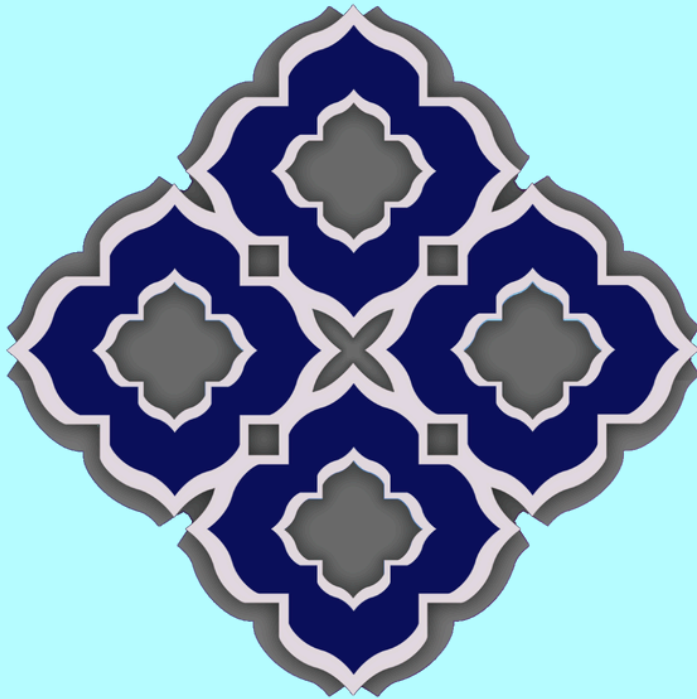


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# Towards Understanding the Concept of Fatwa on Medical Treatment Involving Forbidden Sources

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## ABSTRACT

The number of patients is believed to be increasing each year due to various diseases affecting a portion of the population, leading to an urgent need for modern medicines to treat patients in this country. However, an issue arises due to the use of forbidden substances such as pork, toxins, alcohol, and the like for medicinal purposes, despite Islam prohibiting the use of such substances. Therefore, this article aims to discuss the legality of treatment using forbidden sources and establish guidelines for its use from the perspective of Islam. This study employs qualitative methods and content analysis. Information sources are obtained from books, theses, and journal articles to compile a detailed study, subsequently analyzed descriptively. The study finds that the use of forbidden sources for medical purposes is permissible to save lives in emergency situations, subject to specific conditions.

**Keywords:** Treatment, Disease, Islam, Emergency, Forbidden.

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## 1. Introduction

The need for medical treatment is a common issue in society, with daily emergencies requiring immediate attention both in Malaysia and globally. In Malaysia, the number of patients admitted to hospitals has been rising each year. For instance, the Ministry of Health Malaysia reported a 10.1% increase in hospital admissions in 2018 compared to 2017, with 2,629,826 patients requiring treatment in 2017, up from 2,387,558 in 2016 (KKM, 2018).

The growing number of patients has led to an increased demand for medical supplies, and technological and scientific advancements have facilitated the production of various medications. In 2021, the approved investment in Malaysia's pharmaceutical industry reached RM 419.5 million, indicating significant future growth in the sector (MIDA, n.d.). This development includes the production of new drugs, generic products, biologics, and nutritional supplements (MIDA, n.d.).

However, the pursuit of medical advancements has also led to the exploration of sources that are prohibited in Islam, such as pork and alcohol. This raises ethical and religious concerns within Muslim communities, as contemporary pharmaceutical products often contain active ingredients derived from plant and animal sources, some of which may be considered forbidden (haram) in Islam (Jaludin et al., 2018). For example, studies have shown that pig organs can produce up to 3,000 types of medications (Mahaiyadin & Suhaimi, 2019), with Clexane, a blood clot treatment, believed to contain porcine-derived substances (Mohd Zulkifli et al., 2019).

Given the widespread use of medications containing such forbidden sources, clarity regarding their permissibility in Islamic jurisprudence is essential. Therefore, this article explores the concept of fatwa (Islamic legal ruling) concerning the use of forbidden sources in medical treatment. It will also include a review of recent literature on the eight forbidden sources and analyze contemporary fatwas to provide a balanced perspective on this critical issue.

