and alarming impact on the wife, which may have factored into the husband's non-hesitations and eagerness to instruct the wife to commute for inter-state travel. On the 29<sup>th</sup> of May, the presiding Prime Minister reported that vast applications were received by police officers from spouses for cross-state purposes every day since the promulgation of EMCO (Iwan Shu & Aswad Shuaib, 2020). In exceptional instances, several news outlets reported the audacity of specific individuals forging official documents to reunite with their spouses despite the clearly acknowledged legal effects of the engagement in such an act (Bernama, 2020).

Say a husband directs the wife to initiate inter-state travel notwithstanding the underlying reasons; it raises a dilemma for the wife either to follow the stipulated instruction or to conform to the government's mandatory order. Conflicts between government orders and a husband's directives can create compliance challenges for the wife. To avoid disagreements and maintain harmony, especially during prolonged lockdowns when they are confined together, couples may prioritize domestic peace over strict adherence to external regulations.

In this case, the wife may have breached the orders either by her own decision or by following her husband's instructions, as consensus between spouses is generally required before such actions. According to statistics released by the Department of Statistics Malaysia, divorce cases increased by 43.1 percent in 2022 compared to the previous year, with the majority involving Muslims (Department of Statistic Malaysia, 2023).

This substantial rise in Malaysia's divorce rate was largely attributed to COVID-19 lockdowns, which forced couples to spend extended periods together without breaks, leading to a lack of personal space and contributing to more divorces. During this period, any instruction to violate government orders could create confusion and difficulty for wives, as they might struggle with choosing which authority to obey. The challenge of obeying both the husband's and the government's directives caused some married couples to disregard the lockdown measures.

### **Vaccinations**

Malaysia was reported to have imported three types of vaccines: Pfizer, Sinovac and AstraZeneca. Each claimed to possess different proprietary suitability standards, particularly per the receiver's age groups and their assessed health conditions. (Jawatankuasa Khas Jaminan Akses Bekalan Vaksin COVID-19, 2024; Kementerian Kesihatan Malaysia, 2024; Pantai Hospital, 2023) At the end of 2021, the government launched PICK on an immediate and large scale, urging and compelling the public to undertake vaccines as soon as it is made available (Kementerian Kesihatan Malaysia, 2024). The vaccines have been propagated to be the most reliable and effective mechanisms to shield the community from the deadly virus at such a material time (Kementerian Kesihatan Malaysia, 2021b).

The presiding Mufti Wilayah, Dr. Zulkifli al-Bakri, commented on such ad-hock propagations and interventions, stating that the government is required to make decisions that shall benefit the entire population. It was based on the well-known Islamic jurisprudential principle that governance is bound by the concept of *maslahah* (public interest), which is subject to various factors and opinions from experts recommending the stipulated actions (Al-Bakri, 2020). Additionally, Muhammad states that the ruling on the permissibility of receiving the COVID-19 vaccine is considered to have reached the level of *ijma'* (consensus) among scholars worldwide, including those at Al-Azhar and Jeddah (Saudi Arabia) (Suri, 2021).

Its development is also regarded as a matter of *fard kifayah* (communal obligation). Specifically on the matter of vaccine administration, Islamic jurists have established that an ill person is generally not required to seek treatment. However, if the illness is found to be contagious and poses a risk of being sporadic, or if the refusal of treatment poses an imminent danger to the living lives, it becomes obligatory for the infected person to seek treatment and take preventive measures to avoid the spread of the disease (Rusli, 2020).

However, within the first cohort of its dispensation, the newly invented COVID-19 vaccine was rumored and speculated with the myth of causing sudden death, containing harmful toxins, and contributing to infertility (RTM 1, 2021a). Such vague and misleading information spreads worldwide through mass media and thus manages to influence the public at large, including Malaysians (RTM 1, 2021b).

It is reported that five percent of the 15,000 respondents who participated in an online survey conducted by the Ministry of Health (MOH) Malaysia refused to receive the COVID-19 vaccine (Zolkefley, 2021). Despite being among the minorities, the anti-vaccine group or the anti-vaxxers, had actively spread wrong information and discouraged others from taking the COVID-19 vaccine (Bernama, 2021b). They held on to the misguided belief that vaccines contain substantial harm despite extensive research demonstrating vaccines as safe and effective, and the benefits surpassing the minimal risks associated with them (Arifin, 2022).

The government does not take the anti-vaccine movement lightly, as those found guilty of spreading false information about the COVID-19 vaccine can be fined up to RM50,000, imprisoned for up to one year, or both (Bernama, 2021a).

The challenge arises when some husbands who are anti-vaxxers do not allow their wives to get vaccinated. News reported that the wife wishes to get vaccinated, yet the husband forbids it (Khalid, 2021). At this point, the wife feels conflicted about her own wish given she believes that she should obey him according to marital law. In separate cases, there happened to be wives who agreed to be vaccinated in secret, choosing not to disclose their decision to their husbands (Bakar, 2021).

Both situations illustrate difficulties for the wives to obey their anti-vaxxer husbands, given they acted in secret against the husband's explicit prohibition. There are also groups of anti-vaxxer husbands reported to extend the prohibitions up to the extortionate level, jeopardizing the current existence of marriage. Wives are threatened with divorce through the pronouncement of *taklik* given they consented to vaccination despite their husband's non-approval. This resulted in the Shariah Court receiving a tremendous number of cases requesting legal declarations for pronouncements made by the husbands (Bernama, 2021c).

The question of fact and law to be determined by the court in each case is whether the wife's consent to be vaccinated effectuates an immediate termination of the existing marriage (Mohamed Farid Noh, 2021). It is submitted that these contradictions between the husband's instruction, the wife's willingness, and the government's recommendations reveal the dilemma faced by the fellow Muslim wife in making crucial related decisions (Bernama, 2021c).

On the other side, it was reported that the Ministry of Domestic Trade and Costs of Living ("KPDNHEP") ensures compliance with government directives by permitting entry solely to individuals who have completed their vaccination and adhere to all standard operating procedures ("SOP") (Anuar, 2021). Restaurants, supermarkets, and similar establishments are governed by the policy and regulations that permit entry exclusively to vaccinated individuals *per se* (Lateh, 2021). Non-vaccinated individuals are strictly prohibited from entering the above-mentioned premises, to avoid the spread of Covid-19 among the anti-vaxxers. Wives who have not been vaccinated due to the husband's instructions face challenges in going out and buying groceries or any other necessities as they are not allowed to enter the premises to make purchases.

### **Quarantine Orders**

Among the other preventive measures imposed by the government is the mandatory quarantine order for the symptomatic and positive individuals to be observed either at the place of residence or at government-designated venues (Kementerian Kesihatan Malaysia, 2021a). Individuals who test positive must immediately isolate themselves from others and comply with the Home Surveillance Order ("HSO") issued by the Ministry of Health to break the chain of infection (Ministry of Health Malaysia, 2020).

Upon the onset of early COVID-19 symptoms, individuals should promptly seek medical examination and adhere to preventive measures, including wearing a mask and practicing self-isolation despite being married (Adnan, 2023). On July 24, 2020, the Malaysian government mandated all individuals returning from abroad to undergo quarantine for 14 days, or for any duration determined by the Ministry of Health (2020) for those under surveillance ("PUS").

Specifically for travelers returning from abroad, Ministry of Health Malaysia announced quarantine leniency through application of home quarantine starting from 21 September 2021. They are no longer required to stay in hotels or other premises yet must remain confined to a designated area or room. During such period, they are advised to maintain a distance of at least one meter from others, to ensure good ventilation by opening

windows, to avoid sharing of personal items, to stay in a separate room, and to use a separate bathroom if possible (Hidzir, 2022).

Several husbands expressed frustration with their wife's need to undergo an additional home quarantine, especially after completing a 14-day stay at a hotel (Jawing, 2020). This concern may have factored the husband to prevent or disallow wives to follow the stipulated procedures. As a result, a wife may have to disregard husband's instructions during home quarantine despite the wish to adhere to quarantine mandates. The stipulated instances crystallize the struggle faced by the wives to reconcile conflicting directives from her husband and the government.

It increases stress and confusions on wife's counterpart especially within the lack of prompt COVID-19 test results which may cause further extension of quarantine periods at home. It was reported that any breach of government orders for preventive measures shall invite severe social and legal consequences for the spread of the virus. For instance, a married couple was reported to be detained by the local authority due to the intentional act of removing their COVID-19 wristbands and violating the home quarantine order (Riduan, 2020).

To an extreme extend, a husband was reported to have assaulted his wife, causing injuries, due to his frustration over being unable to see their child while undergoing quarantine (Rahim, 2021). Here, wives face difficulties in balancing their husbands' orders with the need to protect themselves and their children from infections. Additionally, there have been tragic cases where both spouses died from COVID-19, leaving their infected children without care (Roslan, 2021). These instances underscore the grave impact of failing to adhere to government quarantine directives, highlighting the potential for entire families to suffer from such negligence.

### **Intimate Relationship**

Within the context of Islamic family institution, the intimate relationship is regarded as an undisputed right of a husband and an irrefutable obligation upon the wife to submit to the husband on request. However, as COVID-19 was acknowledged as sporadic, capable of being transmitted through physical contact and airborne in nature, it caused the commission of sexual intercourse to be risky and perilous upon signs of infections (Kementerian Kesehatan Malaysia, 2021a).

