

**‘MY SEJAHTERA’ APPLICATION AS
COVID-19 CONTROL MECHANISM FROM
ISLAMIC THOUGHT PERSPECTIVE:
MALAYSIA EXPERIENCE**

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Abstract

The word ‘*sejahtera*’ or in English known as well-being or prosperity is widely used in Nusantara as a fundamental concept of human existence which is usually applied to various dimensions of life: physical, spiritual, intellectual, emotional, economic, political, governance, educational, social, cultural and religious. Furthermore, the Malay concept of ‘*sejahtera*’ has received wide attention from our community during this pandemic COVID-19 to ensure communities health. It is an important concept that deals with the issue of quality of life, society and civilisation as well. Given its importance, nurturing, and sustaining of a humane, peaceful, balanced and prosperous civilisation in this period of heightened global crises, in which most of

mankind are currently starving for ‘*sejahtera*’ and struggling against an unprecedented COVID-19 pandemic, the Malay concept of ‘*sejahtera*’ will be reviewed from an Islamic thought perspective to build an alternative paradigm of holistic and sustainable development from the worldview of *Tawhīd*. The study found that the Malaysian government’s MySejahtera programme, which uses a digital platform to serve as a one-stop shop, can help in a way to prevent the spread of COVID-19 in line with national law in achieving *Maqāṣid al-Sharī‘ah*.

Keywords: ‘*Sejahtera*’; COVID-19; Islamic Thought; *Maqāṣid al-Sharī‘ah*; *Sharī‘ah* law.

Khulasah

Istilah ‘sejahtera’ atau dalam bahasa Inggeris dimaksudkan dengan kesejahteraan atau kemakmuran dan digunakan secara meluas di Nusantara sebagai konsep asas kewujudan manusia yang lazimnya diaplikasikan dalam pelbagai dimensi kehidupan iaitu jasmani, rohani, intelektual, emosi, ekonomi, politik, pengurusan dan pentadbiran, pendidikan, sosial, budaya serta agama. Tambahan lagi, konsep ‘sejahtera’ dalam bahasa Melayu telah mendapat perhatian yang meluas dalam kalangan masyarakat semasa penularan pandemik wabak COVID-19 khususnya dalam usaha memastikan kesihatan warga penduduk. Ia juga merupakan satu konsep penting yang berkaitan dengan isu kualiti kehidupan, kemasyarakatan dan peradaban. Memandangkan kepentingannya dalam memupuk dan mengekalkan sikap keperikemanusiaan, keamanan, keseimbangan dan kemakmuran dalam tempoh krisis global yang semakin memuncak, khususnya ketika

masyarakat berhajatkan kehidupan yang ‘sejahtera’ dalam melawan wabak COVID-19 yang belum pernah berlaku sebelum ini. Justeru, konsep istilah ‘sejahtera’ dalam bahasa Melayu ditelusuri semula daripada perspektif pemikiran Islam bagi tujuan membina paradigma alternatif pembangunan holistik dan mampan dalam konteks *Tawhīd*. Oleh itu, hasil kajian mendapati bahawa program ‘MySejahtera’ yang diaplikasikan oleh kerajaan Malaysia menggunakan platform digital sebagai ‘pusat sehati’ dalam usaha membantu mencegah penularan wabak pandemik COVID-19 selaras dengan undang-undang negara dalam mencapai *Maqāṣid al-Sharī‘ah*.

Kata kunci: Sejahtera; COVID-19; Pemikiran Islam; *Maqāṣid al-Sharī‘ah*; Undang-undang; Malaysia.

Introduction

The COVID-19¹disease, caused by the Coronavirus SARS-CoV-2², was originally identified in November 2019 in Wuhan, China³, and the latest research indicates it was already present in October 2019 in Hubei Province⁴, and started a global pandemic, changing the way of life of all people. As

¹ Chen, N., et al. “Epidemiological and Clinical Characteristics of 99 Cases of 2019 Novel Coronavirus Pneumonia in Wuhan, China: A Descriptive Study,” *Lancet* 395(1) (2020), 507–513.

² Cohen, J. & Normile, D., “New SARS-Like Virus in China Triggers Alarm,” *Science* 367 (6475) (2020), 234–235.

³ Gao, G. & Sai, L., “Towards A ‘Virtual’ World: Social Isolation and Struggles During The COVID-19 Pandemic as Single Women Living Alone,” *Gender, Work and Organization* 27(5) (2021), 754–762.

⁴ Pekar, J., et al., “Timing The SARS-Cov-2 Index Case in Hubei Province,” *Science* 372(6540) 2021, 412–417.

a result, governments worldwide trying hard and have a different degree of success in reducing COVID-19’s impact especially in establishing concepts of public health. Therefore, the government believes that digital health technology can help with pandemic strategy and response in various ways.

In some countries, big data and artificial intelligence (AI) have aided in COVID-19 preparedness, tracking and disease transmission. Chinese officials were able to track the movements of people who had visited the Wuhan market, the pandemic’s epic centre by using techniques for migration maps that use mobile devices, digital payment applications, and media platforms to collect real-time data on people’s movements.⁵ In Singapore, data from Ministry of Health is used to show infection patterns by age, sexuality, and location and the time required for infected individuals to recover.⁶ While in South Korea has integrated digital technology into government-coordinated containment and mitigation efforts such as testing, contact tracing, and strict quarantine.⁷

Meanwhile, in Malaysia, the government created the MySejahtera application to help with the control of COVID-19 outbreaks around the country.

⁵ Liu, J., “Deployment of IT in China’s Fight against the Covid-19 Pandemic,” ITN Online 2020, <https://www.itnonline.com/article/deployment-health-it-china%E2%80%99s-fight-against-covid-19-pandemic>

⁶ Whitelaw, S., Mamas, M. A., Topol, E. & Van Spall, H. G., “Applications of Digital Technology in COVID-19 Pandemic Planning and Response,” *The Lancet Digital Health* 2(8) (2020), 435-440.

⁷ Heo, K., Lee, D., Seo, Y. & Choi, H., “Searching for Digital Technologies in Containment and Mitigation Strategies: Experience from South Korea COVID-19,” *Annals of Global Health* 86(1), (2020), 10.

It aids users in self-evaluation of their own and family member’s health. During the COVID-19 outbreak, users can still track their health improvement. The Ministry of Health (MOH) can use the MySejahtera program to monitor users’ health and promptly respond to provide appropriate remedies. The MySejahtera application is intended to assist the government in managing and reducing the COVID-19 outbreak and helping users maintain their health during the attack. Apart from that, if a user is infected with COVID-19, this application can assist them in obtaining treatment and locating nearby hospitals and clinics for examination and treatment, self-quarantine and self-treatment.