## 2. Haram Sources During Treatment

In Islamic jurisprudence (*fiqh*), scholars have identified several substances considered impure and thus forbidden for consumption or use in medicine. According to the

Shafi'i school of thought, seven types of impurities are prohibited (Al-Bugha, 1992). This section will examine eight specific forbidden sources in medical treatment based on *fiqh* discussions.

## 2.1 Pig and Dogs

The prohibition of pigs is a well-known aspect within the Muslim community. The impurity of this animal has been extensively discussed by classical and contemporary Islamic scholars. For instance, the majority of scholars from the al-Hanafi (Al-Kasani, 1327H), al-Shafi'i (Al-Nawawi, 1344H), and al-Hanbali (Ibn Qudamah, 1997) schools of thought unanimously categorize pigs and everything derived from them as 'aini impurities, meaning they are impure in their essence.

The prohibition of swine and everything derived from its body parts is stated in the Quran, where Allah SWT mentions in Surah Al-An'am, verse 145:

قُلْ لَا أُجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُ رِجْسٌ أَوْ فِسْقًا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ رَبَّكَ غَفُورٌ رَحِيمٌ

*"[Prophet], say, 'In all that has been revealed to me, I find nothing forbidden for people to eat, except for carrion, flowing blood, pig's meat- it is loathsome- or a sinful offering over which any name other than God's has been invoked.' But if someone is forced by hunger, rather than desire or excess, then God is most forgiving and most merciful."* (Surah Al-An'am, 6:145).

The majority of scholars who uphold the prohibition of swine believe that the phrase in Allah's statement, 'فَأِنَّهُ رِجْسٌ' (for indeed, it is impure), in the aforementioned Quranic verse provides a comprehensive indication of the prohibition against swine and all its parts (Al-Tayyar, 2011). Additionally, dogs are also considered impure in Islam. If a dog is found to have licked a food container, scholars advise washing it seven times. The impurity of dogs is also mentioned in a hadith narrated by Abu Hurairah (may Allah be pleased with him), in which the Prophet Muhammad (peace be upon him) stated:

ظُهُورُ إِنَاءِ أَحَدِكُمْ، إِذَا وَلَعَ فِيهِ الْكَلْبُ، أَنْ يَغْسِلَهُ سَبْعَ مَرَّاتٍ. أَوْلَاهُنَّ بِالتَّرَابِ

*"The purification of the vessel belonging to any one of you, if a dog licks it, is to wash it seven times, and the first washing is with soil."* (Sahih Muslim 279).

## 2.2 Alcohol and Every Intoxicant

The prohibition of alcohol is explicitly mentioned in the Quran and Hadith. Scholars unanimously agree that alcohol is forbidden, and there are prescribed punishments for those who consume it, without differentiation based on the quantity consumed, whether large or small (Al-Nawawi, 1392H). Therefore, it is prohibited to derive benefits from it for various purposes, including food, drinks, and medications. The prohibition of using alcohol as a treatment substance is further emphasized in a hadith narrated by Muslim, where Tariq ibn Suwaid Al-Ju'fi (may Allah be pleased with him) asked the Prophet Muhammad (peace be upon him) about alcohol. The Prophet (peace be upon him) prohibited it, and when Tariq mentioned that they used it for medicinal purposes, the Prophet (peace be upon him) stated:

إِنَّهُ لَيْسَ بِدَوَاءٍ، وَلَكِنَّهُ دَاءٌ

*"Indeed, alcohol is not a remedy, but it is a disease."* (Sahih Muslim 1984)

## 2.3 Carrion

Carrion is also considered impure in Islam. Scholars define carrion as any animal that dies without being slaughtered (Al-Jassas, 1994). An animal can become carrion in two ways: firstly, when it dies due to human actions, and secondly, when it is not slaughtered according to the regulations set by Shariah (Al-Jassas, 1994). Consequently, Islam strongly prohibits the consumption of carrion due to the impurities it carries. Animals slaughtered without invoking the name of Allah SWT and those slaughtered for idols in places of non-Muslim worship also fall under the category of carrion. This prohibition is explicitly stated in the Quran, in Surah Al-Ma'idah, verse 3:

حُرِّمَتْ عَلَيْكُمْ أَلْمَيْتَةُ وَالِدَمُّ وَلَحْمُ الْخِنْزِيرِ وَمَا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ

*"You are forbidden to eat carrion; blood; pig's meat; any animal over which any name other than God's has been invoked."* (al-Ma'idah 5:3).