The previous government commandments for the public to maintain physical distancing and to observe mandatory quarantine are reasonably critical to ensure the efficiency of the virus' defections from the human community (Kementerian Kesehatan Malaysia, 2021a). In the context of the wife's obedience towards the husband, say a husband demands a wife's submission during the quarantine period; it discloses the wife's emotional dispute of whether she is compelled to submit to the husband's demand or she is to yield to the government's enforcement order.

The wife is left unguided to determine whether she may be excused from the husband's demands following the government's order or, the obligation to submit remains undischarged regardless of the said situation. It is therefore submitted that the above matter is significant to be enlightened for the fellow Muslim wife, so one may arrive at a reasonable decision upon the upcoming similar conflict of interest encountered within.

### **ISLAMIC CONCEPT OF WALA' AND MARITAL OBEDIENCE**

#### **The Concept of Obedience (*al-Tā'ah*) Obligation in Islam**

The concept of obedience in Islam is derived from the primary sources of Islamic teachings, namely the Quran and Hadith. This concept is multifaceted, encompassing various forms of compliance that must be prioritized in the life of a Muslim. Obedience involves several levels of authority, each with specific guidelines and limitations that must be carefully observed. Islam is presented as a comprehensive, all-encompassing, and perfect religion, covering a wide range of aspects of life.

It emphasizes the importance of adhering to religious principles to ensure that life is conducted in a manner that reflects the beauty of the faith. Similarly, the aspect of obedience in Islam is not limited to a few specific areas, such as obedience to Allah and one's spouse, but is broadly applicable. The religious guidelines on obedience extend to various domains, including obedience to Allah, obedience to Prophet Muhammad (peace be upon him), obedience to parents, obedience within marriage, and obedience to leaders and authorities.

In Islam, obedience is hierarchical and conditional, with the highest and most essential level being complete obedience to Allah and His Messenger. This form of obedience is non-negotiable and must be integrated into every aspect of a Muslim's life, regardless of age or gender. However, other forms of obedience, such as obedience to parents, spouses, and leaders, are conditional. They must align with Islamic teachings and cannot deviate from them in any way.

### Definition of Obedience

In the Fourth Edition of the Malay Dictionary, 'taat' is defined as consistently following orders and not disobeying them (Dewan Bahasa dan Pustaka, 2017). 'Mentaati' refers to acting in obedience and compliance towards someone or something, not opposing, and adhering to commands and regulations. Meanwhile, 'ketaatan' is understood as the state of being obedient, adherent, loyal, earnest towards religion, and pious (Baharom, 1996). In Arabic, the term originates from the root word {طاع - يطيع - طوعا}, which signifies compliance (Almaimani, 2021).

The word al-ṭā'ah is derived from the verbal noun (masdar) of the root ṭā'a (طاع), which is interpreted as inqaada, meaning to submit, obey, and comply. In its derived form or masdar, al-ṭā'ah denotes submission, obedience, and consensus, with some interpretations suggesting that it is specifically used when resulting from a command (Ibrahim Mustafa, 570H). From a Shari'ah perspective, the term ṭā'ah is used in a more specific sense, referring to the act of carrying out all commands of Allah and avoiding His prohibitions (Hind Hussain Asad, 2000).

Conversely, the opposite of al-ṭā'ah is ma'siyat, which denotes disobedience to Allah. Additionally, al-ṭā'ah is said to involve self-sacrifice in fulfilling Allah's commands and prohibitions, while its opposite, al-ma'siyah, indicates refusal and defiance in carrying them out (Al-Imaam Al-Fakhrurrazi, n.d.). The term ṭā'at also encompasses various meanings according to the Quran, including:

#### a) Obedience as Submission

The concept of obedience is reflected in the verse:

﴿ثُمَّ اسْتَوَىٰ إِلَى السَّمَاءِ وَهِيَ دُخَانٌ فَقَالَ لَهَا وَلِلْأَرْضِ ائْتِيَا طَوْعًا أَوْ كَرْهًا ۗ قَالَتَا أَتَيْنَا طَائِعِينَ﴾

"Then He turned to heaven when it was smoke and said to it and to the earth, 'Come willingly or by compulsion.' They said, 'We come willingly'" (Quran. Al-Fussilat: 11).

This verse demonstrates the submission of the heavens and the earth to Allah's command, underscoring the theme of obedience within creation.

#### b) Obedience as Responding to a Call

The Quran states:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَرَسُولَهُ وَلَا تَوَلَّوْا عَنهُ وَأَنْتُمْ تَسْمَعُونَ﴾

"O you who have believed, obey Allah and His Messenger and do not turn from him while you hear [his order]" (Quran. Al Anfaal: 20).

This verse emphasizes the importance of responding to Allah and His Messenger's commands, reinforcing the central theme of obedience in Islam.

### c) Obedience as Generosity

The Quran also highlights:

﴿إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللَّهِ فَمَنْ حَجَّ الْبَيْتَ أَوْ اعْتَمَرَ فَلَا جُنَاحَ عَلَيْهِ أَنْ يَطَّوَّفَ بِهِمَا وَمَنْ تَطَوَّعَ خَيْرًا فَإِنَّ اللَّهَ شَاكِرٌ عَلِيمٌ﴾

"Indeed, as-Safa and al-Marwah are among the symbols of Allah. So whoever makes Hajj to the House or performs 'Umrah – there is no blame upon him for walking between them. And whoever volunteers good – then indeed, Allah is Appreciative and Knowing." (Quran. Al-Baqarah:158)

This verse illustrates the significance of performing the rituals associated with Safa and Marwah during Hajj and 'Umrah, portraying these acts as manifestations of devotion and obedience to Allah.

### d) Obedience as Capability

The Quran describes:

﴿فَمَا اسْتَطَعُوا أَنْ يَظْهَرُوهُ وَمَا اسْتَطَعُوا لَهُ نَقْبًا﴾

"So, they were unable to scale it, nor were they able to tunnel through it." (Quran. Al Kahf:97)

This verse refers to the impenetrable barrier created by Dhul-Qarnayn to protect people from the tribes of Gog and Magog, emphasizing the structure's strength and invulnerability.

### e) Obedience as a Form of Worship

Obedience is also considered a form of worship. It involves a servant's acceptance of all commands from his Lord, as well as from His creations, such as the Prophet to his followers, leaders to their subjects, parents to their children, and husbands to their wives. Nonetheless, compliance with human commands remains within the framework of obedience to Allah. Obedience is thus a means of worship through which individuals attain rewards and the promise of Paradise after death (Al-Kafwi, 1998).

### f) Obedience in the Context of Women and Wives

For women, obedience is often interpreted as 'qaanitaat', as expressed in the Quranic verse:

﴿فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ﴾

"Therefore, the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard." (Quran. Al-Nisa':34)

Sayyid Qutb describes 'qaanitaat' in this verse as being devoutly obedient, indicating that a wife willingly chooses to obey and aims to succeed in her obedience, rather than being compelled to do so. This voluntary nature of obedience is honored by Allah (Sayyid Qutb, 1996). Regarding a wife's obedience, the Prophet Muhammad (peace be upon him) is reported to have said: "The best of women is the one who pleases her husband when he looks at her, obeys him when he asks, and does not oppose him in anything he dislikes concerning herself and her wealth." (Hadith. Sunan Abu Daawud. Bab Huquq al-Mal. 1664).

However, a wife's obedience to her husband must be confined to matters that align with Shariah and must not extend to acts of disobedience to Allah. As stated in a Hadith

recorded by Al-Bukhari: "A wife should not obey her husband in matters of disobedience to Allah". (Hadith. Sahih Al-Bukhari. *Izaa Baatat al-Mar'ah Muhaajirat Firassh Zawjihaa*. 5193).

Wahbah al-Zuhaily further asserts that a wife should obey her husband in matters that are in accordance with what is considered good (*ma'ruf*). He explains that the husband, as the head of the household (*rabb al-usrah*), is to be obeyed (*sayyid al-Muta'*) (Al-Zuhaily, 2000). He provides two reasons for this obligation: the inherent nature of women and the husband's provision of maintenance for the wife (Al-Zuhaily, 2000).

### **The Role of Obedience**

#### **a) Systematic and Organized Framework**

Obedience serves as the foundation for any systematic and organized framework. Without adherence from specific parties, processes, procedures, or programs will not proceed smoothly. Even sovereign states that are highly esteemed depend on the obedience of their citizens to the monarch and the adherence of the populace to established laws, which are crucial for achieving a harmonious and crime-free society across all levels.

#### **b) Symbol of Honor**

Additionally, obedience symbolizes respect for authority and denotes humility or self-awareness from the subordinate. Respect is clearly manifested when subordinates faithfully adhere to their superiors. Self-awareness is crucial to prevent arbitrary actions and to understand the limits of permissible behavior. For example, if servants were to act as if they were the rulers of the earth, they would resemble Pharaoh, who ultimately met his demise in the sea.

#### **c) Recognition of Status**

A person's status is not acknowledged or recognized without obedience from relevant parties. For instance, a husband's status is not recognized if his wife does not obey him, similarly, the obedience of children to their parents, citizens to their leaders, and servants to their deity are markers of their recognized status through obedience.

### **Levels of Obedience**

The majority of scholars classify the levels of obedience into three categories of benefit:

#### **a) Benefit to Everyone**

This includes benefits that are accessible to almost everyone and help avoid potential harm. For instance, a judge may impose the death penalty on a traitor or drug dealer because their actions harm everyone, including the state. This decision benefits all by ensuring greater societal welfare.