MySejahtera is a strategic collaboration between the National Security Council (NSC), the Ministry of Health (MOH), the Administrative Transformation and Management Planning Unit of Malaysia (MAMPU) and the Malaysian Communications and Multimedia Commission (MCMC) and the Ministry of Research, Technology, and Innovation (MOSTI). It can be used by Malaysians and Malaysian citizens and by the MOH System Administrator.

The word ‘*sejahtera*’ that has been used in MySejahtera application shows that the Malaysian government is particularly concerned with its citizens. As mentioned above, the word ‘*sejahtera*’ contains the fundamental concept of human existence which is usually applied to various dimensions of life: physical, spiritual, intellectual, emotional, economic, political, governance, educational, social, cultural and religious; to a life that is holistically ‘*sejahtera*’ in terms of relationship with The Creator; with fellow Muslims, with non-Muslim neighbours, fellow citizens,

foreigners, with the natural environment and with their inner selves.

Besides that, how secure is the MySejahtera application in maintaining the confidentiality of user data and whether it violates ethics and regulations? As we mentioned earlier that the word ‘*sejahtera*’ is related to the Creator and highlights the desire and hope to continue to feel secure, prosperous and peace. Therefore, we believe that the MySejahtera application highlights the true desire in line with the concept of ‘*sejahtera*’.

This paper, therefore, delineates the concept of *sejahtera* in light of Islamic thought, which presents the subsequent discussion on *Maqāṣid al-Sharī‘ah*, *Sharī‘ah* law and the idea of *maslahah* (the public interest). The consequences of the *Maqāṣid al-Sharī‘ah*, and *Sharī‘ah* law are mentioned to highlight how Islam perceives health holistically and dynamically, attached to different life contexts and ever-changing situations as in the case of any disaster or the current COVID-19 pandemic.

The Malay Word ‘*Sejahtera*’

The term ‘*sejahtera*’ in *Kamus Dewan* defines as ‘*aman, makmur*’ [peace and prosperity], ‘*senang, tenteram*’ [ease, happy, and tranquil], ‘*terpelihara drpd bencana*’ [protected from disaster or anything untoward] (*kesusahan, gangguan, dll* [difficulties, disturbance, etc] ‘*menjadikan sejahtera*’ [make something *sejahtera*], ‘*mengamankan*’ [making something peaceful], ‘*menyelamatkan*’ [making something safe].⁸

Regarding to the definition of ‘*sejahtera*’ and had been used in MySejahtera application explain

⁸ *Kamus Dewan Edisi Empat*, prpm.dbp.gov.my, accessed on February 24, 2022.

that the word ‘*sejahtera*’ in the Malay language is not easily rendered into other languages because of its comprehensive and multi-layered meaning and nuances. It underscores that indigenous knowledge and wisdom have had their own context of uniqueness and strength that is relevant to the local community over the years. Furthermore, the Malay community is often synonymous with Islam. Hence, it is certain that the development of the word ‘*sejahtera*’ is also based on the teachings of Islam.

Although the word ‘*sejahtera*’ is often cursorily translated as “well-being” or even “prosperity”, its inherent meaning is much deeper than that. In fact, it is “beyond prosperity and wellbeing”. It is human-centric in that it spans the macrocosmic and microcosmic nexus. Macrocosmic relates humans to the external environment and nature, fellow beings, including other species. Whereas microcosmic embraces the “self” and the inner (esoteric) dimensions, including spiritual consciousness, and the Creator.⁹ Moreover, Allah instructed and teaches that human beings should live on the earth as *khalīfah* (vicegerent) and ‘*ābid* (servant) to develop it as an *amānah* (trust) responsibly and truthfully, so that they would attain goodness-wellbeing (*al-ḥasanah*) in this life as well as in the Hereafter (*al-ākhirah*).¹⁰

Therefore, in seeking everlasting happiness and absolute well-being in the Hereafter as the ultimate destination of human life and Muslims, in particular, are not to belittle or neglect or, worse still, forget the leadership and civilizational roles that are meant to

⁹ Dzulkifli Abdul Razak, “Introduce ‘*Sejahtera*’ Values in Education,” *New Straits Time*, May 31, 2019, retrieved on February 24, 2022.

¹⁰ The Qur’ān, al-Baqarah 2: 201; al-A‘rāf 7: 56.

be carried out by all human beings and especially Muslims. Human beings as servants of The Absolute Master are commanded by Him to make the best use of this necessary, beneficial but brief earthly existence and the marvellous world of nature that He created with the mindset of gratitude (*shukr*) to the Creator for all the abundant that Allah given bounties (*ni'mah*), resources (*faql*) in the whole cosmos, which He has made subservient (*musakhkharāt*), for His servants-cum-*khalīfahs*.¹¹ With the right faith and with all kinds of good deeds, the servants (*khalīfahs*) would achieve what Allah calls *ḥayāh tayyibah* (life of all-round goodness, virtue and well-being) in this transient world of *al-ḥayāt al-dunyā*.¹²

In compliance with the guidance (*hudā, hidāyah*) of The Compassionate Creator, all human beings' developmental efforts in different domains of socio-cultural life become a form of worshipping and serving (*ibādah*). The Creator as He had intended when He decided to create the human species.¹³ About this all is to achieve 'sejahtera' and 'selamat' in this life and Hereafter based on Allah's commandments. Therefore, the Malay word 'sejahtera' is comprehensive and relates to *ḥabl min Allāh* (the relation with Allah), *ḥabl min al-nās* (the relation with people-society) and *ḥabl min al-'ālam* (the relation with nature).

¹¹ The Qur'ān, al-A'rāf 7: 54; al-Naḥl 16: 12, 79; al-Jāthiyah 45: 12, 13

¹² The Qur'ān, al-Naḥl 16: 97

¹³ The Qur'ān, al-Dhāriyāt 51: 56; Please refer to M. Kamal Hassan, ed. *Natural Science from the Worldview of the Qur'an*, 3 vols. (Kuala Lumpur: Institut Terjemahan Negara (ITBN), 2018), 27.

According to Dzul kifli Abdul Razak, well known as ‘*Maha Guru of Sejahtera*’ and integrated approach to internationalisation, to a sustainable (*sejahtera*) approach to international Higher Education and his tireless work to support and develop the public good dimension of Higher Education stressed that the word ‘*sejahtera*’ is more often associated with the idea of ‘balanced well-being’ or even ‘coexisting with common shared values and prosperity,’ but its essential meaning is “beyond the well-being of individuals, institutions, organisations and society.” However, the origin of the word is probably not local. When and how it started to be used in the Malay language is unclear, but its etymology can be traced to the Sanskrit language. The possible words from which ‘*sejahtera*’ was derived include *sadhya* (celestial being), *sudatra* (granting gifts), and *sucitra* (distinguished). Although the meanings of these Sanskrit words only narrowly imply the meaning of ‘*sejahtera*’ as it is understood today, all of them have a strong positive connotation.¹⁴

Furthermore, he also promotes the special significance of the embodiment of ‘*sejahtera*’ goes beyond the conventional three Ps of the planet, people and prosperity. This word can be described as a balanced lifestyle in ten different elements neatly woven into the acronym SPICES; namely Spiritual, Physico-psychological, Intellectual, Cognitive, Cultural, Ethical, Emotional, Ecological, Economic,

¹⁴ Dzul kifli Abdul Razak, “Decolonising the Paradigm of Sustainable Development of through the Traditional Concept of Sejahtera,” in *Academia and Communities: Engaging for Change*, eds. Fadeeva, Z., et al. (Tokyo: United Nations University, 2018), 17-19.

and Societal dimensions.¹⁵ These elements need to be harmonious and integrated especially when considering the different cultural contexts and nuances in which ‘*sejahtera*’ values are located.