## 2.4 Flowing Blood

Islam prohibits the use of flowing blood for medical purposes. Blood is classified as one of the impurities in Islamic jurisprudence discussions. If it falls under this category of impurities, its use for treatment is indirectly prohibited. This prohibition is mentioned in Surah Al-Baqarah, verse 173:

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالْدَّمَ وَلَحْمَ الْخِنْزِيرِ

“He has only forbidden you carrion, blood, pig’s meat.” (al-Baqarah 2:173)

Based on this verse, the prohibition of all types of flowing blood is emphasized, which scholars use as a basis for the prohibition of its utilization. For example, Ibn Kathir (1419H) quotes Qatadah regarding the prohibition of blood in the Quran, stating that it specifically applies to blood that flows while the animal is alive and during slaughter. However, the blood that remains in the meat after slaughter is not prohibited.

## 2.5 Urine or Waste Products of Humans and Animals

The impurity of urine has also been discussed by scholars, categorizing it as impure and forbidden for any use. The prohibition and impurity of urine are highlighted in a hadith narrated by Anas Bin Malik (may Allah be pleased with him), which recounts:

أَنَّ أَغْرَابِيًّا بَالَ فِي الْمَسْجِدِ فَقَامُوا إِلَيْهِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تُزْرِمُوهُ، ثُمَّ دَعَا بِدَلْوٍ مِنْ مَاءٍ فَصَبَّ عَلَيْهِ

"A Bedwi Arab urinated in the mosque, and people came to him. Prophet Muhammad (peace be upon him) said: 'Leave him alone.' Then he asked for a bucket of water to be brought and poured it over the area." (Sahih al-Bukhari 5679).

Thus, based on this hadith, the Prophet Muhammad's instruction to pour water over the area where the Bedouin Arab had urinated in the mosque clearly indicates the impurity of urine in Islam (Al-Bugha, 1992).

## 2.6 Separated Parts of a Living Animal

Scholars unanimously agree that any part or limb separated from a living animal, even if the animal itself is permissible (*halal*) to eat, is considered haram (forbidden) and should not be used (Al-Kasani, 1327H; Ibn Qudamah, 1997; Al-Dusuqi, n.d.; Al-Ramli, 1984).



The prohibition against using separated parts from living animals has been articulated by Al-Ramli (1984), who asserts that such parts are immediately deemed forbidden if obtained from an animal that has not been slaughtered according to Sharia, regardless of whether the animal itself is halal for consumption. Therefore, these parts are considered impure and forbidden, akin to carrion, as indicated by the following hadith narrated by the Prophet Muhammad (peace be upon him):

مَا قُطِعَ مِنَ الْبَهِيمَةِ وَهِيَ حَيَّةٌ فَهِيَ مَيْتَةٌ

"Whatever is cut off from a living animal is carrion." (al-Tirmizi 1996: 1480)

## 2.7 Milk from Forbidden Animals

The milk discussed in this category specifically refers to the milk obtained from animals that are prohibited (*haram*) for consumption in Islam. The prohibition of milk from such animals is grounded in the principle established by scholars that the ruling on milk follows the ruling on the meat of the animal. For example, donkeys are classified as haram animals to eat in Islamic jurisprudence; thus, their milk is also deemed forbidden. This principle extends to other animals considered impure, ensuring that no benefit can be derived from any of their products (Ibn Qudamah, 1997).

This prohibition is not arbitrary; it is rooted in the belief that the essence of the animal influences its products. Consequently, consuming milk from haram animals would contravene Islamic dietary laws and ethical standards regarding consumption.

## 2.8 Poison

The use of poison for medicinal purposes is prohibited in Islam due to the inherent dangers it poses. This prohibition is supported by a hadith narrated by Abu Hurairah (may Allah be pleased with him), in which he reported:

نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الدَّوَاءِ الخَبِيثِ

"The Messenger of Allah prohibited the use of impure medicine."

(al-Tirmizi 1996: 2045).

Scholars have various interpretations regarding the prohibition of impure medicine. However, al-Tirmizi (1996) interprets the term "الخَبِيثِ" (impure) in this context as

referring to poison. Thus, the hadith serves as a clear directive against using any form of poison for medicinal purposes, as it poses significant risks to human health.

