

Responsibility State In Islamic Theology And Libyan Law In The Event Of An Epidemic Covid-19 Model Overview

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ABSTRACT

The purpose of this research was to determine the scope of the state's obligation according to Islamic jurisprudence and Libyan law in the event that an epidemic, using Covid 19 as an example, is allowed to spread. The fragility of the health authorities in Libya and their failure to absorb the Covid pandemic is the source of the difficulty with the research. This shortcoming is reflective of the fact that the state's responsibilities in Libya are relatively limited. In Libyan law, there are a number of legal requirements that, if followed, would lead to increased emphasis on the responsibility of the state. The research used an analytical method to investigate Islamic jurisprudence and Libyan law regarding the nature of the state's duty in the event of the spread of an epidemic (Covid 19). The inductive method was also used in the study to extrapolate the texts of the Holy Qur'an and the Sunnah of the Prophet regarding instances of the spread of the epidemic and the responsibility of the state according to Islamic jurisprudence and Libyan law. This was done in order to draw conclusions about these topics. In addition, a comparative method was used throughout the investigation. In order to make a comparison between the texts of Libyan law and Islamic jurisprudence in relation to the spread of diseases. According to the findings of the study, the concept of the Corona pandemic in Libyan law is compatible with Islamic law. Furthermore, the study revealed that it is the state's responsibility to control the Corona epidemic in accordance with the principle of equality in duties and costs before society. According to the findings of the research, the legislation in Libya has to be revised in such a manner that it helps contribute to outlining the legal processes and measures that need to be taken for each epidemic individually. This will help restrict the development of similar epidemics in the future.

Keywords: State Responsibility, Covid Virus, Epidemics, Pandemics, Quarantine, Sanitary Isolation, Health Emergency, Health Services, Health Policy, and Health Law in Libya

Introduction

Praise be to God and that is enough, and prayers and peace be upon His Messenger, who was chosen, and on his family and companions. Health in Islam is one of the things that must be taken care of with great care, as the Prophet, may God's prayers and peace be upon him, directs to keep away from infection, and he, may God's prayers and peace be upon him, says: "If you hear of plague in a land, do not enter it, and if it descends on a land, do not leave it." (Al-Bukhari, No. 5728). Just as Islam He was called to cure diseases by saying, deed, and responsibility in Islam, where every individual is responsible for himself and for those who fall under his responsibility. Parents are responsible for their children, and the greatest responsibility rests with the ruler, as he is the

guardian and successor to preserve people's interests and needs, and the basis for this succession is the saying of the Prophet Peace and blessings of God be upon him (the imam is a shepherd and responsible for his flock) and one of his obligatory responsibilities is to preserve the life of the subjects and their physical and mental safety, especially in times of epidemics and emergencies such as wars and famine (Article 1 of Law No. 106 of 1973 regarding the issuance of the Libyan Health Law on December 13, 1973). An established right for citizens guaranteed by the state, (), and on those bases, our study is about searching for and responsibility of the state in the event of an outbreak of epidemics, comparing it with Islamic law, and looking at the extent of compatibility between positive law and Islamic

law. In the event of the spread of epidemics and infectious diseases

Problem Statement

The problem of the study lies in the search for the basis of the state's responsibility towards the subjects in Islamic law, Islamic jurisprudence, and Libyan law during the spread of epidemics, as in the case of the spread of the Ebola virus (Al-Hayek, 2013). This study is considered to be a serious attempt to understand the subject of state responsibility and the nature of that responsibility in Islamic law and law (COVID epidemic) (Al-Sadaei, 2020).

And the investigation into the foundation upon which the state's commitment to its inhabitants may be built in the event of the development of epidemics, as well as the question of whether or not citizens should be offered preventative measures while epidemics are in progress.

Research Objectives

The purpose of this study is to clarify the concept of the Corona pandemic in Libyan law and Islamic law, as well as to identify the basis of the state's responsibility in law towards its individuals, as well as its responsibility to provide preventive measures at the time of the spread of epidemics, all within the context of Islamic law and jurisprudence as a comparative study. This will be accomplished through the use of an Islamic law and jurisprudence comparative study.

Research Methodology

In order to provide a solution to the current issue, this study employs a variety of methodologies, all of which are mandated by the topic of the research, namely the following:

The inductive method: The inductive method contributes to the extrapolation of the texts of the Holy Qur'an, the purified Sunnah of the Prophet, and the sayings of scholars and jurists about the nature of the state's responsibility in the event of the Corona pandemic. Additionally, it is certain that the inductive method contributes to the extrapolation of the phenomenon that is being studied. The analytical approach: the analytical approach is based on evaluating the phenomena in order to come up with logical answers to it, in addition to examining the legal documents. The comparative method: this research uses the comparative method to examine the similarities and differences between the legal texts of Islamic law and Libyan law. It is important to notice that

the comparative method demonstrates rather plainly the disparities that exist between traditional texts and Islamic law.