Dzulkifli emphasized that collaborative relationship in particular embraces compassion, empathy, and the uncompromising spirit of oneness transcending differences and bitterness, bringing about the much-needed close relationship, coexistence, and interdependency traits are needed to cater to the millions who are under urgent threat of global warming and climate change. The unprecedented occurrence of crisis after crisis cannot be handled effectively without nurturing the relationship that binds people via a set of common values and ethics.¹⁶ Based on that matter, Dzulkifli established the Sejahtera Centre for Sustainability and Humanity in 2019 to promote the mission of “Humanising Education through *Maqāṣid al-Sharī‘ah* and Sustainable Development.” His inclusion of the *Maqāṣid al-Sharī‘ah*; principles in the ‘*sejahtera*’ has no doubt, reinforced the Islamic interpretation and legitimacy of the concept.¹⁷

He also corrects the misconception of the term “socio-economic well-being” limits the scope of the meaning of “quality of life” because “life” as in “quality of life” is invariably related to the “spiritual being” first rather than the material being which is socio-economically defined and determined.

¹⁵ *Ibid.*

¹⁶ Fadeeva, Z., Galkute, L., Chhokar, K., eds. *Academia and Communities: Engaging for Change* (Tokyo: United Nation University, 2018), 213.

¹⁷ Dzulkifli Abdul Razak, “Decolonising the Paradigm of Sustainable Development,” 21.

Otherwise, values and virtues such as happiness, love and mutual respect will be marginalised.”¹⁸

He cautions the Malaysian public and policymakers that the word ‘*sejahtera*’ is understood in a “continuous, holistic and integrated manner”, as “the fountainhead of good values/virtues that are innately human (and divine too) that will lead to a righteous and balanced way of life ‘*sejahtera*’ in all its forms and taglines are nothing but empty clichés.”¹⁹ Dzulkifli stress on the important of the centrality of the spiritual core of man in the domains of higher education, educational leadership and sustainable development to ensure the achievement of ‘*sejahtera*’.

In fact, the term ‘*sejahtera*’ in Malay has a comprehensive meaning which encompasses the responsibility and trust of every Muslim to ensure that every human being is always in grace and *barakah* to achieve the well-being of life. This is in line with the position of the teachings of Islam which is a blessing for the world.

‘*Sejahtera*’ From Qur’anic Perspective

Taking into consideration, the definition of ‘*sejahtera*’ in Malay and its relation to Islamic teachings, the term *al-falāḥ* is the most appropriate conceptual equivalent of the meaning of ‘*sejahtera*’ as mentioned by Mohd Kamal Hassan. In the Qur’ān, the word *mufliḥūn* (those who are endowed with *al-falāḥ*) connotes at one and the same time “those who will attain prosperity”, “those who will

¹⁸ Dzulkifli Abdul Razak, What is ‘*Sejahtera*’? *New Straits Time*, Nov 11, 2018, <https://www.nst.com.my/opinion/columnists/2018/11/430073/what-sejahtera>, retrieved on 26 February 2022.

¹⁹ *Ibid.*

be truly successful”, “those who will attain happiness” and “those who will achieve the supreme triumph (*al-fawz al-`azīm*) [in the end, in the Hereafter].”²⁰

To trace the word *al-falāḥ* as appropriately anonymized with ‘*sejahtera*’, we see the use of the term *al-falāḥ* in three major connotations:

1. Prosperity, success, the attainment, or acquisition, of that which one desires or seeks, or of that whereby one becomes in a happy and good state;
2. Safety or security; and
3. Continuance or permanence, in a good or prosperous state; in the enjoyment of ease, comfort, or the blessings of life; and endurance, lastingness, duration of goodness.²¹

It should be pointed out that the high religious value and significance of *al-falāḥ* as one of the most important goals in Islam is constantly brought to the attention of all Muslims via the five daily call *ādhān* before each of the five obligatory prayers to be performed in mosques or *muṣallās*. The choice and inclusion of the word *al-falāḥ* which was endorsed by Prophet Muḥammad s.a.w. thus indicating divine approval; showing the supreme importance of the concept as the primary goal in the life of Muslims. The call “*ḥayya ‘ala al-falāḥ*” (repeated twice) in the *ādhān* five times a day means “hasten to that which shall bring you true felicity, prosperity, success and happiness in this world and in the Hereafter (through prayer)”. It also means “*halumma ‘alā baqā’ al-*

²⁰ Ibn Kathīr, Abī al-Fidā’ Ismā‘īl, *Tafsīr al-Qur’ān al-‘Azīm li al-Imām al-Khālīl al-Ḥāfiẓ ‘Imād al-Dīn Abi al-Fidā’ Ismā‘īl al-Dimshiqī* (Beirut: Dār al-Ṣādir, 2001), 33.

²¹ M. Kamal Hassan, *Natural Science*, 31.

khayr” which means “hasten to that which shall bring you permanence of goodness and wellbeing.” If there is any other word in Arabic that is more suitable than *al-falāḥ*, surely it would have been highlighted by Prophet Muḥammad (PBUH), since it will be a permanent part of the Islamic religious ritual.²²

Furthermore, *al-falāḥ* is of two kinds; *dunyawī* (this-worldly) and *ukhrawī* (other-worldly). As for the *dunyawī*, it refers to attainment of a happy state which worldly life makes it pleasant, such as permanence, wealth, fame, while the *ukhrawī*; *al-falāḥ* constitutes conditions such as permanence without annihilation, wealth without poverty, fame without ignominy, knowledge without ignorance.

Moreover, there are several Qur’anic verses that lead to *al-falāḥ* and the variety of means of achieving this state of holistic wellbeing-security-success-happiness which Muslims are supposed to make it as their main goal in their lives on earth. For example; the word “*qad aflaha*” which means as successful indeed; or has/have succeeded/prospered, or shall attain a happy state, or “will have succeeded is used to convey the meaning that those believers of Allah who pay special attention to the purification of their inner self and spiritual heart (*tazkiyat al-naḥs*) from all the corrupting elements, and the ailments of the spiritual heart (*amrād al-qalb*) as a primary and obligatory duty of individual Muslims, would surely attain success and state of happiness as well as gain prosperity.²³ Meanwhile, the term *muflīḥūn* refers to several spiritual-ethical values, virtuous qualities,

²² M. Kamal Hassan, “A Return to the Qur’anic Paradigm of Development and Integrated Knowledge: The *Ulu’l Albāb* Model,” *Intellectual Discourse* 18(2) (2010), 183-210.