Additionally, scholars emphasize that Islam prioritizes the well-being and safety of individuals. Ibn Ruslan (2016) elaborates on the adverse effects that may arise from treatments based on poisonous substances, reinforcing the notion that Islamic teachings advocate for practices that safeguard life rather than endanger it. This prohibition reflects a broader ethical stance in Islamic jurisprudence, where preserving human life and well-being takes precedence over all other considerations.

### 3. The Legality of Treatment Using Forbidden Substances According to Scholars

In discussions of Islamic jurisprudence (*fiqh*), scholars have differing views on the legality of treatment using forbidden substances, resulting in three main perspectives. The first perspective posits that it is not permissible to seek treatment with forbidden substances, whether ingested or applied. This viewpoint is held by the Hanafi school (Al-Sarakhsi, n.d.), the Maliki school (Al-Dusuqi, n.d.), a faction within the Shafi'i school (Al-Nawawi, 1344H; Al-Mawardi, 1999), and the Hanbali school (Ibn Qudamah, 1997).

This first group argues against the use of forbidden substances based on a hadith narrated by Muslim, in which Tariq ibn Suwaid Al-Ju'fi asked the Prophet Muhammad (peace be upon him) about the use of alcohol. The Prophet prohibited it, stating that it is not a remedy but rather a disease:

إِنَّهُ لَيْسَ بِدَوَاءٍ، وَلَكِنَّهُ دَاءٌ

"Indeed, alcohol is not a remedy, but it is a disease." (Muslim 1995: 1984).

Al-Syaukani (1993) interprets this hadith as a clear prohibition against the use of alcohol for any purpose, including medicinal use. This prohibition extends beyond alcohol to include other impure substances such as pork, poison, carrion, and anything else forbidden in Islam. They maintain that all medicines should consist solely of permissible (*halal*) substances, as indicated in the hadith narrated by Ibn Mas'ud (may Allah be pleased with him):

إِنَّ اللَّهَ لَمْ يَجْعَلْ شِفَاءَكُمْ فِي مَا حَرَّمَ عَلَيْكُمْ

*"Indeed, Allah has not made your cure in what He has forbidden for you."*

(Al-Bukhari 1993: 5290).

Ibn Qayyim (2019) further elucidates that reliance on forbidden substances in treatment can have negative implications from both a religious and rational standpoint. Religiously, this is supported by explicit prohibitions in hadiths and the Quran. From a rational perspective, Allah prohibits the use of forbidden substances due to their impure nature, which is believed to have detrimental effects on an individual's heart and soul. Consequently, it is inappropriate to rely on such sources for healing.

Based on Ibn Qayyim's assertions, it is evident that the prohibition of substances containing forbidden elements is due to the potential harm they pose to the human body. Thus, harmful and impure substances do not automatically transform into beneficial elements for treatment (Ibn al-'Uthaimin, 1413H). The Prophet Muhammad made it clear through the aforementioned hadith that Allah does not provide a cure in that which is forbidden. The prohibitions detailed in the Quran and hadith explicitly forbid the use of impure substances for treatment, whether the prohibition is due to impurity, disgust, or filth (Al-Bukhari, 1993).

The second opinion, advocated by the Zahiri school (Ibn Hazm, n.d.), asserts that it is permissible to use forbidden substances for treatment. This view is also held within the Shafi'i school, where it is stated that using forbidden substances for treatment is acceptable except for those that intoxicate (Al-Nawawi, 1344H). Proponents of this second opinion argue that treatment is considered an emergency situation threatening a person's well-being, and in such cases, "forbidden things become permissible." This argument is supported by the words of Allah in Surah Al-An'am, verse 119:

وَمَا لَكُمْ أَلَّا تَأْكُلُوا مِمَّا ذُكِرَ اسْمُ اللَّهِ عَلَيْهِ وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلَّا مَا اضْطُرِرْتُمْ إِلَيْهِ وَإِنَّ كَثِيرًا لَيُضِلُّونَ بِأَهْوَاءِهِمْ بِغَيْرِ عِلْمٍ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِالْمُعْتَدِينَ

*"Why should you not eat such animals when God has already fully explained what He has forbidden you, except when forced by hunger? But many lead others astray by their desires, without any true knowledge: your Lord knows best who oversteps the limit."* (Al-An'am 6: 119).