The first need is that both Sharia and law acknowledge the existence of a pandemic. First, according to Islamic law, the concept of a pandemic is as follows:

The linguistic definition of a pandemic will be discussed first, followed by the idiomatic definition, which will be broken down into two distinct categories as follows: To begin, the legal and linguistic definition of a pandemic according to Islamic law is as follows: The root of the word "pandemic" is "juh," and the letters "jim," "waw," and "h" all come from the same place, which is the origin of the term "eradication (Bin Faris, 1979). It is stated that the elimination of Valjoh would bring about the creature Ojouhh. Included in this is the pandemic, which is the calamity that wipes out money over the course of a year or more. It is reported that they were affected by the epidemic. And overpowered them. And God made his money successful, which is to say, he destroyed it with a pandemic, and as a result, it would seem that the linguistic meaning of the pandemic is applied to every big tragedy and large insurrection, as well as every insect or illness that kills fruits and money and uproots them (Al-Mubarak, 1979). The following is the definition of a pandemic according to medical terminology: The jurists did not seem to be concerned with defining a pandemic, despite the fact that pandemics are not something that is uncommon. Instead, they used proverbs to describe what we now refer to as a pandemic. Whereas formerly a pandemic was understood to be a pest that affects crops or fruits and causes their destruction without the involvement of human people, such as in the case of drought, cold, and thirst, this understanding has since been expanded (Abu al-Tayyib, 2003).

Similarly, the term "pandemic" is used to refer to any calamity that is not the result of human activity, such as wind, cold, locusts, or thirst. The word "pandemic" refers to any event that cannot be stopped and cannot be protected against, such as wind, rain, hail, ice, birds, worms, mould, fire, and anything else that arises from harm caused by the command of the sky rather than the actions of humans.

According to the above definitions, the ambiguity that exists between a pandemic and an epidemic has to be cleared up. The primary distinction between the two types of disease outbreaks is the magnitude of the disease's spread in the pandemic scenario. The Ebola virus outbreak in West Africa

in 2014 and the pandemic are two examples of this phenomenon. It is possible to say that it is a pandemic that has progressed and grown impossible to control, similar to the Corona virus pandemic that spread over the whole globe in 2019. Despite the distinctions discussed before, dealing with a pandemic or an epidemic requires the same level of attention in terms of health and procedure, and this is because of the similarities between the two. The distinction between an epidemic and a pandemic is only one of name; in either scenario, there are established procedures in place for dealing with the situation on a local and global scale.

The first part of this article will discuss the history of epidemics in Libya.

The geographical region known as Libya has been the epicenter of an alarming number of diseases throughout history, both ancient and contemporary. As is the case in what we are living through now as a result of the spread of the new Corona virus pandemic, which spread in the majority of countries of the world, and resulted in the occurrence of thousands of deaths and millions of infected people, and resulted in economic and commercial losses, and disruption to the majority of the various activities in all countries of the world.

In the same vein as the other nations of the globe, Libya is not an exception. It was mentioned by historical sources and historians that it appeared for the first time in 165 AD, when the Romans moved it from the places of the spread of the empire at the time, and the number of deaths, according to the Greek doctor Claudius Galenus, reached 5 million people. In the past, the nation of Libya has been plagued by a number of epidemics, including smallpox, also known as the plague. And the disease continued to appear at various times throughout history. However, in the modern era, when the modern state of Libya was established, the appropriate vaccination was taken for that, and the entire population was immunised against this disease. As a result, in the year 1960 AD, the disease was completely eradicated.

The second ailment that was common in Libya in the past was tuberculosis (TB), which the locals referred to as the Bourgig sickness. In the past, TB was one of the leading causes of death in the country. Measles, also called as *al nmnam* among the locals, was another one of the illnesses that was going around. Measles are caused by the measles virus(Al-Sahati, 2020)