²³ The Qur’ān, al-Shams 91: 9; al-A`la 87: 14.

righteous behaviours and actions of the true believers such as practicing the principle and value of sincere repentance (*tawbah*) to Allah for all sins and wrong-doings on a regular basis.²⁴

The means of achieving *al-falāḥ* in the perspective of Islam differs from its means in the perspective of the conventional systems. The means of *al-falāḥ* in the context of the Islamic system consists of two basic parts; the first is linked to the dimension of this world and made up of [for example] the possession of wealth, comforts, power and establishment. Therefore, this aspect of means is subject to the natural laws of Allah in this universe and to those which apply in particular to the modes of actualising wealth, comfort, victory and establishment of business, innovation, and adoption of all means of material construction.

The second part is related to the other-worldly and spiritual dimension, and it is embedded in or confined to the worship proper of Allah, remembrance of Him, gratitude to Him, fearing His displeasure or wrath, constant spiritual surveillance and being fearful of going against His will, and arriving at the closer spiritual degree of witnessing the reality of “that you worship Him as though you see Him; although you do not see Him, know that He sees you.”²⁵ Allah has said, “And remember Allah much so that you may gain *al-falāḥ* (*tufliḥūn*)” and “remember the bounties and favours of Allah so that you may gain *al-falāḥ* (*tufliḥūn*).”²⁶

Therefore, *al-falāḥ* can be defined as the primary goal of personal and societal or

²⁴ The Qur’ān, al-Nūr 24: 31; al-Qaṣaṣ 28: 67.

²⁵ M. Kamal Hassan, “A Return to The Qur’anic Paradigm,” 183-210.

²⁶ The Qur’ān, al-Mu’minun 23:1-11.

civilizational reconstruction (inclusive of Islam-based development efforts). Furthermore, without forgetting that seeking the pleasure, approval and goodly acceptance of Allah should accompany all Muslims’ efforts striving for happiness, prosperity, well-being, welfare, peace, stability, success, an endurance of goodness, safety or sustainable development.

This important spiritual condition and transcendent objective are to be applied primarily at the intention (*niyyah*) stage of the work (*‘amal*), then at the stage of the utilization of means (*wasā’il* and *asbāb*) to achieve the objectives, and finally at the stage of the end, or ultimate purpose or targeted outcome. The Islamic principle of pursuing what constitutes *al-maṣlaḥah* (public good/welfare/wellbeing), and avoiding or rejecting what constitutes *al-maḥṣadah* (causing harm, corruption, evil, immorality, destruction), *al-ḥarām* and *al-makrūh* (all within the framework of *Maqāṣid al-Sharī‘ah*) is also to be involved in all developmental, re-formational, re-constructural or civilizational efforts of Muslims individuals, organisations or governments.²⁷

It is clear that the term ‘*sejahtera*’ is adjusted in the MySejahtera application not only to provide information on COVID 19, but also to emphasize the term ‘*sejahtera*’- well-being of the Malay language and its users from the Islamic point of view. Further, how is the *Sharī‘ah* perception of the application of MySejahtera?

²⁷ Hassan, M. Kamal, “A Return to The Qur’anic Paradigm,” 183-210.

MySejahtera Application from *Sharī‘ah* Perspective

Technology advancement has aided humanity in a variety of ways. Among the advantages is improving the efficiency of the healthcare system and the quality of treatment provided for patients.²⁸ It is proven when the COVID-19 pandemic hit the world. Many countries all over the world have introduced contact tracing application through mobile phone and some countries had made it compulsory for their society.²⁹ However, there are criticisms of the application in terms of its practicality and ethic.³⁰ Among the ethical concerns reported from previous work of literatures are a privacy of the user’s personal data in the mobile phone, the beneficence of the data collected and voluntariness in its implementation.³¹ These have influenced the acceptance of the society towards contact tracing application in mobile phone.

Therefore, it is imperative to resolve the ethical concerns to advocate public acceptance of the application of such technology in controlling

²⁸ Morilla, M. D. R., et al., “Implementing Technology in Healthcare: Insights from Physicians,” *BMC Medical Informatics and Decision Making* 17(92) (2017), DOI 10.1186/s12911-017-0489-2.

²⁹ Braithwaite, I., et al., “Automated and Partly Automated Contact Tracing: A Systematic Review to Inform the Control of COVID-19,” *Lancet Digital Health* (2020), [https://doi.org/10.1016/S2589-7500\(20\)30184-9](https://doi.org/10.1016/S2589-7500(20)30184-9).

³⁰ Hofman, A. S. et al., “Towards a Seamless Ethics of Covid-19 Contact Tracing Apps?,” *Ethics and Information Technology* 23(1) (2021), 105–115 <https://doi.org/10.1007/s10676-020-09559-7>.

³¹ Abuhammad, Sawsan., Khabour, Omar F. & Alzoubi, K. H., “COVID-19 Contact-Tracing Technology: Acceptability and Ethical Issues of Use,” *Patient Prefer Adherence* 14 (2020), 1639.

COVID-19. For the Muslim community, the ethical framework from an Islamic perspective regarding the matter serves as an effective approach to overcome the issue. In the Malaysian context, the adherence of the government to the Islamic ethical framework is necessary to gain public trust and willingness to use MySejahtera application. First and foremost, *Sharī‘ah* has given vital guidance to those with the authority and responsibility in managing public affairs. It is explicitly conveyed in an Islamic legal maxim as follows:

تَصَرُّفُ الْإِمَامِ عَلَى الرَّعِيَّةِ مُنَوَّطٌ بِالْمَصْلَحَةِ

“The acts of the ruler that affect the public must be based on their interest.”³²

This maxim’s general meaning is that individuals, who have responsibility over others, whether public or private, should make decisions that benefit those in their care and protect their best interests. From a terminology aspect, interest or *maṣlahah* may refer to the protection of the *Maqāṣid al-Sharī‘ah* or *Sharī‘ah* higher objectives. Among the interest that are preserved in Shariah are faith (*dīn*), life (*nafs*), intellect (*‘aql*), lineage (*nasl*) and property (*māl*). The protection of these interests in *Sharī‘ah* is to promote the well-being of all mankind.³³

³² Mohamad Akram Laldin et al., *Islamic Legal Maxims and Their Application in Islamic Finance* (Kuala Lumpur: International Shariah Research Academy for Islamic Finance (ISRA), 2020), 171.

