

RETURNING TO THE ORIGIN OF JUDGMENT IN THE CORONA PANDEMIC

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ABSTRACT	KEYWORDS
<p>This research(Returning to the Origin of Judgment in the Corona Pandemic) is one of the important researches that dealt with jurisprudential rulings related to epidemics and pandemics, in which the researcher spoke about the Corona pandemic. The researcher also discussed how to deal with it through legal rulings, and how to return to the origin of the ruling after the end of this pandemic. It dealt with the definition of the origin, and the rule for the fundamentalists, and the definition of the pandemic, and the Corona pandemic. It then proceeded to mention the jurisprudential rulings related to prayer, fasting, and pilgrimage, and how to refer to them to the origin of the ruling after the demise of the permission. The research concluded with the most important findings.</p>	<p>the origin, judgment, the pandemic, corona.</p>

Introduction

According to the scholars, the noblest of sciences is that in which reason and hearing are combined, and accompanied by opinion and the law, and the knowledge of jurisprudence and its foundations of this kind. It follows the path of the Islamic law and reason. It is not only a behavior from the reason perspective alone which the Islamic law does not accept it. It is also not traditional that the reason does not confirm or support.

And for the sake of the honor and reason of the science of jurisprudence, God provided the means of creation at His request, and the scholars in it were many scholars. They were the most respected of them, and the most followers and helpers.

Through it, the scholars extract the events, by inference, and by analogy with other issues established by the scholars. From those events that the scholars focused on explaining, and deducing, the issue of the Corona pandemic (Covid-19) explained the legal rulings related to it. It also showed the consequences of the taxpayer, where many researches were published on it. It has useful audits. After God Almighty has blessed us with the demise of that pandemic, researchers must pay attention to the return of the legal rulings to their origin, as this research included that. I dealt with the legal rulings that called for the need to take licenses during the outbreak of the pandemic. This work also shows how did we go back to the origin of the rule.

Reason for choosing the topic:

In addition to what we have presented, researchers must alert the return of the legal rulings to their origin after the demise of the reason for taking licenses. The researcher saw that many people have become negligent in some legal issues, so they do not return to their origin after the absence of the reason for taking licenses, so I wrote this Find to alert them to it.

Research aims:

The study aims at teaching people the way scholars take legal rulings, and how they change according to changing circumstances, time, and place, and when to take the principle of the ruling, and when to take its licenses.

Previous studies:

Researchers discussed Corona pandemic in a variety of ways such as the causes and reasons affecting the legal rulings through the Corona pandemic, the specific jurisprudential issue related to the pandemic. Yet, the researcher did not stop at a study that spoke about the return of rulings to their origin after the end of the pandemic.

The first topic: Defining the terms of the title:

The first topic: the definition of the origin and the ruling:

First: Defining the original language:

Origin in language: Origin is the root is the bottom of a thing and its plural is principles that cannot be broken otherwise

It is said: h was placed in the origin of the mountain, the origin of the wicked, and the origin of the tree, then he was said to be said(Al-Mursi, 2000)

Second: Defining the judgment language:

Judgment in language is the judiciary, and its origin: prohibition, it is said ‘I judged him with such, if I prevented him from opposing it, and he was not able to get out of that, and I judged between the people and separated them, so I am a judge, and an arbitrator, and the group is rulers’(Al-Abbas, 1368). He was judged for him, and for him, and he was judged by the matter, he judges a ruling and a government if he decides(Al-Husseini & Murtada, 1996).

Third: Defining the origin in the terminology:

Al-Asnoy(Abd al-Rahim ibn al-Hassan ibn Ali al-Asnawi, taught Abu Hayyan, Qutb al-Sinbati, Jalal al-Qazwini, and others: “The Missions on the Rafi’i and the Kindergarten,” “The Puzzles,” “The Revision,” and others. He died in the year: (772 AH). See: The Doctrine of the Faith in the Layers of the Doctrine Bearers, by Ibn Al-Mulqin Siraj Al-Din Abi Hafs Omar Bin Ali Bin Ahmed Al-Shafi’i Al-Masri (d. 804 A.H.). He investigated Ayman Nasr Al-Azhari - Master of Professionalism, Dar Al-Kutub Al-Ilmia, Beirut - Lebanon, 1, 1417 A.H. - 1997 A.D., p. 410; and access to the stalls’ layers was handed over to Mustafa bin Abdullah al-Qustantini al-Othmani, known as “Haji Khalifa” (d. 1067 AH), investigated by Mahmoud Abdul Qadir al-Arnaout, Ircica Library, Istanbul - Turkey, 2010 AD, 2/269.) said: the original term has four meanings(Al-Masri, 1997; Mustafa bin Abdullah al-Qustantini al-Othmani, 2010):

The first is the evidence, as they say: The origin of this issue is the Book and the Sunnah, i.e.: their evidence, and from it also is the origins of jurisprudence, i.e.: its evidence.