#### **b) Benefit to Some Members of Society**

This pertains to benefits experienced by a portion of society. For example, if an employee engages in bribery for promotion and is subsequently caught by superiors, it serves the company's and its employees' best interests.

#### **c) Benefit to Specific Individuals**

This involves benefits that affect only one or a few individuals. For instance, a wife may seek divorce from her husband in court due to his failure to provide financial support for months.

It is evident that the importance of obedience lies in promoting societal welfare, with general benefits prioritized according to the majority of scholars (Al-Munawar, 1998). This is because general welfare is given precedence in order to maximize collective benefit and avoid harm.

**Levels of Obligatory Obedience in Islam**

<p style="text-align: center;">Obedience to Allah</p> <p style="text-align: center;">﴿وَاللَّهُ يَسْجُدُ مَنْ فِي السَّمَوَاتِ وَالْأَرْضِ طَوْعًا وَكَرْهًا...﴾</p> <p>"To Allah alone do prostrate all who are in the heavens and the earth, willingly or by compulsion" (Quran. Ar-Ra'd: 15).</p>	<p>Obedience to Allah and His Messenger represents the highest and most absolute form of compliance that every believer must uphold without any resistance. Furthermore, faith in Allah and His Messenger is a fundamental tenet of belief for every Muslim.</p>
<p style="text-align: center;">Obedience to the Prophet</p> <p style="text-align: center;">﴿وَأَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأَحْذَرُوا...﴾</p> <p>"And obey Allah and obey the Messenger of Allah, and beware (lest you should disobey the commands of Allah and His Messenger)" (Quran. Al-Ma'idah: 92).</p>	
<p style="text-align: center;">Obedience to the Leaders/ Ulul Amri</p> <p style="text-align: center;">﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ...﴾</p> <p>"O believers, obey Allah and obey the Messenger (Prophet Muhammad) and those in positions of authority among you" (Quran. Al-Baqarah: 285).</p>	<p>Obedience to leaders is obligatory and represents the highest rank after obedience to Allah and His Messenger.</p>
<p style="text-align: center;">Obedience to Parents</p> <p style="text-align: center;">﴿وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا...﴾</p> <p>"And your Lord has decreed that you worship none but Him and that you be good to parents. Whether one or both of them reach old age in your care, say not to them a word of disrespect, nor shout at them, but address them a word of honor" (Quran. Al-Isra': 23).</p>	<p>Children are obliged to obey their parents as long as it does not contravene Islamic law.</p>
<p style="text-align: center;">Obedience to Husband</p> <p style="text-align: center;">﴿وَلَوْ صَلَحَ لِبَشَرٍ أَنْ يَسْجُدَ لِبَشَرٍ، لَأَمَرْتُ الْمَرْأَةَ أَنْ تَسْجُدَ لِرَوْجِهَا، مِنْ عِظَمِ حَقِّهِ عَلَيْهَا﴾</p> <p>"... If it were permissible for a human to prostrate to another human, I would have commanded the wife to prostrate to her husband due to the great rights that a husband has over his wife" (Hadith. Sunan Abi Dawud. Chapter 707: The Rights That The Husband Has Over The Wife. 2140).</p>	<p>A wife's obedience to her husband is obligatory as long as it does not pertain to sinful matters.</p>

**Table 1: Level of Obedience in Islam****THE CONCEPT OF OBEDIENCE (AL-TĀ'AH) TOWARDS HUSBAND (IN MARRIAGE & ISLAM)**

Married couples are individuals within the family institution. Human development is contingent upon the existence of marital pairs, exemplified by Adam and Eve, the first humans created by Allah. In Islam, Allah has granted men a higher status compared to women in terms of physical and mental strength, including responsibilities. From the

inception of human creation, with Prophet Adam being created before Eve, Allah has made men the leaders in various aspects of life. Allah SWT states:

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً ۗ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ ۗ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا﴾

*“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs that bore you. Indeed, Allah is ever, over you, an Observer”* (Quran. al-Nisa’: 1).

Allah has also created men with a strength and a level of distinction different from that of women, as seen in matters such as inheritance, estate management, testimonies, and other aspects. Allah has endowed men with greater strength than women because husbands are tasked with significant responsibilities within the household, including leadership, guidance, protection, caregiving, provision, decision-making, and managing work-related matters. Additionally, the intellectual capacity of men is stronger than that of women. Husbands are also burdened with the duty of providing sustenance and ensuring the comfort of the family, acting as the primary authority within the household. This is reflected in several Quranic verses that explain why Allah has placed the responsibility of leadership on the shoulders of husbands, as stated in the following verse from the Quran:

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ﴾

*“Men are the protectors and maintainers of women because Allah has given the one more [strength] than the other, and because they support them from their means”* (Quran. Al-Nisa’, 4: 34) (Nasution, 2015).

This verse is often cited to indicate that Allah has designated men as stronger and more suitable for leadership positions. Consequently, men bear the burden of family responsibilities and leadership, including guiding their wives. Ibn Kathir (RA) explains the first part of this verse, stating: *“Men are responsible for women, and they are their caretakers, protectors, and disciplinarians if they stray.”* (Kathir, 2000) Abdullah ibn Abbas (RA) clarifies that obedience here refers to obedience towards husbands (Kathir, 2000). Another verse affirming the differing status between men and women is:

﴿وَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ ۗ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ ۗ وَاللَّهُ عَزِيزٌ حَكِيمٌ﴾

*“And the divorced women shall also have rights similar to those of their husbands according to what is reasonable, but men have a degree [of responsibility] over them. And Allah is Exalted in Might and Wise”* (Quran. Al-Baqarah: 228).

The term ‘degree’ in this verse signifies leadership, indicating that men have a leadership status superior to women. Therefore, Allah commands wives to be obedient to their husbands and assist them in fulfilling their responsibilities to ensure marital happiness and prosperity. Obedience from a wife is seen as a sign of piety and righteousness, while disobedient wives are considered rebellious and in need of guidance. Due to the advantages granted to men, Allah has commanded women to submit, comply, and obey their husbands as a sign of respect and to uphold the dignity of family leadership.

The concept of obedience within a Muslim marriage is outlined in Islamic teachings, emphasizing mutual respect to promote harmony and the fulfillment of marital duties. Adhering to these principles allows both spouses to contribute to a balanced and fulfilling marriage, aligning with the broader objectives of Islamic morality and ethics. This understanding is crucial for navigating the complexities of modern marital life while upholding the authentic values of Islam. The esteemed position of a husband is highlighted by the Prophet Muhammad (SAW) who stated:

{ لَا يَصْلُحُ لِبَشَرٍ أَنْ يَسْجُدَ لِبَشَرٍ، وَلَوْ صَاحَ لِبَشَرٍ أَنْ يَسْجُدَ لِبَشَرٍ، لِأَمْرَتِ الْمَرْأَةِ أَنْ تَسْجُدَ لِرَوْجِهَا، مِنْ عَظْمِ حَقِّهِ عَلَيْهَا }

*"It is not permissible for any human to prostrate to another human. If it were permissible for anyone to prostrate to another, I would have commanded the wife to prostrate to her husband because of the immense right he has over her."* (Muhammad Mushfiq, 2018; Hadith. Sunan Abi Dawud. Chapter 707: The Rights That The Husband Has Over The Wife. 2140)

The above hadith illustrates the Prophet Muhammad's (SAW) desire for wives to prostrate to their husbands if it were permissible in religion. However, in Islam, prostration is only allowed to Allah SWT alone. This hadith serves as a metaphor for the immense status of a husband, emphasizing the respect and obedience due to him to the extent that the Prophet considered instructing wives to prostrate to their husbands. In a Muslim marriage, one of the greatest rights of the husband over his wife is to be honored and obeyed. Nevertheless, a wife's obedience to her husband is not absolute; it must be within the bounds of commands that do not lead to sinful behavior, actions that incur Allah's displeasure, or anything that contravenes Islamic law. As stated by the Prophet Muhammad (SAW):

{ لَا طَاعَةَ لِمَخْلُوقٍ فِي مَعْصِيَةِ الْخَالِقِ }

*"There is no obedience to the creation in disobedience to the Creator"* (Hadith. Sahih Al-Bukhari. Chapter 1: Acceptance of the information given by one truthful person in about all matters. 7257).