³³ Muhammad Nazir Alias et al., “A Review of *Maslahah Mursalah* and *Maqasid Shariah* as Methods of Determining Islamic Legal Ruling,” *Turkish Journal of Computer and Mathematics Education* 12(3) (2021), 29-98.

In terms of its significance, the interest can be categorized into three. Firstly, *Maṣlahah Ḍarūriyyāt*, or essential interest is a benefit that becomes a basic necessity in mankind’s life. Man’s life will be doomed for catastrophe if these basic needs are not met. Whereas the *Maṣlahah Ḥājiyyāt* or complementary interests are those that, if disregarded, would result in hardship in fulfilling the five abovementioned *maṣlahah* but not absolute disruption of life’s natural order. The last category is *Maṣlahah Taḥsīniyyāt* or the embellishments, those interests that, if achieved, would lead to refinement and perfection in man’s quality of life. Its absence will not cause a significant impact on human life.³⁴ This categorization makes it very important that Islam is very concerned to ensure the well-being (*sejahtera*) of its ummah and at the same time catalyze every community to achieve success (*al-falāḥ*) of this world and the Hereafter as the primary goal. This is very much related to the concept of ‘*sejahtera*’ and *al-falāḥ* as explained above.

In determining conduct that is not clearly stipulated or regarded as a *maṣlahah* in the *Sharī‘ah*’s legal text, *Maqāṣid al-Sharī‘ah* served as a parameter. This denotes that the determination of a *maṣlahah* can not rely merely on human reasoning. Good conduct that is in line with the *Maqāṣid al-Sharī‘ah* is undoubtedly acceptable. In other words, whatever assures the protection of the five interests mentioned earlier is desirable as it serves the public interest. On the contrary, conduct that seems

³⁴ Samidi, S., Karnadi, Mohammad Faby R. & Dety Nurfadilah, “The Role of *Maqasid Al-Shariah* and *Maslahah* in Ethical Decision Making: A Study of Professionals in Indonesia,” *International Journal of Business Studies* 1(2) (2017), 87.

beneficial to humankind but contradicts the *Maqāṣid al-Sharī‘ah* should be rejected.³⁵

Secondly, aside from *maṣlahah*, the realisation of public interests is contingent on the elimination of harm as mentioned in Islamic legal maxims:

الضَّرُّ يُزَالُ

“Harm is to be eliminated.”³⁶

دَرْءُ الْمَقَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

“Averting harm takes precedence over achieving benefit.”³⁷

Both legal maxims are of the same significance as the previous maxim on *maṣlahah* as they are interrelated and must be observed concurrently when analyzing an issue. In this context, al-Ghazālī maintained that anything that can undermine the five interests preserved by *Sharī‘ah* are called *mafsadah* which means harm, evil or cause of corruption. The act of rejecting *mafsadah* also falls under *maṣlahah*.³⁸ However, an important point that may be comprehended from both legal maxims is that an act must be avoided when the harmful consequences outweigh the beneficial consequences or when they are evenly balanced.³⁹

In the context of disease prevention and control, *Sharī‘ah* has given a clear guidelines to prevent harm from the mankind. Several prophetic traditions may be referred to as follows:

³⁵ Muhammad Nazir Alias et al., “A Review of *Maslahah Mursalah* and *Maqasid Shariah*,” 30.

³⁶ Mohamad Akram Laldin et al., *Islamic Legal Maxims*, 110.

³⁷ *Ibid*, 117.

³⁸ Muhammad Nazir Alias et al., “A Review of *Maslahah Mursalah* and *Maqasid Shariah*,” 29.

³⁹ Mohamad Akram Laldin et al., *Islamic Legal Maxims*, 118.

لَا يُوردَنَّ مُرْضٌ عَلٰى مُصِحِّحٍ

“Do not place a sickly patient with a healthy person.”⁴⁰

إِذَا سَمِعْتُمْ بِهِ بِأَرْضٍ فَلَا تَقْدَمُوا عَلَيْهِ وَإِذَا وَقَعَ بِأَرْضٍ وَأَنْتُمْ بِهَا فَلَا تَخْرُجُوا فِرَارًا مِنْهُ

“If you hear that a land has a plague in it, do not go forward to it. If it comes upon a land which you are in, do not depart from it.”⁴¹

From the Ḥadīths, we can derive several rulings. Individuals and communities have a religious obligation to take precautions and avoid high-risk areas to prevent them from disease infections. Those who are in the affected area also must remain in the place to limit the spread of the disease to others. This signifies that the government can take any suitable preventive and disease-controlling measures such as control order movement, quarantine, home surveillance order and also contact tracing. Whatever actions by the government which are in line with the *Maqāṣid al-Sharī‘ah* which is to promote well-being (*sejahtera*) to all mankind and protect them from harm are lawful and must be obeyed by the people.⁴² This

⁴⁰ Al-Bukhārī, “Ṣaḥīḥ al-Bukhārī,” in *Mawsū‘ah al-Ḥadīth al-Sharīf: al-Kutub al-Sittah*, ed. Ṣāliḥ bin ‘Abd al-‘Azīz Āl al-Shaykh (Riyadh: Dār al-Salām, 2000), Bāb Lā Hāmah, Ḥadīth no. 5771.

⁴¹ Muslim, “Ṣaḥīḥ Muslim,” in *Mawsū‘ah al-Ḥadīth al-Sharīf: al-Kutub al-Sittah*, ed. Ṣāliḥ bin ‘Abd al-‘Azīz Āl al-Shaykh (Riyadh: Dār al-Salām, 2000), Bāb al-Ṭā‘ūn wa al-Tiy‘rah wa al-Kihānah wa Nahwih‘, Ḥadīth no. 2219.

⁴² The duty of people to obey the government’s rules which is in line with *Sharī‘ah* is mentioned in the Qur’ān, al-Niṣā’, verse

matter has also been emphasized in the above *al-falāḥ* discussion to ensure the *maṣlaḥah* of every human being.

In the current context in Malaysia, MySejahtera application has been introduced as a mechanism to control COVID-19 infection and manage COVID-19 patients and their contacts through mobile phones. From the *Shari’ah*’s perspective, this application is related to the preservation of life which is the second interest protected in the *Maqāṣid al-Shari’ah*. Upon scrutiny of the categorization of the interests, it can be concluded that the implementation of MySejahtera application can be considered as *Maṣlaḥah Ḥājiyyah*. This is because the appliance of MySejahtera may alleviate hardship in safeguarding life during the pandemic time. However, the refusal to use the application does not disrupt life’s normal order. Although there are other contact tracing and COVID-19 controlling methods, it is undeniable that MySejahtera is the main and effective mechanism mandated by the government of Malaysia. As the application may deter severe impact on the community as a whole, it becomes a general need (*al-ḥājah al-‘āmmah*) which is treated like a necessity. Imam al-Juwaynī phrased it in a maxim:

الْحَاجَةُ الْعَامَّةُ تُنَزَّلُ مَنزِلَةَ الضَّرُورَةِ

“General need is treated like a necessity.”⁴³

59: “O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination.”