It is a disease that is spread by children, and the Libyans were fighting the disease using traditional methods in light of the fact that they did not have access to treatment or vaccinations (Morqoton, 2022). These methods included isolating the injured and giving them space, as well as following methods of spacing. In 2009, sections of eastern Libya, more notably the Tobruk region, were susceptible to the appearance of plague infections. At the time, the number of plague injuries was thought to be anywhere between 16 and 18, despite the fact that the government was keeping the information secret. Libya has violated the provisions of the International Health Regulations by failing to reveal the number of injuries sustained or the location of those injuries, as well as by failing to alert the World Health Organization so that it may take the required safeguards. In addition, China made an announcement on the outbreak of the Corona pandemic early in the month of December in the year 2019. The Globe Health Organization (WHO) said on March 11, 2020 that it now considers the new Corona virus that causes "Covid-19 sickness," which is spreading in many regions of the world, to be a "global epidemic." This announcement was made on March 11, 2020. At the end of March in the year 2020, it was stated that the first instance of coronavirus sickness had been detected for a person who had travelled from another country. This was three months after the disease had first begun to spread (Al-wudulyt, 2022)

In this section, we highlight the fact that Libya has been hit by a number of epidemics in the past. As a result, we have discussed some of the epidemics that have swept through the Libyan state in both ancient and modern history, as well as how the local population and the state have responded to these threats. As a consequence of the deliberate media secrecy and the passivity of the authorities involved with control and monitoring, not a lot of study has been done on the spread of plague in 2009 in the state of Libya.

Second: Establishing the concept of Covid in the legal framework of Libya

In spite of the provision for some infectious diseases in Article 34 of Law No. 106 of 1973, which stipulated infectious diseases, specifically plague, cholera, yellow fever, and smallpox, and relapsing fever, we can measure the Corona virus on these diseases, as it shares with them the danger, infection, and spread, which made the whole world agr. The Libyan law did not have a definitive position on the Corona pandemic

because there was no clear definition of the Corona pandemic. Regarding infectious illnesses, the Libyan legislation that was reaffirmed in Article No. 27 of the Libyan Health Law is as follows: It is possible for a person to get a disease not just from another person but also from animals, polluted environments, or objects that have been in contact with such diseases. One may classify it as an infectious illness, which would need taking certain safety precautions (Shatnawi, 2008)

We draw a conclusion from the aforementioned, and by looking at the two articles that came before it, 34 and Article 27, we derive from them an analogy where the Corona virus can be measured against these diseases, as it shares with them the risk of infection and the spread (Georgi Sari, 2002). Furthermore, what is stipulated in Article No. 27 of the Health Law is a legal concept of the Corona pandemic that can be applied to the case of the spread of the Corona virus as well. We are writing to urge the lawmaker in Libya to revise Article 34 of Law No. 106 of 1973 to include the Corona virus in the list of contagious disorders that must be reported (Georgi Sari, 2002).

The second condition is the foundation for the state's obligation during the spread of epidemics, which must be in accordance with Islamic jurisprudence and Libyan law.

First, the legal foundation for the state's obligation in the event of the spread of an epidemic under Libyan law

After researching the legal bases upon which the state's responsibility is based, we found that the theory of risks and the damage arising from them is the closest of these bases, as the error is considered to be the basis in the case of epidemics and is considered to be a theory. It is proven that the state undertakes to deal with this situation of the spread of epidemics and infectious diseases through the texts of the Libyan laws. One of the more recent ideas about the expansion of duty is known as "administrative responsibility without mistake." (Jaborbi, 2018). Despite the fact that this concept did not emerge instantly or all at once, it is considered to be a contemporary theory. In the eyes of jurisprudence and the judiciary, the fundamental principle underlying the administration's responsibility for its actions is that it is based on error. According to this principle, whoever makes a mistake is responsible for the consequences of that mistake, while whoever does not make a mistake is exempt from responsibility because there was no error in the first place. Along with this fundamentalist principle, there is no accountability (Issued by the Libyan Transitional Council, 2011). Therefore, the responsibility of the

administration without fault is a judicial theory, as well as an exception to the general principle, and the role of this responsibility without fault is considered complementary or complementary to the responsibility by fault, and it is applied in situations in which damage occurs to those who are dealing with the administration as well as other individuals and citizens when there is no evidence of any fault. It is a violation of the principles of justice for the administration to engage in activities and take acts that cause harm to individuals, and it is also against the law not to pay those individuals for the harm they have suffered (Ali Kut and Bashir, 2016). In these situations, the administration is held accountable on the basis of the two pillars of damage and the causal relationship between them, without any fault on the part of the administration, and the administration is responsible for compensation for the damage that occurred to the injured person as a result of carrying out the activity and carrying out its work even if it did not issue any error, in addition, the administration is held accountable for the damage that occurred to the injured person as a result of carrying out the activity and carrying out its work even if it did (Ramadan, 2014) This is something that has been confirmed by both the French Council of State and the Supreme Administrative Court of France, which ruled that in order to be eligible for compensation, there must be a causal link between the damage and the activity of the administration. This is something that has been established (Ramadan, 2014).