The second is the preponderance, like their saying the original in speech is the truth, i.e. the most likely one for the listener is the truth, not the metaphor.

The third is the continuing principle, as they say, that the dead is permissible for the compelled, contrary to the principle.

The fourth is the image on which it is measured according to a difference mentioned in the measurement in the interpretation of the original(Muhammad, 1999).

Fourth: Defining the rule in terminology:

Judgment in terminology, is God Almighty's speech related to the actions of those charged with a requirement, or a choice.

His saying: "related to the actions of the Calvins", i.e.: sane adults had a moral attachment before its existence, and a transcendental attachment after its existence after the mission. Because there is no ruling before it, it came out with the action of the duty-bound: God Almighty's speech related to His Essence, His Attributes, the Entities of the Compassionate and the inanimate, and His saying: "by necessity", i.e.: the request for the action and the request to leave, firm or not(Muhammad, 1999)

The second topic: Defining the pandemic, linguistically and idiomatically:

First, the pandemic, linguistically:

God will destroy him, if He removes someone which is the derivation of the pandemic, which is the great event(Al-Azdi, 1987)

A plague befell them, i.e.: a severe year swept their wealth and did not leave them an event. Also, the year overwhelmed them and swept them over them, sweeping them through a plague and a plague of two plagues of a year(Abi-Mansour, 1421 AH).

ALjuahri stated(Al-Dhahabi, 804 AH; S. A.-D. A. A. M. b. A. b. O. b. Q. Al-Dhahabi, 1993) (Injury: excision)

Secondly, the term "pandemic:" has different meanings:

The first is everything that cannot be repelled from pests if he knows about it, whether it was by the action of a human being, such as armies and thieves, or without his action, such as cold, heat, snow, rain, locusts, and so on.

The second is every pest in which no human being is made, such as heat, thirst, and cold(Musa & al-Masri, 2008).

From these two definitions, we find that the jurists were limited in mentioning the pandemic to all the pests that befall money, and they did not use it on epidemics, but in the general terms of the definitions. We find that everything that cannot be awarded, whether it is by human action or not, is a pandemic, and epidemics are what cannot be awarded. It is a pandemic, and God knows best .

The third topic: Introducing the Corona pandemic:

The Corona pandemic is one of the new incidents that doctors have differed in defining it, explaining its origin, ways of transmission, and how to prevent it. The World Health Organization stated from the definition of the Corona virus and Covid-19, and what are its symptoms, and how does it spread? And how to protect from it? And as follows:

First: What is the Corona virus?

The World Health Organization reported that Coronaviruses are a wide family of viruses that may cause illness in animals and humans. Also, a number of coronaviruses are known to cause respiratory diseases in humans ranging in severity from the common cold to more severe and severe diseases such as Middle East Respiratory Syndrome (Mers), severe acute respiratory syndrome (SARS), and the newly discovered coronavirus causes COVID-19 disease(WHO).

Second: What is COVID-19?

The organization stated Covid-19 disease is an infectious disease caused by the last discovered virus of the Corona virus strain. There was no knowledge of the existence of this new virus and its disease before its outbreak began in the Chinese city of Wuhan in December 2019. Now to a pandemic affecting many countries of the world(WHO).

Third: What are the symptoms of Covid-19 disease?

There are common symptoms of Covid-19 disease, and uncommon symptoms, which are as follows:

- 1- The most common symptoms: fever, fatigue, and dry cough.
- 2- Less common symptoms, but some patients may have: aches and pains, nasal congestion, headache, conjunctivitis, sore throat, diarrhea, loss of taste or smell, skin rash, or discoloration of fingers or toes.

These symptoms are usually mild and begin gradually. Some people become infected without feeling only very mild symptoms(WHO)

Fourth: How does COVID-19 spread?

The World Health Organization stated that people can catch Covid-19 infection from other people who have the virus, and the disease is mainly spread from person to person through small droplets that a person with Covid-19 secretes from his nose or mouth when he coughs or sneezes or speaking. These droplets are relatively heavy in weight. They do not move to a far place, but rather quickly fall to the ground, and people can catch Covid-19 disease if they breathe these droplets from a person infected with the virus, so it is important to maintain a distance of at least one meter (3 feet) from others, and these droplets may land on objects and surfaces surrounding the person, such as: tables, door handles, stair railings and their mouth. So it is important to wash hands regularly with soap and water, or clean them with an alcohol-based hand rub(WHO)

Fifth: How to prevent this virus:

Among the most important guidelines issued by the World Health Organization, through its official website, are the following:

- 1- Practicing hand and respiratory hygiene is important at all times and is the best way to protect yourself and others.
- 2- Maintain a distance of at least 1 meter (3 feet) between yourself and others when possible, which is especially important if you are standing near someone who is coughing or sneezing. Since some people who are infected may not have symptoms yet or have only mild symptoms, keeping your distance from everyone is a good idea if you are in an area where COVID-19 is common(WHO)

The second topic: Referring to the origin of the ruling in the legal rulings:

The first part: Referring to the origin of the ruling on prayer:

Prayer is obligatory for every male and female Muslim in every situation, whether it is in health or illness, security or fear, or in urban or travel. Its obligation does not lapse in any case. The reason for this is what is proven in the book by the Almighty's saying "Speak to My servants Who have believed, That they may establish Regular prayers, and spend (In charity) out of the Sustenance We have given them, Secretly and openly, before The coming of a Day In which there will be Neither mutual bargaining Nor befriending : Speak to My servants Who have believed, That they may establish Regular prayers" Quran:14:31 It is also said peace be upon him, in the hadith of the Night Journey: 'so I was commanded to perform five daily prayers'(al-Jaafi, 256 AH) . However, the prayer may be subject to some provisions of licenses because of some accidents, such as: shortening and gathering for the traveler, prayer of fear in case of fear for the soul of an enemy, prayer sitting or lying down for one who is unable to stand or sit, and so on.

As for the case of epidemics, viruses, and pandemics, as in the Corona pandemic, some of the rulings may change due to the change of their rulings, or due to the emergence of another reason, and these rulings include:

First: Friday and congregational prayers:

Friday prayer is an individual obligation as Allah said "Hasten earnestly to the Remembrance Of God" Quran 62:9. He is the command to strive for something that is free of the exchanger is only to oblige him(Ali & Khusraw, 885 AH). Attending the Friday prayer was obligatory on every Muslim as long as the conditions of Friday prayer mentioned in the books of jurists were fulfilled. It is that he should not be excused due to an epidemic or disease that may afflict him, or one of the Muslims(Abdul Karim bin Muhammad bin Abdul Karim, (623 AH); Abu Al-Muzaffar, 1999; Al-Hanbali).

When the Corona pandemic was spreading recently, and we mentioned what the World Health Organization agreed upon about the danger of the Corona pandemic on lives, and that infection comes due to mixing, the jurists changed the apparent text in the obligation of Friday prayer by saying "Hasten earnestly to the Remembrance Of God" Quran 62:9. This is what the jurists agreed on the fall of Friday for the owners of excuses.

This is because Islamic law came with the preservation of the five necessities, among which is self-preservation, so preserving them is a duty, and it confirms the obligation of Friday prayer, and the fundamentalist rule says(Al-Zarkashi, 1985). So, self-preservation is given precedence over Friday prayer, so the reason that affects the prevention of Friday prayer is the presence of the Corona pandemic, which may cause a defect in the preservation of the souls ordered to be preserved.

This is in the event of the existence of this pandemic, we change from the original ruling, which is the determination to permit. When this pandemic is over, we return to the principle of the ruling on the obligation of Friday prayer with the text of the Almighty saying "Hasten earnestly to the Remembrance Of God" Quran: 62:9.

As for congregational prayer, it is a first. This is because congregational prayer is a confirmed Sunnah according to the majority of scholars, and if it contradicts the duty, the duty takes precedence over the Sunnah, and the excuses that allow for leaving the congregation, such as Friday prayer, are applied to it(Al-Kasani, al-Jalil, Al-Ra'aene, Al-Wajeez, & Al-Rafei).

Second: The spacing in the rows between the worshippers:

There are many hadiths urging to close the rows, straighten them, and close the gaps, and forbid creating gaps in them. On the authority of Abdullah bin Omar said, that the Messenger of God, peace and blessings be upon him (Shaibani, 241 AH) in another hadith 'stand up the row in prayer, for standing up in the row is good prayer'(al-Jaafi, 256 AH).

This hadith, and the examples in it, commands filling the defect, establishing the row, and forbidding the gaps, and the fundamental rule says: the absolute command indicates the obligation, just as the prohibition indicates the prohibition unless there is a presumption that deflects the will of the obligation, or the prohibition. So the apparent went to that straightening the rows. It closes the defects is an obligation in prayer, because of the command in the first hadith. The majority of scholars are of the view that it is a Sunnah for the existence of the presumption that deflects the will of the obligation in the second hadith of his saying (PBUH) 'the standing of the row is a good prayer'); Because a good thing is more than what is perfect, and that is more than the obligation'(Al-Iraqi, 806 AH). The opinion of the public is more correct. The presence of the many clues that distract from the will of the obligation in the order to straighten the rows, and the prohibition of leaving the private parts.