⁴³ Mohamad Akram Laldin et al., *Islamic Legal Maxims*, 103.

The benefits of MySejahtera application to the public can be understood from the function of the application in assisting the government in managing and mitigating the COVID-19 outbreak. Apart from that, MySejahtera also was created to assist users in monitoring their health, locating nearby hospitals and clinics for COVID-19 screening and treatment, and assisting users in seeking treatment if they are infected with COVID-19. The Ministry of Health also be able to monitor users’ health and take fast action to provide the necessary treatment from the information gathered from MySejahtera.⁴⁴ As an automatic contact tracking tool, MySejahtera also helps to interrupt the chain of virus transmission more quickly than manual contact tracing, according to previous study.⁴⁵ In comparison to manual contact tracing, which requires a person to physically write their personal data in a register book while entering a premise, MySejahtera ensures the security of users’ personal data.

Despite the benefits, there are concerns from certain parties that the data from mobile phone contact tracing may be violated, notably for moral policing purposes.⁴⁶ This means that the application may be used to track down users who visit illicit places and the data may be used as evidence against them. In this regard, *Shari’ah* has clearly set guidance. It is prohibited for the ruler to find fault in

⁴⁴ MySejahtera Malaysia App, <https://mysejahtera.malaysia.gov.my/FAQen/>, retrieved on February 17, 2022.

⁴⁵ Braithwaite, I., et al., “Automated and Partly Automated Contact Tracing,” *Lancet Digit Health*, 2(11) (2020), [https://doi.org/10.1016/S2589-7500\(20\)30184-9](https://doi.org/10.1016/S2589-7500(20)30184-9).

⁴⁶ Sawsan, et.al, “COVID-19 Contact-Tracing Technology,” 16.

the people by spying as mentioned in the Quranic verse and hadiths as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ
الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا وَلَا يَغْتَبَ بَعْضُكُم بَعْضًا
أُحِبُّ أَحَدُكُمْ أَنْ يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ
وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ ﴿١٢﴾

“O ye who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: And spy not on each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, ye would abhor it...But fear Allah. For Allah is Oft-Returning, Most Merciful.”⁴⁷

إِيَّاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ وَلَا تَحَسَّسُوا
وَلَا تَجَسَّسُوا وَلَا تَنَافَسُوا وَلَا تَحَاسَدُوا وَلَا تَبَاغَضُوا
وَلَا تَدَابَرُوا وَكُونُوا عِبَادَ اللَّهِ إِخْوَانًا

Abū Hurayrah reported Allah’s Messenger (may peace be upon him) as saying: “Avoid suspicion, for suspicion is the gravest lie in talk and do not be inquisitive about one another and do not spy upon one another and do not feel envy with the other, and nurse no malice, and nurse no aversion and hostility against one another. And be fellow-brothers and servants of Allah.”⁴⁸

⁴⁷ The Qur’ān, al-Ḥujurāt 49: 12.

⁴⁸ Muslim, “Ṣaḥīḥ Muslim,” Bāb Taḥrīm al-Zan wa al-Tajassus wa al-Tanafus wa al-Tanajush wa Naḥwihā, Ḥadīth no. 2563.

عَنْ مُعَاوِيَةَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّكَ إِنْ اتَّبَعْتَ عَوْرَاتِ النَّاسِ أَفْسَدْتَهُمْ أَوْ كِدْتَ أَنْ تُفْسِدَهُمْ

Mu‘āwiyah reported: The Messenger of Allah, peace and blessings be upon him, said, “Verily, if you seek out the faults of people, you will corrupt them or nearly corrupt them.”⁴⁹

عَنْ زَيْدِ بْنِ وَهْبٍ قَالَ أَتَى ابْنُ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ فَقِيلَ هَذَا فُلَانٌ تَقْطُرُ لِحْيَتُهُ حَمْرًا فَقَالَ عَبْدُ اللَّهِ إِنَّا قَدْ نُهِينَا عَنْ التَّجَسُّسِ وَلَكِنْ إِنْ يَظْهَرُ لَنَا شَيْءٌ نَأْخُذُ بِهِ

Zayd ibn Wahb reported: “A man was brought to Ibn Mas‘ud, may Allah be pleased with him, and it was said, “This man was found with wine dripping from his beard!” Ibn Mas‘ud said, “Verily, we have been prohibited from spying, but if he shows it to us publicly we will seize him.”⁵⁰

From the *Sharī‘ah* legal texts above, it is obvious that spying and finding faults are forbidden in *Sharī‘ah*, not only at the individual level but also at the higher level namely by the ruler. This is a general rule that applies in most circumstances except in several conditions where it is exempted by

⁴⁹ Abū Dāwūd, “Sunan Abī Dāwūd”, in *Mawsū‘ah al-Hadīth al-Sharīf: al-Kutub al-Sittah*, ed. Šālīh bin ‘Abd al-‘Azīz Āl al-Shaykh (Riyadh: Dār al-Salām, 2000), Bāb fī al-Tajassus, Ḥadīth no. 4888.

⁵⁰ Abū Dāwūd, “Sunan Abī Dāwūd,” Bāb fī al-Tajassus, Ḥadīth no. 4890.

Sharī‘ah such as a situation that may endanger one’s life and dignity. In the case of MySejahtera application, there is a question raised about whether it can track down gambling Muslim by referring to the check-in data. In response to this, the Ministry of Health, Khairy Jamaluddin assures that the government will not use the application to conduct moral policing. This is in line with the *Sharī‘ah* guideline.

Therefore, it can be concluded that the application of MySejahtera in controlling COVID-19 in Malaysia is in accordance with *Sharī‘ah* and conform to the Islamic ethical framework. In fact, MySejahtera is a mechanism that is in line with the meaning of the word ‘*sejahtera*’ in Malay word which is to ensure that every individual feels prosperous, safe, calm, and peaceful in life and continues to achieve *al-falāḥ* in the world and Hereafter. All this is very much in line with the concept of ‘*sejahtera*’ and *al-falāḥ*.

We know that the MySejahtera application is in line with the demands of the *Maqāṣid al-Sharī‘ah* which emphasizes the *maṣlahah* of every human being and is in line with the concept of ‘*sejahtera*’ and *al-falāḥ*. What about the MySejahtera application that is in accordance with the law? Hence, it is appropriate that we also discuss it from the legal aspect.