For our part, we see that the principle of equality in front of public burdens and in front of the large number of accidents and mistakes resulting from natural disasters that result in physical and health damage, as in the case of the spread of the Corona epidemic, we find that the majority of modern legislation has resorted to the social compensation as the legal basis for the state's responsibility without error for the decisions and measures it took to confront the Corona epidemic. This is the legal basis for the state's responsibility without error for the decisions and measures

On the other hand, we discovered that these writings do not appear in the Libyan legal system. We propose including a general rule in the new constitution that is currently being written that requires the state to compensate for health and physical damages caused by epidemics in the event that it does not have any liability for these damages. This will allow us to address the legislative deficiency that has been brought to our attention (Balto, 2022).

Second: The constitutional and legal foundation for the legality of the choices that have been made to restrict the development of the Corona outbreak.

The activities of the state must be in accordance with the legal standards that make up the state's legal system in order to establish a balance between the rights and freedoms of people. This demands individuals to submit to the authority of the state in order to achieve this goal.

Providing the administration with the autonomy it needs to make decisions that are in the best interest of the public while also allowing it to continue carrying out its duties as required is essential to ensuring that state institutions continue to operate efficiently and effectively. In this section, we examine the constitutional and legal foundations that supported the choices that were made during the outbreak of the Corona virus.

To start, there is the constitutional underpinning. In light of the constitution, Article 70 of the Constitution of the Kingdom of Libya for the year 1951 stipulated that the king declares martial law and a state of emergency in the event that whenever there is an emergency situation as well as in cases of disasters and the occurrence of epidemics, provided that the declaration of martial law is presented to the National Assembly, and Article 25 of the constitutional declaration issued stipulates that the king may only abdicate his throne in the event that there is an emergency situation. In addition, In the year 1969, the declaration of martial law or a state of emergency shall be by a decision of the Revolutionary Command Council whenever the external or internal security of the state is exposed to danger, and whenever it deems that this is necessary to protect the revolution and ensure its safety. The Revolutionary Command Council shall make this decision whenever the Revolutionary Command Council deems that this is necessary to protect the revolution and ensure its safety (Abdul Rahman, 2022).

The legal basis and what was stipulated in Law No. 21 of 1991 regarding general mobilisation, as Article (3) of the law stipulated announcing general mobilisation in cases of disasters and epidemics, Royal Decree No. 5 of 1956, as well as Law No. (4) of 2007 regarding the establishment of the National Security Council, as stipulated in Law No. 21 of 1991, Royal Decree No. 5 of 1956, and Law No. (4) of 2007 regarding the establishment of the National Security Council, as stipulated According to the eighth paragraph of Article 2 of its charter, the Council is vested with the competence to put up proposals regarding the

proclamation of states of general mobilisation and emergency.

According to the provisions of the constitutional and legal articles, the state is responsible for preserving public health, preventing diseases, and preventing the spread of epidemics, and the meaning of the texts of the previous articles is that this responsibility falls under the purview of the state (Bin Zair, 2014). Therefore, the constitutional legislator, despite his affirmation in many texts of the articles, the right to obtain health care when epidemics spread, he gave the government its capacity as responsible for Preserving public security and safety for citizens through its institutions in the event of an emergency affecting the lives of citizens, such as the spread of epidemics, and it has wide discretion in that regard (Idris, 2000). This is because the right to obtain health care was affirmed by the constitutional legislator in many texts of the articles. According to the law, and then the responsibility of the state in this regard is not based on error as long as it does not exceed the state of necessity and was issued in accordance with the conditions of exceptional legality or otherwise, then it is considered illegal. However, if it does exceed the state of necessity and was issued in accordance with the conditions of exceptional legality or otherwise, then it is considered illegal (Abdel-Al, 2021).

Third: The obligation of the state in regard to the preventative measures that were implemented during the spread of the Corona virus

It shall address the obligation of the state towards the measures taken to prevent the spread of epidemics via the administrative processes in the state as defined in Law No. 106 of 1973. This law was enacted in 1973. According to the provisions of Article 1 of Law No. 106 of 1973, it is the obligation of the state to make the appropriate choices that would significantly contribute to the preservation of the lives of persons. Where it is stated that health and medical care is a recognised right for citizens that is guaranteed by the state, and since the spread of diseases and epidemics is one of the most serious problems that people may face, and to protect citizens from diseases and epidemics, the state imposed some preventive measures and measures based on the state of necessity and health emergency, and among these measures restricting the movement of individuals such as deprivation of Walking arches, etc., are included. When we consider the responsibilities of the state toward its residents, as well as the choices made by the government, and how the state

responds with the development of the epidemic, we discover that the most essential actions implemented are those that protect public health. The following should be done in response to the pandemic:

1. The imposition of curfews, as well as closures and prohibitions on gatherings and meetings

Because the state is working to limit and control the spread of the pandemic and limit its spread among a large number of people, the procedure that is being followed to limit the spread is a curfew, restriction of movement, closure of shops and gathering places, except for what is related to necessities, for example what is stipulated in Article 36 of Law 106 of the year 1973 and the decisions of the Libyan government to impose a state of closure and curfew, Resolution No. 35 and Res.