Thus, this group believes that it is permissible to use forbidden substances in emergencies. Historical incidents in Islam are often cited to support this stance. For example, it is narrated that the Prophet Muhammad allowed the 'Urainah tribe to use camel urine as a remedy for their ailments, as related by Anas Bin Malik (may Allah be pleased with him):

قَدِمَ أَنَسٌ مِنْ عُكْلٍ أَوْ عَرِينَةَ فَاجْتَوَوْا الْمَدِينَةَ فَأَمَرَهُمُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِلِقَاحِ وَأَنْ يَشْرَبُوا مِنْ أَبْوَالِهَا وَاللَّبَائِهَا فَاذْطَلَقُوا فَلَمَّا صَحُّوا قَتَلُوا رَاعِيَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَاسْتَأْفُوا النَّعَمَ فَجَاءَ الْخَبْرَ فِي أَوَّلِ النَّهَارِ فَبَعَثَ فِي آثَارِهِمْ فَلَمَّا ارْتَفَعَ النَّهَارُ جِيءَ بِهِمْ فَأَمَرَ فَفَقَطَعَ أَيْدِيَهُمْ وَأَرْجُلَهُمْ، وَسَمِرَتْ أَعْيُنُهُمْ وَأَلْقُوا فِي الْحَرَّةِ يَسْتَشْفُونَ فَلَا يُسْقَوْنَ قَالَ أَبُو قِلَابَةَ فَهَؤُلَاءِ سَرَفُوا وَقَتَلُوا وَكَفَرُوا بَعْدَ إِيمَانِهِمْ، وَخَارَبُوا اللَّهَ وَرَسُولَهُ

*"Some people from 'Ukl or 'Urainah came to Madinah but could not tolerate its climate, and as a result, they fell ill. The Prophet Muhammad (peace be upon him) then instructed them to go to the herd of camels, drink their urine and milk. So, they set out and did as instructed. After they recovered, they killed the camel herder of the Prophet Muhammad (peace be upon him) and ran away with the camels. When the news reached the Prophet Muhammad (peace be upon him) around noon, he sent a group to track them down. By the time the sun was high, the messengers of the Prophet Muhammad (peace be upon him) came with them. The Prophet Muhammad (peace be upon him) ordered that they be punished, so their hands and feet were cut off, their eyes were gouged out, and then they were thrown onto the hot sand. They asked for water, but it was not given to them." Abu Qilabah said, "They were all involved in theft, murder, apostasy after embracing Islam, and fighting against Allah and His Messenger." (Al-Bukhari 1993: 231).*

The permission granted by the Prophet Muhammad (peace be upon him) for the 'Urainah tribe to use camel urine is viewed as a legitimate treatment for their ailments (Badr al-Din, 2008). This case illustrates that when the 'Urainah people followed the Prophet's guidance, their condition improved, validating the use of impure sources for medicinal purposes.

The hadith concerning the 'Uraniyyin strengthens the argument of scholars who permit the use of impure sources for medical purposes. They see the Prophet's approval as evidence for allowing treatment involving impure and prohibited substances. If such practices were strictly forbidden, the Prophet (peace be upon him)

would not have authorized their use, as he possessed comprehensive knowledge of what is permissible and forbidden in medical contexts (Al-Sighnaqi, 1435H). Thus, treatment for serious illnesses is prioritized as it falls within emergency circumstances. Therefore, in cases of life-threatening illnesses, the use of forbidden substances is permitted (Ibn Hazm, n.d.).

However, it is crucial to note that the allowance for using camel urine and other forbidden substances, as based on the 'Uraynah hadith, is strictly limited to emergencies. Anything permissible under duress is prohibited outside such contexts. For instance, men are generally forbidden from wearing silk, except during warfare or extreme cold when there are no alternatives (Badr Al-Din, 2008). Al-Bayhaqi (2003) emphasizes that the hadith prohibiting the use of impurities as medicine and the 'Uraniyyin hadith can be synthesized into two principles:

- i. Prohibition of using alcohol for medicinal purposes.
- ii. Prohibition of using forbidden substances for medicinal purposes without a life-threatening emergency.