MySejahtera Application from Legal Position as a COVID-19 Control Platform

COVID-19 had already turned into a global pandemic. Nationally and internationally, all governments have taken major steps to coordinate efforts to keep COVID-19 cases low. Physical isolation and quarantine measures were mandated to

control the COVID-19 pandemic. From manual contact tracing methods to the implementation of digital technology platforms, steps taken by the government in pandemic management. Digital health technique offers great ability to accommodate pandemic strategic plan and response in ways that would be impossible to accomplish manually. As the COVID-19 pandemic continues to spread, technologists worldwide have raced to create apps, services, and systems for contact tracing: identifying and notifying all those who meet a carrier.⁵¹

Mobile apps have been used all over the world to perform a variety of tasks related to COVID-19 control, including contact tracing, self-diagnosis, medical reporting, isolation, vaccination, exposure detection, information, and quarantine enforcement. Turki Alanzi study show that 12 free apps were made available in the App and Google Play stores by governments and health institutions in India, the United States, Saudi Arabia, Italy, the United Kingdom, Singapore, and Australia during the COVID-19 outbreak. These apps helped people in these countries manage COVID-19.⁵²

Since COVID-19 hit in early February 2019, the entire world has faced negative effects, including Malaysia. As a result, each country has taken a different approach to control the COVID-19 outbreak without undermining the Malaysian

⁵¹ Tracker, C. T., *MIT Technology Review*, <https://www.technologyreview.com/2020/05/07/1000961/launching-mittr-covid-tracing-tracker/>, retrieved on February 11, 2022.

⁵² Alanzi, T., “A Review of Mobile Applications Available in the App and Google Play Stores Used During the COVID-19 Outbreak”, *Journal of Multidisciplinary Healthcare* 14(53) (2021), 45-57.

government’s ability to contain its expansion in the local community. Numerous laws also apply in this regard to ensure that the spread of COVID-19 is controlled inside the community and to support the government in establishing and enforcing effective approaches in accordance with the national relevant laws.

The Prevention and Control of Infectious Diseases Act 1988 is the primary act that regulates the prevention and control of communicable diseases and other matters regarding the prevention and control of communicable diseases. It came into force on September 8, 1988, with the consent of the Yang Dipertuan Agong. Along with Act 342, there are a few other related statutes, such as Prevention and Control of Infectious Diseases (Declaration of Infected Local Areas) (Extension of Operation) (No.5) 2020, Prevention and Control of Infectious Diseases (Amendment of First Schedule) Order 2020, Revocation of Declarations of Quarantine Stations 2020, Prevention and Control of Infectious Diseases (Compounding of Offenses) (Amendment) (No.7) Regulations 2020 and Prevention and Control of Infectious Diseases (Measures Within Infected Local Areas) (No.8) (Amendment) (No.3) Regulations 2020.⁵³ All these regulations are essential in ensuring that issues with the transmission of COVID-19 outbreaks in the community may be monitored more efficiently and systematically.

On April 20, 2020, the Malaysian government launched a smart application called MySejahtera to

⁵³ Akta Pencegahan dan Pengawalan Penyakit Berjangkit 1988, Ministry of Health, <https://covid-19.moh.gov.my/faqsop/akta-342>, retrieved on February 6, 2022.

monitor and control the spread of the COVID-19 pandemic. Pursuant to the provisions of Article 6 (3), the Minister may regulate the actions to be implemented to prevent the entry of any “infectious illness from an infected area” through regulations made under this Act. This provision indicates that the establishment of the MySejahtera application can help to prevent COVID-19 outbreaks from spreading from one area to another, as MySejahtera is able to control and monitor COVID-19 patients. This includes the Ministry of Health Malaysia, which can track people who have been confirmed positive for COVID-19 in a particular location more effectively. This is in accordance with Article 15 (1), which states that an authorised officer may order that any contact be observed at any location and for such period as he considers appropriate or be monitored until he is ready to be released without endangering the public. MySejahtera can work with the community to keep the COVID-16 pandemic under control, especially among people who are COVID-19 positive.⁵⁴

COVID-19 positive users of MySejahtera will be notified by short message service (SMS) and the app’s Push Notification. They will also be notified by text message. Additionally, the MySejahtera Application will remind users daily to do a COVID-19 symptom monitoring assessment for ten consecutive days in the ‘Must be done’ section. If the user shows symptoms, the information will be sent to the COVID-19 assessment centre, and the user will be contacted by a healthcare professional for further assessment. Without an application like MySejahtera, the Ministry of Health Malaysia will

⁵⁴ Act 342.

struggle to track and control the COVID-19 outbreak in the community. This application demonstrates how monitoring can be handled more systematically and efficiently.

Along with addressing critical community needs, MySejahtera’s functionality has been enhanced with the addition of MySJ Trace. MySJ Trace is built on a ‘community-driven’ model in which mobile phone users exchange information when they are within a fixed radius. This information exchange is a two-way street between MySJ Trace users that enables the identification of a MySJ Trace user who was near another MySJ Trace user who tested positive for COVID-19. MySJ Trace is one of the features shown in the MySejahtera application that supports the Malaysian Ministry of Health (MOH) in controlling COVID-19 disease.

In general, MySejahtera enables users to do a self-health evaluation and assists the Ministry of Health in collecting preliminary data for timely and effective action. Meanwhile, MySJ Trace is a side application to the MySejahtera app that allows users to track contacts and identify those who have had close contact with another MySJ Trace user who has been proven positive for COVID-19. Contact tracing is a process that identifies people who are likely to have been in close contact with individuals who have been recognised as positive for COVID-19 within a specified time. It enables the MOH to monitor and contact the individual, as well as prepare for the next course of action.

Even though the application has aroused a mix of reactions from Malaysians, the main reason it was developed and introduced is to assist in monitoring the spread of COVID-19 in the nation. The National Security Council (NSC), the Ministry of Health

Malaysia (MOH), the Malaysian Administrative Modernization and Management Planning Unit (MAMPU), the Malaysian Communications and Multimedia Commission (MCMC), and the Ministry of Science, Technology, and Innovation collaborated strategically to develop the MySejahtera application (MOSTI). The collaboration between these agencies demonstrates the government’s commitment to ensuring that MySejahtera does work for all levels of the community and that the information contained within it can assist the government, particularly the Ministry of Health Malaysia (MOH), in obtaining data related to COVID-19 quickly and effectively.

The government developed the MySejahtera application to assist in implementing efforts to control the COVID-19 epidemic in accordance with the Prevention and Control of Infectious Diseases Act 1988 (Act 342). Indirectly, this application can support the Ministry of Health Malaysia (MOH) in obtaining initial information from users on the status of COVID-19 to take a quick and appropriate course of action. Additionally, it can assist users with regular self-assessment.