2. Home quarantine

Home quarantine is a measure that is considered to be a complementary measure to the curfew, and its goal is to reduce mixing in order to stop the spread of the pandemic. Its purpose is to compel people to stay in their homes and not leave them, and it is a measure that is meant to ensure that people stay in their homes and do not leave them. One illustration of this may be found in Article No. 36 of Law No. 106 of 1973, as well as in Government Resolution No. 378 of 2020.

3. For the purposes of isolation and quarantine

A step that is adopted by the health authorities against those who are infected with the epidemic or who are suspected of being sick, in which these individuals are required to remain in certain locations. As required in Article 36 of the health code, these locations may be a centre for sanitary isolation or others recognised by the state for that purpose. (Al Ahmad, 2017).

4. Causing disruption in educational institutions and schools

It should be noted that the majority of countries that have announced that they have taken measures to combat the new Corona virus have taken this measure in order to prevent the spread of the pandemic among students and workers in institutions, and these measures are among the measures taken by the Libyan government to

prevent the spread of the pandemic. In addition, it should be noted that the majority of countries that have announced that they have taken measures to combat the new Corona virus have taken this measure in order to prevent the spread of the pandemic among students and workers

5. A health check to look for signs of infectious disease

Inspection is seen as a direct threat to the individual's right to privacy, his family, and his place of residence, to the extent that it can be considered a strict violation of personal freedom. Because of this, many constitutions and laws limit the state's authority in such a procedure, with the exception of this what we find in Article 35, which grants authorities the power to deal with epidemics. In this article, the state is given the authority to inspect in order to combat epidemics. Excellent for sweeping houses as well as public areas.

6. Assessing monetary penalty on those who violate the law

The Supreme Committee for Combating the Corona Epidemic in Libya imposed fines on violators of precautionary measures in accordance with Article 36 of Law No. 106, which permits the Ministry of Health to take the necessary measures to stop the spread of the epidemic if and when it occurs. These fines are among the most important deterrent measures to combat the Corona epidemic in Libya. Which begins at fifty Libyan dinars and progresses up to ten thousand dinars

In accordance with Islamic law, the state has some degree of responsibility for the spread of the Corona virus.

In the first part, we will examine the Islamic jurisprudential foundations for the concept of governmental accountability.

Following our discussion of the legal foundation for the state's obligation, we will proceed to an examination of the Islamic legal foundation for the state's responsibilities in the event of the spread of diseases. It was spoken in the original language, although the Qur'an and the Sunnah do not use the term in the contemporary meaning anywhere in their books. Rather, this contemporary era is distinguished by it in the ruler's responsibility toward the subjects during the time of the spread of epidemics, as well as the responsibility of the subjects toward the ruler. The ruler's responsibility stems from his authority to restrict what is permissible and issue orders in order to achieve the goal of preserving necessities and preserving the soul from necessities. The subjects' responsibility

stems from the ruler's authority to restrict what is permissible and issue orders in order to achieve the goal of preserving necessities and In order to accomplish this goal, the ruler will sometimes have to resort to extreme methods.

It was also said that responsibility is what a person is accountable for and obligated to do for things or acts that he has done, as well as the notion of responsibility in the phrase. Miqdad Yaljin's definition of responsibility, which states that "a person bears the result of his obligations, decisions, and scientific choices in terms of positive and negative before God in degree," is one of the many definitions that have been proposed for the concept of responsibility. This particular definition is perhaps the most well-known and accurate of all the definitions that have been proposed. According to Dr. Draz, the first, followed by his conscience in the second degree, and society in the third degree. The concept of responsibility refers to the fact that a person is expected to carry out certain responsibilities and provide an explanation to other people about their actions. From this definition, it is clear that the concept of responsibility encompasses not only the person who is accountable for his acts but also the link between that individual and those actions. Who will have the authority to judge these actions? As a result of what has been discussed so far, we may draw the conclusion that the word "responsibility" is a statement of a person's commitment to carrying out responsibilities that have been placed upon him, for which he is responsible and held accountable by a party that is more senior to him. the proliferation of diseases, calamities, and emergency situations.