This hadith underscores that obedience to any human authority should not lead to disobedience to Allah. The Prophet Muhammad (SAW) also commanded wives to obey their husbands, as this obedience leads to welfare and benefit. The Prophet (SAW) indicated that a husband's pleasure can be a means for a wife to attain Paradise and choose which gate of Paradise she will enter due to her obedience to her husband. The high status of a husband in the eyes of his wife is emphasized to the extent that several hadiths mention that righteous women are honored by Allah solely because of their obedience to their husbands. This is reflected in various hadiths, including the following:

1. Hadith about a woman whose husband is pleased with her at the time of her death, which Ummu Salamah RA narrated:

{ قَالَ رَسُولُ اللَّهِ ﷺ: "إِنَّمَا امْرَأَةٌ مَاتَتْ وَرَوْجُهَا عَنْهَا رَاضٍ دَخَلَتْ الْجَنَّةَ }

*"Any woman who dies while her husband is pleased with her will enter Paradise."* (Hadith. Riyad as-Salihin. Chapter 35: Husband's rights concerning his Wife. 286)

2. Hadith about a woman who prays, fasts, preserves her chastity, and obeys her husband, which Abd Rahman bin Auf narrated:

{ قَالَ رَسُولُ اللَّهِ ﷺ: "إِذَا صَلَّتِ الْمَرْأَةُ حَمْسَهَا، وَصَامَتْ شَهْرَهَا، وَحَفِظَتْ فَرْجَهَا، وَأَطَاعَتْ زَوْجَهَا، قِيلَ لَهَا: ادْخُلِي الْجَنَّةَ مِنْ أَيِّ أَبْوَابِ الْجَنَّةِ شِئْتَ }

*"The Messenger of Allah (ﷺ) said: If a woman prays her five prayers, fasts her month (Ramadan), preserves her chastity, and obeys her husband, it will be said to her: 'Enter Paradise from whichever gate of Paradise you wish.'" (Hadith. Mishkat al-Masabih. Chapter 10b: The Treatment of Wives, and the Rights of each - Section 2. 3254)*

3. Hadith about the best woman being the one who pleases her husband:

{ قَالَ رَسُولُ اللَّهِ ﷺ: "أَفْضَلُ النِّسَاءِ الَّتِي إِذَا نَظَرَ إِلَيْهَا سَرَّتَهُ، وَإِذَا أَمَرَهَا أَطَاعَتْهُ، وَإِذَا غَابَ عَنْهَا حَفِظَتْهُ فِي نَفْسِهَا وَمَالِهِ }

*"The best of women is the one who, when you look at her, pleases you; when you command her, she obeys you; and when you are absent, she protects herself and your property."* (Hadith. Sunan an-Nasa'i. Chapter 14: Which Woman Is Best?. 3231)

When asked by his companions about the best type of woman, the Prophet Muhammad (SAW) responded as described in the hadith above: the best woman is one who delights her husband when he looks at her, obeys him when he commands, and does not contradict his wishes regarding herself or his property by doing things he dislikes. The high status of a husband is such that Allah has placed His pleasure on the husband to be granted to a devout and obedient wife.

The exalted position of a husband is reflected in the fact that his pleasure can influence and determine his wife's status in the hereafter. The value of obedience to the husband within marriage is significant, as it differentiates between a righteous wife and one who is disobedient. The esteemed position of a husband in marriage (as one who deserves respect and obedience) is such that the Prophet Muhammad (SAW) has issued a stern warning to women about the prohibition of disobedience to their husbands.

{ إِذَا دَعَا الرَّجُلُ امْرَأَتَهُ إِلَى فِرَاشِهِ فَأَبَتْ أَنْ تَجِيءَ فَلَبِثَ عَضْبَانَ عَلَيْهَا لَعْنَتُهُمَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ }

*"The Messenger of Allah (ﷺ) said: If a man calls his wife to bed and she refuses, and he spends the night angry with her, the angels will curse her until morning"* (Hadith. Sahih Muslim. Chapter 20: It is unlawful for the wife to refuse to come to her husband's bed. 1436d).

This hadith highlights the importance of obedience and respect towards the husband. It suggests that even if a husband were to ask his wife to consummate on a camel's hump, she should comply without conditions, except in cases of legitimate exceptions. Given a wife refuses her husband's desires and causes him anger, the angels will curse her until the morning. The Prophet Muhammad (SAW) also indicated that the majority of the inhabitants of Hell are women, and the reason for their condemnation is disobedience to their husbands and ingratitude for their husbands' kindness. Ibn Abbas R.A. narrated that:

{ رَأَيْتُ النَّارَ فَإِذَا أَكْثَرُ أَهْلِهَا النِّسَاءُ، يَكْفُرْنَ. قِيلَ: أَيَكْفُرْنَ بِاللَّهِ؟ قَالَ: يَكْفُرْنَ الْعَشِيرَ، وَيَكْفُرْنَ الْإِحْسَانَ،

لَوْ أَحْسَنْتَ إِلَى إِحْدَاهُنَّ الدَّهْرَ كُلَّهُ ثُمَّ رَأَتْ مِنْكَ شَيْئًا، قَالَتْ: مَا رَأَيْتُ مِنْكَ خَيْرًا قَطُّ }

*"The Messenger of Allah (ﷺ) said: I saw Hell and found that the majority of its inhabitants were women. They were ungrateful. It was asked, 'Are they ungrateful to Allah?' He replied, 'They are ungrateful to their husbands and ungrateful for the favors and good done to them. If you have always been good to one of them and then she sees something in you, she will say, I have never received any good from you'"* (Hadith. Sahih Al-Bukhari. Chapter 21: To be ungrateful to one's husband. And disbelief is of (different grades) lesser (or greater) degrees. 22).

### **The Concept of Obedience (at-Tā'ah) Towards Government Authority**

The concept of obedience to government, or (tā'ah), refers to an individual's willingness to comply with the directives of a legitimate authority (Gibson, 2019), even when such directives may conflict with their values and norms (Milgram, 1974). Obedience is a specific form of compliance, encompassing all kinds of favorable responses to another individual's request (Hogg, 2010).

Leaders are also referred to as 'ulul amr'. Linguistically, 'ulul amr' denotes those who possess authority over certain matters or affairs and includes those with the right to rule or govern. The *Al-Mu'jam Al-Wasit* dictionary broadly defines 'ulul amr' as including rulers and scholars (Ar-Ruasā' Wal-ūlamā'). These two groups must be Muslims who fulfill the

conditions of faith (Sayyid Qutb, 1996) and are obligated to obey Allah and the Prophet Muhammad (peace be upon him) in all their words and actions, consistently referring to the Quran and Sunnah (Syaikhul Al-Islam Ahmad bin Taimiyyah, 1991).

Imam Abi Al-Tib Al-Bukhari asserts that '*ulul amr*' comprises leaders, sultans, judges, and those who implement justice and fairness, similar to the righteous caliphs and their followers, as well as any individual who governs according to Sharia. He considers this view to be the most authoritative. According to him, there is a hadith commanding obedience to leaders in matters that promote the welfare of Allah's commands and the Muslim community, but obedience is not required in matters that contradict the Quran and Sunnah. The obligation to obey '*ulul amr*' implies that they should not violate Sharia (Abii Al-Tiib Sadiiq bin Hasan bin 'Ali al-Hussain al-Qinuuji al-Bukhaari, 1992).

Allah says in Surah al-Nisa', verse 59:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا﴾

"O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result" (Quran. Al-Nisa': 59).

This verse provides a fundamental basis for understanding the concept of obedience in Islam, which includes obedience to Allah, the Prophets, and '*ulul amr*' (leaders). The primary obedience is to Allah and His Messenger, which forms the core of Islamic beliefs and practices. Ibn Kathir interprets the command to "obey Allah" as following the Quran, while the command to "obey the Messenger" means adhering to his Sunnah. As for obedience to leaders, this verse emphasises an obligatory duty to submit obedience to those in authority among them, which includes leaders and scholars, as long as their commands do not contradict the teachings of Allah and His Messenger (Kathir, 2000). It calls for individuals to return to Allah and His Messenger in cases of disagreement, as this leads to better outcomes for the individual (Fakhr al-Din al-Razi, n.d.).

Dr. Ali Abdul Halim Mahmud also states that the verse commands obedience to three entities: Allah, the Prophet, and '*ulul amr*', which comprises rulers, scholars, and anyone with authority among people ('Ali 'Abd al-Halim Mahmud, 1996). Abd al-Qadir al-Jailani notes that the term '*ulul amr*' has a broad meaning, encompassing all matters related to human life. In worldly affairs, leaders such as heads of state or military commanders should be obeyed (Abd al-Qadir al-Jailani, 2001), while scholars should be obeyed in religious matters. Dr. Aasim believes that '*ulul amr*' refers to the leaders managing the Muslim community at various levels and ranks across the Islamic state. They must be obeyed by their subordinates (Asim, 2021). Regarding the characteristics of '*ulul amr*', Surah Al-Nisa', verse 59 clearly states that leaders must possess complete Islamic faith and righteousness.

### **Interpretation of 'Ulil Amri' According to the Exegetes (Mufassirin)**

According to the Tafsir At-Tabari by the renowned scholar Abu Ja'afar Muhammad bin Jarir At-Tabari, there are four differing views on the meaning of '*ulil amr*'. Abu Al-Hasan Ali Ibn Muhammad Ibn Habib Al-Mawardi reinforces this classification in his Tafsir Al-Mawardi, listing four perspectives. The first opinion posits that '*ulil amri*' refers to '*umara*,' meaning the rulers or governing authorities who have the power to manage the affairs of a society or the public. This interpretation is broad and general, encompassing any individual who assumes the role of government, particularly at the national level. These authorities possess the jurisdiction to govern the state (Abu Hurairah, Ibn Abbas, Zaid bin Aslam, Muqatil, and As-Sa'di).

The second view holds that '*ulil amri*' refers to the scholars or experts in various Islamic sciences and jurisprudence. This perspective narrows the scope of '*ulil amri*' to scholars who understand the religious laws. This is because there are prohibitions from the

Prophet Muhammad (peace be upon him) against obeying leaders in matters of transgression. Scholars are the most knowledgeable about and safeguard religious laws (Ibn Abbas, Jabir bin Abdullah, Hasan al-Basri, Qatadah, Mujahid, and 'Atho'). The third view suggests that '*ulil amri*' refers to the companions of the Prophet Muhammad (peace be upon him), such as Abdullah bin Huzafah bin Qays As-Samhi, Amr bin Yassir, and Khalid Al-Walid, who were appointed as military commanders by the Prophet during specific battles.