If this becomes clear, and by analogy with the intent of the lawgiver in the necessity of self-preservation - which takes precedence over all the five necessities after preserving the religion - and in view of what we have presented of the practice of arranging the rows, straightening them, and not leaving a gap between the worshipers, and based on what the fundamentalists It is said 'the duty is better than others'. When there is a conflict between the duty and the delegate, the duty is presented to the delegate("Differences, by Al-Qarafi, 2/223.,").

So the effect of making the distance in prayer required is the presence of this epidemic, and when the epidemic is no longer, it goes back to the principle of the ruling which is straightening the rows, and God knows best.

The second topic: Returning to the original ruling on fasting:

Fasting is obligatory for every adult Muslim, according to the text of the Noble Qur'an when God Almighty says "o ye who believe! fasting is prescribed to you as it was prescribed to those before you that ye may (learn) self-restraint". Quran 2:183. It is also in his saying - peace be upon him 'fast your month'. ("The Musnad of Imam Ahmad, the continuation of Musnad Al-Ansar, the hadith of Abu Umamah Al-Bahili, 36/486, No.: 22161. Al-Arna'ut said: It is an authentic hadith on the condition of Muslim.,").It is the consensus of the nation(Abdullah bin Mahmoud bin Mawdood Al-Mawsili Al-Baladhi, 1937 ; Al-Maliki, 422 AH).

The fasting person has excuses that allow him to break the fast during the month of Ramadan, including illness. Allah said 'but if any of you is ill or on a journey the prescribed number (should be made up) from days later' Quran 2:184 Sickness is an excuse, but this excuse obliges him to make up the fast on another day if he is able to do so, or the ransom for one who is unable to make up for a chronic illness("Differences, by Al-Qarafi, 2/223.,").

The excuse of the disease includes the sick with the Corona pandemic, so whoever is diagnosed with the disease is permissible for him to break the fast based on the generality of the disease mentioned in the noble verse 'o ye who believe! fasting is prescribed to you as it was prescribed to those before you that ye may (learn) self-restraint' Quran 2:183.

The third topic: Referring to the origin of the ruling on Hajj:

Hajj is an individual obligation for every male and female Muslim who is able to do it once in a lifetime. For the Almighty saying 'whoever enters it attains security; pilgrimage thereto is a duty men owe to God those who can afford the journey' Quran 3:97. In this place, time is required for the Hajj to be obligatory. As for ability, it is an attribute of the slave at which time becomes obligatory, and its consideration was to facilitate the worshipers.

As in traveling without provision or leaving hardship, and being able is not in a capacity for what is a cause, so he did not make a reason for it (Abu Al-Muzaffar, 1999). For what is repeated by the duty is to repeat it, then it is worthy to be called a reason;

The command to perform Hajj is not repeated, as Imam Al-Ghazali said (Al-Dhahabi, 804 AH): 'whoever enters it attains security; pilgrimage thereto is a duty men owe to God those who can afford the journey' Quran 3:97. Likewise, the obligation of knowledge of every obligated person who is aware of the generalities, there is no need to add them to a reason. Also when the house was one, the pilgrimage was only required once (al-Mustafa, 1993).

If we know that ability is an attribute of the servant, then Hajj is obligatory, and if the ability is not achieved, the obligation of Hajj falls on the servant. We know that when diseases and epidemics spread. One most prominent means of preventing these diseases is not socializing, the obligation of Hajj falls for all Muslims in the year in which the epidemic. The reason for this is to protect the souls, and the Muslims should not be decimated by this epidemic, for this is more necessary than the performance of this duty that can be performed at another time.

Yet, if this matter ceases, we return to the principle of the ruling that Hajj is obligatory for everyone who fulfills the conditions, and God knows best.

Conclusion

Among the most important results that we reached through this research are:

- The origin has four meanings for the fundamentalists.
- The fundamentalists defined the ruling as the speech of God Almighty related to the actions of those charged with a requirement, or a choice.
- The pandemic was known as every pest which no human being made, such as heat, thirst, and cold.
- If the excuses for leaving the congregation are removed, we return to the principle of the ruling from the Sunnah of congregational prayer.
- If the excuses that make it permissible to leave Friday prayer are removed, we go back to the principle ruling on the obligation of Friday prayer.
- When the epidemic has disappeared, it goes back to the origin of the ruling from the Sunnah of straightening the rows, and leaving the distance between the worshipers.

Whoever is not affected by the pandemic does not break his fast. Because the ruling is not related to it, it goes back to the origin of the ruling that fasting is obligatory for every Muslim.

- If the pandemic ends, we return to the principle of the ruling that Hajj is obligatory for everyone who fulfills the conditions.

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