As there are many sources in Islamic law that indicate the determination of the rule of responsibility and its generality to include all actions, and all those addressed by the provisions of the law, whether the ruler or the ruled alike, we will discuss the foundation of the legitimacy of responsibility. This is evident from the Holy Qur'an and the Sunnah of the Prophet, as well as its practical application during the time of the Rightly Guided Caliphate.

To begin, there is the obligation outlined in the Qur'an, as well as the example set by the Prophet and the time period of the Companions.

• **Accountability is emphasised throughout the Holy Quran**

The term "responsibility" is not found in the Qur'an or the Sunnah with this precise phrasing; but, the word "responsibility" is mentioned in the

Qur'an with its meaning in multiple other contexts. Indeed, responsibility is one of the meanings that appears in the Qur'an more often than any other word at all. And man bore the burden, being both unfair and ignorant while he did so.) The phrase suggests about the faith in the feeling of duty in its whole, and the second verse quotes God Almighty as saying, "I am the Lord, and there is no other." Both of these verses point to the importance of responsibility (O you who have believed, do not betray God and the Messenger, but betray your trusts while you know). These verses from the Qur'an, in their entirety, point to texts on the definitiveness of the rule of responsibility. This means that it includes responsibility in this world as well as responsibility in the hereafter, which is the subject of the hadith that we are examining as part of this investigation.

• **Accountability in accordance with the venerable prophetic Sunnah**

Responsibility in the respected prophetic Sunnah, just as the respected prophetic hadiths taught us that responsibility is not free from it, regardless of whether a man or a woman is a ruler and the ruled, and that it encompasses all parts of life. Isn't each one of you a shepherd, and aren't you each responsible for the people under your care? If so, then the imam who is in charge of the people is a shepherd, and he is responsible for the people under his care; similarly, the man is a shepherd over his household, and he is responsible for the people under his care; similarly, the woman is a shepherd over her husband's household and his children, and she is responsible for him; finally, the man' In point of fact, each one of you serves as a shepherd, and each of you is accountable for the flock that he tends (Bukhari, 1998). And according to what was indicated, there is no one in Islam who can be free from duty. This is due to the fact that in Islam, responsibility is graded to parallel authority, beginning with the ruler and working its way down to the smallest of those assigned with obligation (Bukhari, 1998). Likewise, according to what was delivered in the last sermon of the Prophet – may the prayers and peace of God be upon him – that he said: "O people! As holy as this day for you and as sacred as this month for you, your blood and your money are off limits until you meet your Lord. They are as sacred as this day and as sacred as this month. At the time of the Messenger, may God bless him and give him peace, or during the reign of the Rightly Guided Caliphs, the notion of accountability did not exist in Islamic law and Islamic jurisprudence as a

upon him, that he banned preserving any of the flesh from the animals that were sacrificed. He said, "Whoever among you sacrifices, let them not be there after the third time, and part of it stays in his home," and peace be upon him. The next year, when it came around again, they gathered together and said, "O Messenger of God, let us do what we did in the year of the year." go on. He advised us to consume food, provide for animals, and put money away. Because of the work that individuals put in throughout that year, I really wanted you to be appointed in it. And the evidence from the previous hadith is that everything that was issued by him, may the prayers and peace of God be upon him, is a restriction of what is permissible for the ruler if the country is exposed to exceptional and emergency circumstances that require restriction, such as in the case of epidemics and disasters. May the prayers and peace of God be upon him.

According to the majority of evidence, the disagreement between the scholars is due to the lack of an explicit text on the subject. Because of this, each party has presented evidence to support its own belief, and the researcher has come to the conclusion that the second opinion, which states that the guardian may restrict what is permissible, is the most accurate interpretation. This is due to the fact that the adherence of the state or the guardian to what is permissible or preventing it does not have an analysis of what God has forbidden or What he permitted, but the guardian saw in it a public interest, so he obliged it; or what he saw in it was a general corruption, so he forbade it in order to achieve a public interest of interest to the subjects and preserve one of the purposes of Islamic law. Both of these actions were taken in order to achieve a public interest of interest to the subjects and preserve one of the purposes of Islamic law (Al-Suyuti, 2012).