Thus, some scholars interpret '*ulil amri*' as those companions appointed by the Prophet to lead wars (Imam Mujahid and Bakar bin Abdullah Al Muzani). The fourth view, as expressed by Ikrimah, identifies '*ulil amri*' with Abu Bakr and Umar (may Allah be pleased with them) (Mutalib et al., 2020). These differing opinions have led to two primary understandings of '*ulil amri*':

- i. '*Ulil amri*' refers to the pious and knowledgeable individuals who govern an Islamic state and implement Islamic law.
- ii. '*Ulil amri*' refers to the rulers who have the power to administer and enforce laws, and they must be obeyed as long as they are Muslims and adhere to Allah and His Messenger.

Therefore, fundamentally, '*ulil amri*' refers to a leader or head of an organization. In Malaysia, the Yang di-Pertuan Agong, the ruling government, and the entire cabinet under it are considered '*ulil amri*' "and they must be obeyed when implementing policies for the country.

### Hadith Encouraging Obedience to Leaders

The principle of obedience is crucial for a nation or community to achieve its objectives (*ghayat al-daulah*) effectively. Several hadith emphasize obedience to leaders, including the hadith concerning the pledge of allegiance (*bai'ah*) to Prophet Muhammad (peace be upon him), which underscores the importance of obedience to leaders. Abd al-Rahman b. Abd Rabb al-Ka'ba narrated that:

{ دَعَانَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَبَايَعَنَا، فَقَالَ فِيمَا أَخَذَ عَلَيْنَا أَنْ بَايَعَنَا عَلَى السَّمْعِ وَالطَّاعَةِ، فِي مَنْشَطِنَا وَمَكْرَهِنَا، وَعُسْرِنَا وَيُسْرِنَا، وَأَثَرَةِ عَلَيْنَا، وَأَنْ لَا نُنَازِعَ الْأَمْرَ أَهْلَهُ، قَالَ: إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا عِنْدَكُمْ مِنْ اللَّهِ فِيهِ بُرْهَانٌ }

"The Prophet Muhammad (peace be upon him) called us, and we pledged allegiance to him. He said, among the conditions upon us are that we should listen and obey in what we like and what we dislike, in our ease and in our difficulty, and in preference (of others) over us, and that we should not dispute the rule of those in authority unless we see clear disbelief for which we have proof from Allah" (Hadith. Sahih Muslim. Chapter 33: Fulfilment of the covenant made with the Caliphs is imperative, the caliph to whom allegiance is sworn in the first instance has an established supremacy over those who assume powers. 4546).

This hadith highlights the significance of obedience to authority, a principle deeply embedded in Islamic jurisprudence. Allah also warns in the Quran about the consequences for believers who disregard the Prophet's commands, as indicated in the following verse:

{ فَلَا تَجْعَلُوا دُعَاءَ الرَّسُولِ بَيْنَكُمْ كَدُعَاءِ بَعْضِكُمْ بَعْضًا ۚ قَدْ يَعْلَمُ اللَّهُ الَّذِينَ يَسْتَلْلُونَ مِنْكُمْ لِيُؤَادُوا فَلَاحِدًا ۚ الَّذِينَ يَخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ }

"So do not make your calling of the Messenger among yourselves as the call of one of you to another. Allah already knows those of you who slip away, concealed by others. So let those beware who dissent from his [Prophet's] order, lest fitnah strike them or a painful punishment" (Quran. Al-Nur: 63).

This verse emphasizes the importance of respecting and obeying the directives of Prophet Muhammad (peace be upon him), warning against treating his commands lightly or disobediently, and affirming that Allah is fully aware of those who evade their responsibilities or the Prophet's instructions. The importance of obedience to leaders is further underscored by the Prophet's directives to continue obeying leaders, even if they do not follow his guidance.

Hudhaifa b. al-Yaman narrated that "*The Prophet said: After me, there will be leaders who do not follow my guidance and do not implement my Sunnah. Among them will be people whose hearts are like those of devils, though their bodies are human. I asked, 'O Messenger of Allah, what should I do if I encounter such times?' He replied, 'Listen to and obey your leaders, even if they strike your back and take your wealth. Continue to listen and obey them.'*" (Hadith. Sahih Muslim. Chapter 13: *The obligation of staying with the Jama'ah (main body) of the muslims when Fitn (tribulations) appear, and in all circumstances. The prohibition of refusing to obey and on splitting away from the Jama'ah.* 1847).

It illustrates the importance of maintaining allegiance to leaders within an organization or community, even if they do not adhere to the Prophet's guidance and Sunnah, provided their actions do not involve disobedience to Allah. Leaders in such contexts are still to be obeyed, particularly when they adhere to Islamic principles, as is the case with Malaysian leaders implementing policies based on Sharia. Additionally, a sahih hadith narrated by Imam Muslim states:

{عَنْ ابْنِ عُمَرَ، قَالَ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: مَنْ خَلَعَ يَدًا مِنْ طَاعَةِ لِقَايَ اللَّهِ يَوْمَ الْقِيَامَةِ لَا حُجَّةَ لَهُ وَمَنْ مَاتَ وَلَيْسَ فِي عُنُقِهِ بَيْعَةٌ مَاتَ مِثْلَهُ جَاهِلِيَّةً }

"Ibn 'Umar reported: I heard the Messenger of Allah (peace be upon him) say, he who withdraws his hand from obedience (to the leader) will find no argument (in his defense) when he meets Allah on the Day of Resurrection, and he who dies without having sworn allegiance will die the death of one belonging to the days of Jahiliyya (pre-Islamic ignorance)" (Hadith. Sahih Muslim. Chapter 13: *The obligation of staying with the Jama'ah (main body) of the muslims when Fitn (tribulations) appear, and in all circumstances. The prohibition of refusing to obey and on splitting away from the Jama'ah.* 1851a)

Imam Ahmad bin Hanbal also stated:

وَاجِبٌ سَمَاعٌ وَطَاعَةٌ الْأَمْرَاءِ وَأَمِيرِ الْمُؤْمِنِينَ، بَرُّهُمْ وَفَاجِرُهُمْ، وَمَنْ وَلِيَ الْخِلَافَةَ، وَمَنْ تَعَلَّبَ عَلَى الْبِلَادِ بِالسَّيْفِ حَتَّى صَارَ خَلِيفَةً يُسَمَّى أَمِيرَ الْمُؤْمِنِينَ

"It is obligatory to listen to and obey the leaders and the Commander of the Faithful, whether righteous or wicked. It is obligatory to obey whoever assumes the caliphate and whoever overcomes a land by the sword until he becomes the caliph and is called the Commander of the Faithful." (Hanbal, 2005).

These texts underscore the significance of upholding allegiance and obedience to leaders within Islamic governance, except when such obedience conflicts with Allah's commands. Sheikh Sa'di states, "*The affairs of religion and worldly matters cannot be properly established without granting obedience to rulers.*" ('Abd al-Rahman al-Sa'di, 2000).

### Conditions for the Obligation to Obey the Leaders

Islam mandates obedience to leaders; however, this obligation does not extend when leaders call for polytheism or engage in actions contrary to the teachings of Allah (SWT). Obedience to leaders is conditional upon their adherence to the legal rulings established in the Quran and the Hadith of the Prophet Muhammad (peace be upon him). Leaders' directives must align with these primary sources of religious law. As stated in the Hadith:

{السَّمْعُ وَالطَّاعَةُ عَلَى الْمَرْءِ الْمُسْلِمِ فِيمَا أَحَبَّ وَكَرِهَ، مَا لَمْ يُؤْمَرْ بِمَعْصِيَةٍ، فَإِذَا أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ}

"Obedience is obligatory for a Muslim in what he likes and dislikes, as long as he is not commanded to commit a sin. If he is commanded to commit a sin, then there is no hearing or obedience" (Hadith. Sahih Al-Bukhari. Chapter 4: To listen to and obey the Imam. 7144)

This Hadith underscores that obedience is required in all matters except those involving sinful actions. If a leader instructs the public to engage in acts prohibited by Sharia, such as gambling, fornication, or consuming alcohol, the followers are not obliged to comply, as such directives contravene Islamic law. In such cases, the community must refer back to the Quran, as illustrated by the following verse:

﴿فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ﴾

"If you disagree over anything, refer it to Allah and the Messenger..." (Quran. al-Nisa': 59).

This verse emphasizes the importance of adhering to the Quran and the Sunnah in resolving disputes and ensuring that all actions remain within the bounds of Sharia. It does not imply that all directives from leaders are impermissible; rather, the exception applies specifically to commands involving disobedience to Allah. When leaders erred, it is incumbent upon the citizens and all members of the community to offer advice in a wise and constructive manner (Thaib, 2021).