From Al-Bayhaqi's summary, it is clear that treatment using forbidden substances may be permissible in genuine emergencies. Islam allows flexibility in addressing evils and harms that could threaten life through the use of forbidden substances. However, using these substances in non-emergency situations remains prohibited.

The third perspective holds that it is permissible to use forbidden substances for treatment if they are believed to be effective in curing a particular illness. However, if their use does not yield positive results, then they should not be employed for treatment. This view is supported by some scholars in the Hanafi school of thought (Ibn 'Abidin, 1966). Proponents of this third perspective cite the hadith regarding the 'Uraniyyin tribe's use of camel urine as a remedy, as reported by Anas Bin Malik:

قَدِمَ أَنَسٌ مِنْ عُكْلٍ أَوْ عُرَيْبَةَ فَاجْتَوَوْا الْمَدِينَةَ فَأَمَرَهُمُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِلِقَاحٍ وَأَنْ يَشْرَبُوا مِنْ أَبْوَالِهَا وَالْبَانِهَا فَاَنْظَلُّوا فَلَمَّا صَحُّوا قَتَلُوا رَاعِيَّ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَاسْتَأْفُوا النَّعَمَ فَجَاءَ الْخَبْرُ فِي أَوَّلِ النَّهَارِ فَبَعَثَ فِي آثَارِهِمْ فَلَمَّا ارْتَفَعَ النَّهَارُ جِيءَ بِهِمْ فَأَمَرَ فَقَطَعَ أَيْدِيَهُمْ وَأَرْجُلَهُمْ، وَسَمِرَتْ أَعْيُنُهُمْ وَأَلْفُوا فِي الْخَبْرَةِ يَسْتَسْقُونَ فَلَا يُسْقَوْنَ قَالَ أَبُو فِلَابَةَ فَهَوْلَاءَ سَرَفُوا وَقَتَلُوا وَكَفَرُوا بَعْدَ إِيمَانِهِمْ، وَحَارَبُوا اللَّهَ

*"Some people from 'Ukl or 'Urainah came to Madinah but could not tolerate its climate, and as a result, they fell ill. The Prophet Muhammad (peace be upon him) then instructed them to go to the herd of camels, drink their urine and milk. So, they set out and did as instructed. After they recovered, they killed the camel herder of the Prophet Muhammad (peace be upon him) and ran away with the camels. When the news reached the Prophet Muhammad (peace be upon him) around noon, he sent a group to track them down. By the time the sun was high, the messengers of the Prophet Muhammad (peace be upon him) came with them. The Prophet Muhammad (peace be upon him) ordered that they be punished, so their hands and feet were cut off, their eyes were gouged out, and then they were thrown onto the hot sand. They asked for water, but it was not given to them." Abu Qilabah said, "They were all involved in theft, murder, apostasy after embracing Islam, and fighting against Allah and His Messenger." (Al-Bukhari 1993: 231).*

The rationale is that the Prophet Muhammad (peace be upon him) permitted the 'Urainah tribe to use camel urine for medicinal purposes because he was divinely guided to know the effective cure for their illness. Thus, using impure sources for medicinal purposes is deemed permissible when believed to be effective for specific ailments. If there is no conviction in its efficacy, such practices are not allowed (Badr Al-Din, 2008).

### **3.1 Recent Fatwas and Contemporary Debates**

Recent fatwas have addressed the complexities of using forbidden substances in modern medical treatments, especially with advancements in pharmaceuticals. For instance, the International Islamic Fiqh Academy (IIFA) issued a fatwa permitting the use of certain haram ingredients in life-saving medicines, provided no halal alternatives are available, and the situation is life-threatening (IIFA, 2013). This indicates an evolving understanding of Islamic jurisprudence in response to contemporary medical challenges, emphasizing flexibility in cases of necessity. Scholars have also debated the role of biotechnology in transforming haram substances into permissible ones through *istihalah* (transformation), suggesting that if the original forbidden substance changes its nature entirely, it may be deemed halal (Kamali, 2019).