If we take a closer look at many of the regulations that are currently in place in our lives, we can see that they are founded on the restriction of what is allowed, and without them, life would not be able to proceed in a logical manner. One example of this is the regulation of the number of pilgrims in terms of number, as well as the problem of pricing and determining the fare for many different types of facilities. People It has been decided by the Islamic Fiqh Academy of the Organization of the Islamic Conference that obedience to the ruler is obligatory in the matter of taking the necessary health measures in accordance with the interests of the mission, as well as what it deems appropriate to preserve both oneself and the stability and life of society. This decision was made in light of the

fact that obedience to the ruler is obligatory in the matter of taking the necessary health measures

And having considered the aforementioned proverbs and sayings, as well as the various jurisprudential perspectives, we have come to the following conclusion: It is now abundantly obvious that the guardian has the authority to place restrictions on the scope of what is authorised. Crowding, mixing, and being in public places and gatherings such as universities and schools are considered permissible in terms of origin; however, in times of epidemics, as in the spread of a virus called Corona, the guardian has the right to restrict that permissible by preventing people from gathering and going out into the streets in order to preserve lives; therefore, the guardian is authorised from the point of view of Sharia to issue what are known as *aiqahs*. In other words here Islamic law serves as the foundation for the state's responsibility because it is based on the jurisprudential rules that are derived from the verses of the Quran, the hadiths of the Prophet, and the biography of the Companions; consequently, the state relies on its decisions and the enactment of its laws in order to combat epidemics (Attia, 2014).

Under the first place, the role of the ruler in Islamic law with relation to the provision of preventative measures during times of epidemic spread (Covid epidemic)

The Islamic Sharia has made it quite apparent that each and every one of you is a shepherd, and that each and every one of you is accountable for the people who are under your care. The successor ruler is responsible for his subjects by the right of God, who commanded him to provide the necessary preventive measures at the time of the spread of the pandemic. These preventive measures are to be provided in accordance with the principle that preventing corruption takes precedence over bringing benefit, and that people's needs and responsibilities revolve around the responsibility of the ruler in making the necessary decisions that are required. It would significantly reduce the number of deaths among individuals. One of the most important preventative steps that the Muslim ruler took in order to safeguard the parish from epidemics, most notably the Corona plague, was the implementation of quarantines.

I. Raise the degree of knowledge of both the person and the society as a whole by adhering to the various preventative measures and the relevant rules.

One of the most prominent and significant obligations of the ruler or his representative is the awareness that the state's agencies carry out in order to safeguard persons in society. This is regarded to be one of the most important responsibilities. It is new in terms of the health measures taken by the state in order to safeguard society, and the existence of a certain degree of awareness will inevitably put additional duties on people and society in a tangible manner.

2. Keep infected patients apart from healthy individuals in an isolated area.

As was mentioned by the Prophet, may the prayers and peace of God be upon him, one of the most important preventive measures that is taken in situations like these is isolating the patients, either in public hospitals or in their own homes, and not allowing them to leave until they have made a full recovery from their illness. It is certain that this is one of the most prominent preventive measures that is taken (a nurse does not visit a sanatorium). In accordance with what the Messenger, upon whom be the prayers and peace of God, said: (We have pledged allegiance to you, so return). And it was stated on the authority of Umar, may God be pleased with him, that the leper lady walks about the home, where he instructed her to sit in her house so that she would not interact with healthy people. This was done so that she would not spread her disease to healthy people. According to Ibn Taymiyyah, it is not permitted for lepers to interact with people in general, nor is it permissible for people to mix with lepers; rather, lepers should dwell in a separate location that is designated specifically for them, and so on.

3. Providing medical care to people who have contracted the disease and making it mandatory for them to undergo treatment and medicines

According to the jurisprudential rule that stipulates that the action of the imam is dependent on the interest, the ruler is obligated to make individuals who are afflicted with epidemics get treatment. This is because the interest may be satisfied when patients receive the necessary therapy. It is also believed that this would prevent damage from being caused by a large number of healthy individuals, since the Messenger of God, may the prayers and peace of God be upon him, stated, "Servants of God! And the Lord God Almighty said in the most important revelation, "And We have honoured the sons of Adam," as the Lord God Almighty stated in the Book of the Most Powerful.

(Whoever saves even one life is said to have rescued all of humanity.)

4. Providing assistance to those who have been impacted by the implementation of preventative measures

There are many countries that have taken stringent measures in accordance with the health conditions they are going through. These countries have imposed curfews, quarantine, and medical isolation; they have also closed shops, stores, and factories; and they have greatly paralysed movement. These measures have caused additional material and psychological problems for many individuals. In addition to the boredom that afflicted many people because of the strict imposition of the curfew, staying at home and not going out for long periods of time has caused widespread depression and anxiety in a significant way. This indicates the need to assist those affected and try to compensate individuals or provide the minimum amount of material and in-kind assistance in order to significantly reduce the severity of the harm suffered by these groups. And it was related on the authority of Umar ibn al-Khattab, may God be pleased with him, that when he was going to the tax collector in the land of Damascus, he passed by a leper among the Christians, and he commanded that they be given alms and that they be fed. [Citation needed] [Citation needed] [Citation needed] [Citation needed] [Citation needed] [Citation needed] According to a statement made by Asbagh bin Al-Faraj Al-Maliki (225 AH), "The urban patients do not have to move out of them to an area with a rule that would be forced on them." a period of seclusion or quarantine for reasons of public health that is overseen by the state.