Leaders must fulfil their responsibilities with integrity, as they are entrusted with significant authority and accountability. Each trust or responsibility will be questioned on the Day of Judgment. The Prophet Muhammad (peace be upon him) stated:

{كُلُّكُمْ رَاعٍ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ، الْإِمَامُ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالرَّجُلُ رَاعٍ فِي أَهْلِهِ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالْمَرْأَةُ رَاعِيَةٌ فِي بَيْتِ زَوْجِهَا وَمَسْئُولَةٌ عَنْ رَعِيَّتِهَا، وَالْحَادِمُ رَاعٍ فِي مَالِ سَيِّدِهِ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ، فَكُلُّكُمْ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ { متفقٌ عَلَيْهِ

"Each of you is a shepherd, and each of you is responsible for his flock. The ruler is a shepherd and is responsible for his subjects. A man is the shepherd of his family and is responsible for them. A woman is the shepherd of her husband's home and children and is responsible for them. A servant is a shepherd of his master's wealth and is responsible for it. So, each of you is a shepherd and is responsible for his flock" (Hadith. Sahih Al-Bukhari. Chapter 91: The woman is a guardian in her husband's house. 5200).

This Hadith emphasizes the broad scope of responsibility held by leaders and other individuals within their respective roles. Each person must manage their duties with diligence and accountability.

### THE ROLE OF *FIQH* PRINCIPLES IN EVALUATING OBEDIENCE TO LEADERS

The concept of obedience to leaders inherently involves the application of *fiqh* principles, as these principles play a crucial role in determining the legal rulings applicable to individuals. Obedience to leaders is considered a moral obligation within the scope of *fiqh*, which addresses the duties of *mukallaf* (accountable individuals). Two fundamental *fiqh* principles underscore the necessity of respecting and obeying leaders, especially in critical and exigent circumstances. These principles are derived from the *Qawaid Fiqhiyyah* (legal maxims).

The first one is the Principle of Prevention of Harm (*Darar*):

الضَّرَرُ يُزَالُ

Meaning, "Harm is to be removed"

Linguistically, *al-darar yuzalu* connotes that harm must be eradicated. This implies that any action or situation that poses a threat or danger must be eliminated. Hence, it is understood that inflicting harm on oneself or others, whether concerning general or specific rights, is impermissible (Muda & Zin, 2000). Harm should be prevented and removed whenever possible, even if it necessitates the temporary suspension of certain obligations. The second principle is the Principle of Hardship Begets Ease:

المَشَقَّةُ تُجَلِّبُ التَّيْسِيرَ

Meaning, "Hardship brings ease".

*Al-Mashaqqah Tajlibu al-Taysir* indicates that difficulties lead to facilitation. When faced with hardships in fulfilling religious duties, Islamic law permits alleviating the requirements and altering the rules to ease compliance (Muda & Zin, 2000). Here, hardship refers to difficulties that could lead to personal or material harm, or a difficulty that consumes a long period and extends over a lengthy duration (Muda & Zin, 2000).

This principle is a fundamental aspect of Islamic jurisprudence (*fiqh*) and signifies that the presence of difficulty necessitates easing the rules. Islamic law provides concessions or adaptations to ensure that practicing one's faith does not become unduly burdensome. Additionally, several Islamic principles address the relationship between governance or leadership and the welfare of the people, highlighting that a leader's authority is contingent upon their commitment to the common good.

For example:

تصرف الإمام على الرعية منوط بالمصلحة

"The authority of the leader over the people depends on the benefit (welfare) of the people".

This phrase underscores that in Islam, the legitimacy of leadership is directly related to the welfare and benefit of those governed. Moreover, a well-known Hadith discusses the relationship between leadership and the welfare of the people:

{ مَنْ وُلِّيَ مِنْ أَمْرِ الْمُسْلِمِينَ شَيْئًا فَشَقَّ عَلَيْهِمْ فَاشْتَقُّ عَلَيْهِ وَمَنْ وُلِّيَ مِنْ أَمْرِهِمْ شَيْئًا فَرَفَقَ بِهِمْ فَارْفُقْ بِهِ }

"The Prophet Muhammad (peace be upon him) said: 'Whoever is appointed over the affairs of the Muslims and makes things difficult for them, may Allah make things difficult for him; and whoever is appointed over the affairs of the Muslims and makes things easy for them, may Allah make things easy for him' (Hadith. Sahih Muslim. Chapter 5: The virtue of a just ruler and the punishment of a tyrant; Encouragement to treat those under one's authority with kindness and the prohibition against causing them hardship. 1828a).

The above Hadith emphasizes the responsibility of leaders to act with kindness and consideration towards their subjects, ensuring that their actions are in the people's best interest. It highlights the need for authorities to be trustworthy in their duties for the public's welfare. Once leaders effectively fulfill their roles, it is incumbent upon the people to obey their directives to achieve the desired outcomes.

### THE PRINCIPLES OF *FIQH AL-AULAWIYAT* IN PRIORITIZING OBEDIENCE TO LEADERS

*Fiqh al-Aulawiyat*, or the jurisprudence of prioritization, emphasizes the importance of selecting actions that minimize harm and maximize benefits. This principle is particularly relevant when faced with dilemmas involving multiple options or when conflicting interests arise. In such cases, a Muslim is obligated to prioritize the option that poses the least harm. Similarly, when there is a conflict between something beneficial and something harmful, the lesser benefit should be disregarded if it involves a greater harm (Al-Qaradhawi, 1996).

The application of *Fiqh Al-Aulawiyat* spans all aspects of human life, as it involves evaluating actions from the perspective of shariah priorities. The goal is to prioritize actions that align with Islamic teachings, aiming to achieve greater benefits and avoid greater harm.

In addressing issues of conflict, Dr. Yusuf al-Qaradawi also outlines fundamental principles of the jurisprudence of prioritization, including:

- i. Comparing various benefits (*maslahah*) or advantages (*manfa'ah*).
- ii. Comparing various harms or detriments.
- iii. Comparing the benefits against the harms.

In addition, according to the principles of *Fiqh al-Aulawiyat* (jurisprudence of prioritization), several key principles must be considered when determining priorities for various matters:

1. When evaluating various benefits, the following principles should be considered (Al-Qaradhawi, 1996):
  - a) Prioritize necessities (*dharuriyat*) over needs and prioritize both necessities and needs over supplementary matters. Necessities are categorized into five levels, with the highest priority given to protecting religion, life, lineage, intellect, and property.
  - b) Prioritize benefits that are certain to occur over those that are uncertain
  - c) Prioritize greater benefits over smaller benefits.
  - d) Prioritize the welfare of the public over individual interests.
  - e) Prioritize the benefits of the larger group over those of the smaller group.
  - f) Prioritize benefits that are more enduring over those that are temporary.
  - g) Prioritize fundamental benefits over ancillary benefits.
  - h) Prioritize strong future benefits over weak immediate benefits.
2. When assessing how to prevent various harms, the principles that should be considered are (Al-Qaradhawi, 1996):
  - a) Avoid inflicting harm or retaliating harm against others
  - b) Prevent harm to the best of one's ability.
  - c) Do not counteract harm with equivalent or greater harm.
  - d) It is permissible to inflict a lesser harm to prevent a greater harm.
  - e) It is permissible to inflict harm on an individual to prevent harm to the broader public.
3. When weighing the prevention of harm against the pursuit of benefits, the principles that should be considered are (Al-Qaradhawi, 1996):
  - a) Prioritize the prevention of harm over the pursuit of benefits.
  - b) Inflicting minor harm is permissible to achieve a greater benefit.
  - c) Inflicting temporary harm is permissible to obtain a lasting benefit.
  - d) A benefit that is certain should not be neglected due to the presence of an uncertain harm.

These principles, articulated by Dr. Yusuf Al-Qaradawi, guide decisions between competing benefits and harms. They shall serve as a primary framework and guidance for Muslims, particularly those in Malaysia, in assessing the priority of obedience during the pandemic. Furthermore, there are Quranic verses that underscore the necessity of obeying authorities during emergencies:

﴿وَإِذَا جَاءَهُمْ أَمْرٌ مِّنَ الْأَمْنِ أَوْ الْخَوْفِ أَدَّعَوْا بِعَهْدِ رَسُولٍ أَوْ إِلَى الْأَمْرِ مِنْهُمْ لَعَلَّهُ الَّذِينَ يَسْتَنْبِطُونَهُ مِنْهُمْ وَلَوْلَا فَضْلُ اللَّهِ عَلَيْكُمْ وَرَحْمَتُهُ لَاتَّبَعْتُمُ الشَّيْطَانَ إِلَّا قَلِيلًا﴾

"And when there comes to them something about [public] security or fear, they spread it around. But if they had referred it to the Messenger or to those of authority among them, then the ones who can draw correct conclusions from it would have known about it. And if not for

*the favor of Allah upon you and His mercy, you would have followed Satan, except for a few"* (Quran. Al-Nisa': 83).

This verse highlights the importance of consulting and following proper authorities in matters of public concern, particularly those involving security and fear. It critiques the premature dissemination of unverified information and underscores the necessity of deferring such matters to authorities (leaders and scholars) equipped to make informed decisions. The authority here refers to individuals with the expertise and understanding required to provide sound guidance and take appropriate actions.

It also emphasizes the importance of seeking advice from knowledgeable and authoritative figures in public matters. It supports the notion that government directives, especially those related to public safety and health, should be considered and followed, as they are often based on expert advice and comprehensive understanding. It is crucial to consult those with expertise, as governments are adept at managing complex issues such as pandemics.

## DISCUSSION

In Islam, marriage creates mutual rights between both partners, establishing a contract that involves the exchange of rights. In evaluating these rights, obedience is considered a right that a husband has over his wife, while provisions and protection are the rights of the wife on her husband. Islam also emphasizes the importance of structure and authority, rejecting anarchy and misconduct. This profound principle from Islamic teachings highlights a fundamental aspect of obedience: that obedience to Allah takes precedence over all other forms of obedience.