Since the MySejahtera application serves as the official platform for Malaysian users’ data management, all information entered must be accurate and true. As a result, giving inaccurate or false personal information is a crime under Section 22 of the Prevention and Control of Infectious Diseases Act 1988 (Act 342) and Section 233 of the Communications and Multimedia Act 1998 (Act 588). Users are responsible for providing true and accurate information as requested in the application to assist the Ministry of Health Malaysia in better monitoring and tracking users in the event of COVID-19 cases. Indeed, the government makes

sure that the personal information it gets is in line with the rules of the Personal Data Protection Act 2010.⁵⁵

Additionally, this MySejahtera application will not record the user’s personal data unless the user consents and provides it voluntarily throughout the filling process. Personally identifiable information submitted by users is used to assist authorities in monitoring and enforcing their control over the COVID-19 spread. Unless otherwise stated, this information is not shared with other organisations for other purposes.

In terms of confidentiality, the application shall keep personal information collected by the application in accordance with this privacy statement and any applicable legislation that may apply from time to time. For check-in data, user information is retained for 90 days and then deleted. In this regard, a different statute, the Personal Data Protection Act 2010, applies to matters relating to the confidentiality of personal data (Act 709). Act 709 is a law that regulates how personal data is used in commercial transactions and makes sure that things that happen because of that processing are taken care of.⁵⁶

In general, the security aspect is one of the data protection principles outlined in the Personal Data Protection Act 2010. A company must adhere to this guideline by using security measures to protect the information it possesses. ISO/IEC 27001 and international standards that handle risks associated with information technology systems, such as hacker

⁵⁵ MySejahtera, <https://mysejahtera.malaysia.gov.my/privasi/>, retrieved on February 6, 2022.

⁵⁶ *Ibid.*

attacks, viruses, and data theft, are among the primary standards for cyber risk management in Malaysia. According to the National Security Council, the government has guaranteed users that their personal information would be used exclusively for the purpose of monitoring and preventing the COVID-19 pandemic.⁵⁷ None of the user’s personal information provided in the application will be shared or transferred to a third party. This means that all COVID-19 patient information is protected by the medical record confidentiality law.⁵⁸

According to Senior Minister (Security), Datuk Seri Ismail Sabri Yaakob Ismail Sabri, before being appointed as Malaysia’s Prime Minister on August 21, 2021, said that as MySejahtera is regulated by the government, users’ personal data is secured. It is a crime for any negligent party to share personal data and is punishable under the Personal Protection Act. Among the offences and punishments specified in the Personal Protection Act 2010 are those relating to confidentiality obligations, which impose a maximum fine of RM100,000 or a maximum period of imprisonment of one year, or both, under 141. (2). Similarly, under section 130 of the Personal Protection Act 2010, any irresponsible party who divulges personal information without consent faces a fine of up to RM500,000 or imprisonment for up to three years, or both. It is also a crime if someone

⁵⁷ Kandiah, S., “Malaysia” in *The Privacy, Data Protection and Cybersecurity Law Review* ed. Alan Charles Raul, 8th ed. (United Kingdom : Clare Bolton, 2021), 264.

⁵⁸ Soalan Lazim (FAQ) Mengenai Aplikasi Mysejahtera, https://www.mkn.gov.my/web/wp-content/uploads/sites/3/2020/04/FAQ_MYSEJAHTERA.pdf, retrieved on February 6, 2022.

gives out their personal information on any platform, including the internet.⁵⁹

A government, like any other organisation or institution, very definitely has sensitive data and information that can only be accessed by a restricted number of people. This is consistent with every confidentiality policy established to prevent the leaking and dissemination of information deemed secret and confidential to individuals who should not have access to it. Because this information is considered confidential or secret by the organisation, it should not be shared with employees who lack the authority to access it, let alone with anybody outside the organisation. It is seen to follow orders, rules, or instructions from the organization’s leaders, even if the employee and his employer agreed to keep certain information private.⁶⁰

Although there is no conclusive evidence that digital tracing is the means for successfully tracking and containing the spread of COVID-19, Olivia Tan Swee Leng’s study found that technology has played a critical and pivotal role in this pandemic and will likely continue to do so in many facets of digital and social life. As a result, the government needs to make sure that it is used properly and doesn’t put public safety or privacy at risk.⁶¹ Malaysia’s privacy law is still based on common law, and the judiciary’s protection of privacy is primarily based

⁵⁹ Personal Data Protection Act 2010 (Act 709).

⁶⁰ Azlin Namili Mohd. Ali @ Ramli, Aspaella Abdul Rahman & Nurli Yaacob, “Pemberi Maklumat Pembelot Negara? Kajian Kes”, *International Journal of Law, Government and Communication* 3(13) (December 2018),185.

⁶¹ Leng, Olivia T. S., Vergara, R. G. & Khan, Shereen, “Digital Tracing and Malaysia’s Personal Data Protection Act 2010 amid the COVID-19 Pandemic”, *Asian Journal of Law and Policy* 1(1) (2021), 61-62.

on women’s morals and chastity. Malaysia’s Federal Constitution continues to govern most privacy rights.

Malaysia’s primary legislation governing personal data security is the Personal Data Protection Act 2010 (APDP). The APDP is a part of legislation that governs the recording of personal information in the course of commercial transactions. In some ways, the act is limited to protecting privacy in connection with commercial transactions, excluding all other types of privacy interests from its scope. Personal data must adhere to the legal provisions that have been stipulated during the data’s processing. The law’s provisions require those data users who violate all conditions be fined or imprisoned if convicted of an APDP violation. As important as it is that the 2010 APDP exists, there is still a lot of debate about it. This shows that the law has obvious flaws such as the APDP covering only commercial entities, the absence of a clause requiring recognition of the validity of data intrusion, the exclusion of government entities from the APDP, and the absence of an independent PDP Commissioner.⁶² It is clear that the application of MySejahtera in terms of law also fulfils the meaning of ‘*sejahtera*’ and *al-falāh* to ensure that every individual can live a life in peace and happiness.

Conclusion

This paper has discussed that it is necessary to reassess the well-being philosophy underpinning the term ‘*sejahtera*’ and the application of MySejahtera was accepted as a new normed in our lives. An

⁶² Fadhilah Abdul Ghani, Nurulhuda Ahmad Razali & Syahirah Mohd Shabri, “Akta Perlindungan Data Peribadi 2010: Satu Tinjauan”, *Jurnal Dunia Pengurusan* 3(1) (2021), 4-5.

Islamic conceptual model of human well-being has been developed by integrating the *tawhidic* worldview, the insights of *al-falāḥ* that can bring *al-sa’ādah* with an objective list from the *Maqāṣid al-Sharī’ah*, and *Sharī’ah* law based on the five essential goods: religion (*dīn*), self (*nafs*), intellect (*‘aql*), progeny (*nasl*) and wealth (*māl*) that correspond to spiritual, physical and psychological, intellectual, familial and social, and material well-being, respectively. This is very important to clarify that the MySejahtera application is a mechanism that can control COVID-19 apart from each individual’s efforts to take care of each other’s health and personal hygiene to fulfil the meaning of the word ‘*sejahtera*’ and *al-falāḥ* as discussed in this writing.

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