Ibn Wahb said the following about people who behaved in this manner in the year 197 AH: "If he has money: he is ordered to buy himself someone who fulfils his needs, and goes out with his needs, and he stays in his house and does not go out, and if he does not have money: he goes out of the house, if there is nothing in it, and it is spent on it from the treasury. And if he does not

5. The imposition of penalties on those who break the rules in order to motivate those who break the rules regarding preventative measures

Despite the fact that the purified Prophetic Sunnah has supported that going out is a violation of the Prophet's Sunnah, may God's prayers and peace be upon him, as the Holy Prophet said, the ruler has

the sole right to assess the punishment he decides on for those who violate the preventive measures to protect individuals from dying as a result of widespread diseases. This is because the ruler has the sole right to assess the punishment he decides on for those who violate the preventive measures (If you hear of plague in a land, do not enter it, and if He fell on a land while you are in it, so do not get out of it). As God Almighty stated (And do not kill yourselves, for God is ever merciful to you.) And the holy verses dealt with the fact that killing people does not achieve the purposes of the Sharia in the necessity of preserving the soul that God has bestowed on His Muslim servants, just as obedience to the ruler comes from obedience to God Almighty, as God Almighty said. And the holy verses also dealt with the fact that killing people does not achieve the purposes of the Sharia in the necessity of preserving the soul that God has bestowed on His Muslim servants (Oh you who have believed, obey God and obey the Messenger and those in authority among you). Where God Almighty has commanded that obedience to the ruler in order to preserve the lives of individuals is a necessity that cannot be waived, and where the decision of the Islamic Fiqh Academy of the Organization of the Islamic Conference came that obedience to the ruler is obligatory in taking the necessary health measures in accordance with the sent interests, the Muslim ruler may therefore impose obedience to the ruler in order to take the necessary health measures in accordance with the sent interests. Financial breaches are one of the kinds of punishment that violators face as part of the financial system for flagrantly disobeying rules and instructions.

Results

The following is an outline of how the findings will be explained in accordance with the aims of the study:

1. The findings of the investigation revealed that the idea of a pandemic caused by Corona in Libyan law is essentially comparable to the idea of a pandemic caused by Corona in Islamic law.
2. The obligation of the state to assist victims of disasters is not just an ordinary obligation; rather, it is a legal obligation guaranteed by Islamic law first on the guardian, and it is a constitutional and legal obligation that the state must fulfil according to the text of the law. In other words, it is not just an ordinary obligation; it is a legal obligation.
3. The attitude of the ruler in Islamic law about the supply of preventative measures during the period of the spread of epidemics is compatible with the

position of the state in the legislative laws that it issued and the choices that it made to restrict the spread of the epidemic.

4. That the guardian is accountable for the subjects by carrying out his obligations towards them in times of widespread epidemics, and that the subjects are obligated to follow him in order to avoid contracting the disease themselves.

5. What the state is doing in terms of extraordinary measures during the spread of the Corona epidemic as an emergency according to the provisions of the law and the constitution is legitimate and correct if issued in accordance with the law, and that the state's responsibility for the damages of the spread of epidemics is of the type of liability without error, which is based on only two pillars, which are the damage that befell the victim and the causal relationship between the victim and the spread of the epidemic; and that the state's responsibility for

6. There is no clear definition of the Corona pandemic in Libyan law, nor in subsequent legislation and decisions, and we have come to the conclusion based on what we have researched that Corona disease can be measured against the diseases mentioned in the text of Article 34, which the law mentioned by name (smallpox, cholera, plague)

Recommendations

1. Passing new legislation to account for current outbreaks and illnesses that were not covered by Article 34 of the Health Law of Libya. And work on redeveloping the health legislation as well as revising and rewriting numerous legislative articles in conformity with current developments, particularly in light of the spread of contemporary diseases, like the Corona pandemic.
2. We highly urge that the lawmakers in Libya state that persons impacted by the lockdown and quarantine should be reimbursed using guarantee money given by the government for that purpose rather than turning to the judicial system in order to get compensation.
3. We suggest that specialised legal seminars and conferences be held in order to illustrate the legal basis and validity of Islamic law for every time and location, as well as to address developing concerns and eliminate uncertainty and misunderstanding among some members of the general public.

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