The hierarchy of obedience in Islam places Allah at the top, making obedience to Him and His Messenger absolute and unquestionable. This principle is crucial in guiding Muslims through situations where the commands of human authorities might conflict with divine directives. If obeying a human authority leads to disobedience to Allah, such obedience becomes invalid.

In the context of leadership, every relationship requires rules and a clear leader. Obedience to leaders is a significant requirement in Islam. Obedience is essential for a dynamic situation to function effectively, without which leadership may lose its meaning. Abu Sa'id al-Khudri narrated that:

{عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "إِذَا خَرَجَ ثَلَاثَةٌ فِي سَفَرٍ فَلْيُؤَمِّرُوا أَحَدَهُمْ"

*"Abu Hurairah (may Allah be pleased with him) reported that the Messenger of Allah (peace be upon him) said: "When three people set out on a journey, they should appoint one of them as a leader"* (Hadith. Sunan Abu Daawud. Chapter 934: A Group Of People Traveling Together Putting One Of Them In Charge. 2608).

This hadith emphasizes the importance of leadership and organization to ensure effective decision-making and collaboration during travel, regardless of being in small groups and any relationship. It highlights the necessity of having a leader in any dynamic situation, as decisions cannot be effectively made without leadership. Every group dynamic must have a clear leader, and for the leader to exercise authority, the followers must adhere to their directives. This means that leadership without compliance from followers is ineffective as if the leadership does not exist. In Islam, obedience is conditional: it must be to Allah alone and to matters that align with Islamic teachings. Therefore, obedience to actions that deviate from the prescribed teachings of Islam is completely impermissible. However, obedience is essential for any system to function effectively.

During a pandemic, a wife's obedience is tested as Muslim women face dilemmas about whom to prioritize in their obedience: their husband or the government. Obeying

government directives has been challenging for many, especially for Muslim wives at such material time who must navigate their obedience between their husbands and state regulations. In light of the previous discussion, two key principles '*ad-darar yuzalu*' (harm must be removed) and '*al-mashaqqah tajlibu al-taysir*' (hardship begets ease) shall be the reference to address new circumstances such as those which existed during the pandemic. The principle of '*al-mashaqqah tajlibu al-taysir*' is particularly relevant.

Governments worldwide, including those in Muslim-majority countries, have implemented various measures to prevent the spread of the virus. Although restrictive, these measures aim to prevent more significant harm and ensure public safety, aligning with this Islamic principle. For Muslim wives to navigate obedience between husband and government directives, this principle supports prioritizing measures that ensure health and safety. By adhering to government guidelines designed to prevent the spread of COVID-19, individuals are upholding the spirit of Islamic jurisprudence that seeks to alleviate hardship and avoid harm. By applying '*al-mashaqqah tajlibu al-taysir*', Muslim women can find guidance in prioritizing their actions during the pandemic, ensuring they comply with measures that protect their well-being and align with Islamic principles.

Then, the Prevention of Harm (*darar*) principles are foundational in Islamic law. During a pandemic, government directives are typically aimed at curbing the spread of disease and safeguarding public health, aligning with the Islamic principle of removing harm. Adhering to government directives such as lockdowns, social distancing, and wearing masks represents a contribution to harm prevention, which is a higher Islamic obligation than individual or familial preferences.

An in-depth examination of these principles, particularly as outlined in *Fiqh al-Awlawiyyat*, which teaches prioritization of more critical matters, suggests that during a pandemic, a wife's primary obedience to her husband may shift to obedience to the government. This shift is due to the global nature of the pandemic, which can cause significant harm and even death. Non-compliance with government directives could lead to more severe consequences for individuals and society.

This principle aligns with the elements of *Maqasid Shariah*, where the preservation of life is prioritized above the preservation of religion and other considerations. It demonstrates that while preserving religion is fundamentally important and should be upheld in emergencies and critical situations, preserving life takes precedence. This does not negate the importance of religious observance but ensures that priorities are appropriately adjusted. Islam, therefore, is a flexible and accommodating religion, ensuring that practical needs are met without compromising its core values.

If the *Maqasid* were rigid and unyielding, prioritizing religion over all other concerns during a pandemic, it would hinder efforts to control the COVID-19 outbreak. It would undermine the ability to achieve other objectives. Moreover, the Islamic family system emphasizes the responsibilities and rights between spouses. Both husband and wife are responsible for ensuring that these rights are fulfilled appropriately. As Allah SWT has stated:

﴿وَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَ بِالْمَعْرُوفِ ۗ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ ۗ وَاللَّهُ عَزِيزٌ حَكِيمٌ﴾

"And they [women] have rights similar to those [of men] over them in kindness, and men are a degree above them [in responsibility and authority]. And Allah is Exalted in Might and Wise" (Quran. Al-Baqarah: 282).

This verse indicates that a wife is entitled to her due rights from her husband and should be treated with respect and care. It underscores that women have rights akin to men's, highlighting a sense of equality in kindness and responsibility. Neglecting these rights and responsibilities can lead to discord and disarray within the household. Disregarding a wife's rights, exposing her to danger, and neglecting her needs are practices condemned by Islamic teachings. Such actions are fundamentally contrary to Islamic principles. Imam al-Tabari clarifies that if wives are obedient to Allah and their husbands, it is incumbent upon

husbands to behave well and fulfil their wives' rights to the best of their ability (Al-Tabari, 1997).

Ensuring protection from threats is also a wife's right. Therefore, according to expert opinions, a husband should not obstruct his wife from receiving vaccinations or any other protective measures mandated by the government, as it is the wife's right to receive the best protection against COVID-19. Furthermore, the health and safety of a wife are rights that the husband is obliged to uphold. This obligation stems from Shariah law and Shariah's objectives, particularly within the framework of the five essential needs (*al-dharuriyyat al-khamsah*) that every individual is required to protect.

Imam al-Ghazali articulates in his works that the purposes of Shariah are fivefold: to safeguard religion, life, intellect, lineage, and property (Al-Ghazali, 2001). If a wife receives threats during a pandemic in any situation related to following government preventive measures and maintaining marital harmony (if threatened regarding these measures), the wife should adopt a considerate approach. This involves discussing with her husband and explaining the importance of adhering to preventive measures.

During COVID-19, a husband was reported to pronounce *taklik*, to deter the wife from being vaccinated. The concerned wife was drawn to seek a declaration from the Court on the alleged pronouncement made by the husband of whether it would affect a divorce or vice versa (Noh, 2021). In this instance, the Court will first look into the content of words uttered by the husband from two points of view. First is the form of the act and the kind of act that such a word connotes (*Nora v Ahmad Zamri*, 1990).

Say the husband utters, "If you agreed to be vaccinated, one talak would fall upon you"; here, the Court presumptively would regard the wife's consent to be vaccinated despite being unsuccessfully vaccinated as a complete fulfillment of the said condition (*Norizam v Halim Azman*, 1993). This is due to the word 'agreed to' connoting consent, rather than 'have been' connoting the wife was successfully vaccinated, used by the husband. Second, the Court will examine whether there was a stipulation of time for the prescribed act (*Aisny Mohd Daris v Haji Fahro Rozi bin Mohdi*, 1991).

Say the husband stipulates, "if you are vaccinated before the Eid, one talak will fall upon you"; the Court would presumptively regard proof of vaccination before the Eid as a complete fulfillment of conditions. Given the wife proved to be vaccinated after the Eid, the condition remained unfulfilled and shall not effectuate the divorce (*Fakhariah binti Lokman v Johari bin Zakaria*, 1994). A court examination of the above instance will be done based on the evidence submitted by the claimant. At this point, it shall be noted that upon request for declaration, the wife shall produce two witnesses before the Court to testify and support her claim (Section 119, Syariah Civil Court Procedure (Federal Territories) 1998 Act; Section 86 (5) Syariah Court Evidence (Federal Territories) Act 1998).

Given that she cannot do so, the previous case law demonstrates the Court's leniency in considering other proof in the form of *bayyinah* (*Abdul Hanif v Rabiah*, 1996) Perhaps if the wife manages to record the husband's voice while pronouncing *taklik*, or to take a screenshot of the husband's words, given that it was written; all may be presented to assist the Court in making the divorce declaration. Therefore, it is submitted that *taklik's* pronouncement would depend on a case-to-case basis, and the Court will carefully look into the words pronounced by the husband and the presented evidence before declaring either termination or continuance of marriage. It is highly likely for the divorce to be materialized, given that the wife's act proved to fulfill the condition uttered within the *taklik* pronouncement by the husband.

In the context of *nusyuz* or disobedience in Islamic jurisprudence, its application applies not only to wives but also to husbands. This situation arises when a husband fails to fulfill his duties and responsibilities towards his wife materially and emotionally, such as by neglecting to provide financial support or engaging in unjust behavior. Sheikh Ibrahim Baijuri discusses in his work that a *nusyuz* husband neglects his obligatory duties towards his wife, which include treating her kindly, providing her with a fair share of time if he has

multiple wives, paying the *mahr* (dowry), and supplying her with maintenance, clothing, and other necessities. Furthermore, if a husband inflicts physical harm without cause, it is permissible for the wife to seek recourse through a judge for discretionary punishment (*ta'zir*) (Al-Baijuri, 1999).

Allah SWT states:

﴿وَإِنْ أَمْرَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا ۗ وَالصُّلْحُ خَيْرٌ ۗ وَأُحْضِرَتِ الْأَنْفُسُ الشُّحَّ ۗ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ۝﴾

"And if a woman fears cruelty or desertion on her husband's part, there is no sin on them both if they make terms of peace between themselves, and making peace is better. And human souls are swayed by greed. But if you do good and keep away from evil, surely Allah is Ever Well-Acquainted with what you do" (Quran. al-Nisa': 128).

Based on this verse, Sheikh al-Sha'rawi asserts that *nusyuz* can apply to a man towards his wife (Al-Sha'rawi, 1997). Sheikh al-Maraghi further explains that the verse refers to a wife's fear of her husband's *nusyuz*, which includes his neglect of her needs, failure to provide maintenance and affection, or his unjust behavior, such as physical abuse (Al-Maraghi, 1973). Dr. Muhammad Zuhayli also elaborates on the meaning of *nusyuz*, noting that it generally refers to rebellion, typically associated with women, but can also apply to men who fail in their duties or cause harm to their spouses (Al-Hattab, 2002).

The consensus among Islamic jurists is that *nusyuz* by either spouse is prohibited. In the context of post-pandemic compliance, a husband is considered *nusyuz* if he obstructs and denies his wife the rights she is entitled to. As a husband, misusing the authority granted to him is problematic. Even if a husband is opposed to vaccines and preventive measures mandated by the government, this does not justify resorting to divorce. Husbands must understand the importance of compliance during the COVID-19 pandemic. They should not use their authority to impose unreasonable demands on their wives, creating dilemmas about which compliance takes precedence. Husbands should avoid acting dictatorially and misusing their power to create unnecessary hardship for their wives.

Furthermore, government-imposed preventive measures are not coercive but rather individual rights, especially concerning vaccines. However, in Islam, if an individual's refusal to follow these measures endangers others, it becomes religiously prohibited. The preventive measures instituted by the government aim to protect lives, which aligns with the objectives of Shariah and Islamic jurisprudence. Non-compliance with these measures can lead to harm and contradicts Islamic legal principles. Allah appreciates efforts to confront challenges.

According to Mufti Johor, Datuk Yahya Ahmad, "According to the understanding of *Ahl al-Sunnah wa al-Jama'ah*, individuals must make efforts to save lives, including receiving vaccines and following other preventive measures, rather than relying solely on prayer. The National Fatwa Council has also permitted vaccines. Furthermore, the absolute right to preserve life is an individual's responsibility and should not be complicated (Noh, 2021). Malaysians, particularly Muslims, must trust and comply with the government's measures to handle the COVID-19 pandemic."

In addressing the COVID-19 pandemic, the government is tasked with making decisions that serve the public interest, considering various factors and expert opinions. As leaders, the government is entitled to make decisions based on Shariah. Compliance is mandatory if these decisions are for public benefit and do not conflict with Islamic law. Preventing disease is a religious obligation, and every measure taken is a form of addressing divine decrees through the means provided by God (Zulkifli al-Bakri, 2020).

Additionally, the primary purpose of the government's directive to implement all preventive measures during the pandemic is to protect individuals, including those who do not observe obedience towards their husbands. In regulating the conduct of these preventive measures, there are numerous areas where Islamic jurisprudence (*fiqh*) and

Islamic principles are compatible. However, alongside these areas of alignment, several challenges need to be addressed. The resolution of the COVID-19 pandemic hinges on collaboration among all stakeholders, from higher authorities (the government) to the general public. Issues will not arise with all parties' active participation and approval. The government must address problem-solving equitably.

In these critical times, the concept of *maslahah* (public interest in Islam) primarily relies on the leadership of Muslim authorities. The application of *maslahah* is deemed acceptable only if it aligns with the Quran and Sunnah (Nyazee, 2018). Additionally, implementing preventive measures during the pandemic is consistent with the principles of the Quran and Sunnah. Given that COVID-19 affects human lives, legal and regulatory decisions must be guided by the overarching principle of public welfare. Consequently, all government-imposed regulations aim to benefit the community, and adherence to these regulations is thus mandatory.

## CONCLUSION

1. Obedience to Authority in Islam: Obeying authoritative figures by Shariah can significantly benefit the Muslim community. The Quran highlights the benefits of obedience to Allah, His Messenger, and those in authority, as stated in the verse:

﴿ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا﴾

“That is the best [way] and best in result” (Quran. al-Nisa’: 59).

2. Principle of Leadership and Public Welfare: The principle ‘*tasarruf al-imam ‘ala al-ra’iyyah manutun bi al-maslahah*’ (تصرف الإمام على الرعية منوط بالمصلحة) indicates that a leader's actions should be based on public interest. Obedience to leaders is required as long as their actions serve the common good.
3. Principle of Necessity: When faced with conflicting issues, one must evaluate which approach better prevents and mitigates harm and danger. The foundational principle of ‘*al-dharurat tubih al-mahzurat*’ (الضرورة تبيح المحظورات) asserts that necessity permits exceptions to prohibitions. In emergencies, leaders may issue commands that are typically forbidden but are permissible due to the urgency of the circumstances.
4. Hierarchy of Obedience: Islamic teachings emphasize that while a wife’s obedience to her husband is significant, it does not override the necessity to follow lawful and beneficial government directives, particularly those designed to prevent harm and protect lives. This aligns with various Islamic legal principles. In Islamic principles, a wife's primary obligation is to her husband, with no higher obedience after Allah and His Messenger than to her spouse. However, during a pandemic, adherence to government directives precedes obedience to the husband. This is because government orders during a pandemic are designed to safeguard the public interest. Consequently, governmental directives supersede marital instructions during such times, as they aim to prevent harm. Disregarding these directives in favour of marital obedience could lead to unchecked COVID-19 transmission and further infections in the community. Thus, adherence to public welfare measures is obligatory, with general welfare taking precedence over specific interests.
5. Prioritizing Government Directives: Prioritizing government directives during crises such as a pandemic, which are aimed at public welfare, is consistent with Islamic teachings. Disobedience is only justified when such directives explicitly contradict fundamental Islamic principles, which is not true with public health measures. Therefore, a wife should adhere to government guidelines to ensure her safety and that of her community, in line with Shariah’s broader objectives. Government directives do not contravene a wife’s obligation to obey her husband in Islam. During the COVID-19 pandemic, the wife must prioritize government directives over those of

her husband. This does not negate the husband's authority but acknowledges that government directives should take precedence in this context due to their role in public safety. Adherence to such directives is mandated by the principle of obeying those in authority for the benefit of the community. These directives are founded on comprehensive public benefit. Following government instructions during COVID-19 leads to substantial public good and helps prevent harm to individuals and communities.

### **Lessons From the Battle of Uhud**

In addition to the discussion on reasons for respecting leaders based on Islamic principles, it is essential to reflect on important lessons from the historical context of the Battle of Uhud, which closely parallels contemporary situations, such as the pandemic, on the need for obedience to authority. The significance of adhering to leadership is evident from the Battle of Uhud, which represents one of the most severe defeats in Islamic military history and which resulted in injuries to the Prophet Muhammad (peace be upon him). The loss at Uhud was largely attributed to personal greed and the failure to follow the leader's commands.

Beyond the bravery of the Prophet Muhammad (peace be upon him) as he led from the front and demonstrated remarkable leadership, several other valuable lessons from this episode are worth emulating:

- i. **Unity and Cohesion:** Unity is strength, and division leads to downfall. Islam places significant emphasis on unity and cohesion among individuals. Consensus is a fundamental pillar of the strength of humanity, while division and discord result in loss and destruction. During the Battle of Uhud, only about 50 out of the 700 Muslim soldiers stationed on Mount Uhud as archers, a relatively small number compared to the total force, were present. Yet, division and disagreement within this small unit substantially influenced the entire Muslim army. This illustrates the profound consequences and detrimental impacts of fragmentation, disputes, and lack of consensus, leading to severe adverse outcomes and tangible losses.
- ii. **Obeying the Leadership:** The Battle of Uhud also serves as a reminder of the importance of adhering to leaders' directives. A leader is essential for guiding the process in any situation, group, or issue. During the Battle of Uhud, subordinate soldiers and supporters of the cause were not permitted to defy their leader's clear and far-sighted commands. They were responsible for receiving all members' input, comments, ideas, and suggestions and then making decisions through consultation (*shura*). Subordinates must comply with the opinions, directives, and decisions the leader makes after consultation. It is the leader's prerogative to decide what is best, and obedience to these directives is a duty of the people to the leader.
- iii. **Respect for Leaders:** The Battle of Uhud also illustrates subordinate soldiers' vigilance towards their leader's safety. It highlights how precious the leader's life was to them, to the extent that they were willing to sacrifice their own lives for the leader's safety. The loss of the leader signified defeat in the battle. This willingness stemmed from their desire to succeed in both the battle and the cause of their mission.

Upon closer examination, numerous lessons will be learned from the Battle of Uhud. Still, the most significant is the detrimental impact of disobeying, disrespecting, and failing to follow the leader's directives. This is particularly critical in high-stress and critical situations, such as a pandemic, where guidance, directives, and decisions from leaders are crucial. The importance of obeying leaders is underscored by the fact that failure can lead to significant damage and loss in any struggle, potentially eliminating the chance to overcome adversaries. The COVID-19 pandemic can be seen as a battle to be fought.

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