### **3.2 Comparing Alcohol from Scientific and Quranic Perspectives**

From a scientific perspective, alcohol serves as an effective antiseptic and

preservative, commonly used in medicinal products. However, its intoxicating properties have made it a prohibited substance in Islam. The comparison between these two perspectives highlights that while Islam forbids consumption due to its intoxicating effects, using alcohol for external medical purposes, such as sterilization, is considered permissible in certain situations where no other alternatives exist. The Council of Islamic Ideology (CII) in Pakistan, for example, recently issued a fatwa stating that alcohol-based hand sanitizers are permissible during the COVID-19 pandemic, given their role in preventing disease transmission (CII, 2020).

#### **4. Determination of The Legality of Treatment Using Forbidden Sources Based on *Maqasid Shariah***

Islam prohibits the use of forbidden sources for treatment and medicine, as these sources are considered impure and harmful (Ibn Qayyim, 2019). It is the obligation of every Muslim to treat diseases using lawful and wholesome sources to ensure the safety and effectiveness of the treatment. This principle is closely tied to the aspect of blessings, which Islam strongly emphasizes by preventing the use of any forbidden substances in medical practices.

However, when harm occurs that impacts or threatens someone's life, the use of forbidden and impure sources is permitted as a concession from *Shariah* because Islam fundamentally rejects any harm to humans. Treatment aimed at saving lives aligns with the concept of *maqasid Shariah*, which prioritizes the well-being and welfare of individuals. Consequently, discussions regarding the use of forbidden substances in treatment can be analyzed through the lens of *maqasid Shariah*.

Scholars have provided various definitions of *maqasid Shariah*. According to Ibn 'Ashur (2004), *maqasid Shariah* encompasses the meanings and wisdoms considered by *Shariah* in the entire legislative framework, not limited to specific groups of *Shariah* laws. Al-Raysuni (1992) offers a broader definition, describing *maqasid Shariah* as the objectives that guide the establishment of *Shariah* rules for the benefit of humanity.

*Maqasid Shariah* is discussed at three levels, as classified by Al-Shatibi (1997): *dharuriyyat*, *hajiyyat*, and *tahsiniyyat*. The first level, *dharuriyyat*, refers to necessities essential for achieving the well-being and welfare of humans. Failing to preserve these needs can lead to destruction (Al-Shatibi, 1997). The foundations that must be preserved to protect human life are the five essential matters, as outlined by Al-

Ghazali (1993): religion, life, intellect, lineage, and wealth.

The second level, *hajiyyat*, involves needs that facilitate human life and alleviate hardship. While neglecting these needs may lead to difficulties, it does not result in total destruction (Al-Shatibi, 1997). The third level, *tahsiniyyat*, pertains to needs that enhance life with comfort and align with societal customs.

The application of *maqasid Shariah* in human life serves a crucial purpose, particularly concerning well-being and goodness. A primary objective is to eliminate harm (*dar al-mafasid*) and achieve benefits (*jalb al-masalih*) across all aspects of life as required by Shariah (Abd Jalil, 2013). Preserving life (*hifz al-nafs*) is of utmost importance in Islam. In situations where there is harm or a threat to someone's life that necessitates the use of forbidden items such as pork or alcohol, it becomes permissible to use them, as saving a life is critical to preventing harm.

A legal maxim in fiqh states:

الصَّرُورَاتُ تُبَيِّحُ الْمَحْظُورَاتِ

*"Necessities render prohibited things permissible."* (Al-Syatibi 1997).

This principle indicates that what is generally prohibited (haram) can be considered necessary (*wajib*) when an individual faces harm that can only be avoided through initially forbidden actions (Al-'Abd Al-Latif, 2003). In the context of using forbidden substances for treatment, such actions are permissible for urgent medical needs, supported by a Quranic verse that allows the consumption of carrion and impurities when life is at stake. This is reflected in Surah Al-Maidah (5:3):

فَمَنْ اضْطُرَّ فِي مَحْمَصَةٍ غَيْرَ مُتَجَانِفٍ لِإِثْمِهِ «فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ»

*"But if any of you is forced by hunger to eat forbidden food, with no intention of doing wrong, then God is most forgiving and merciful."*

'Izz Al-Din (1911) reinforces the argument for using forbidden sources for treatment, asserting that the benefit of preserving life outweighs the avoidance of what is forbidden and impure. However, he stipulates that certain conditions must be met: the absence of permissible alternatives, and the belief that the forbidden substance will cure the ailment. Al-Nawawi (1344H) and Al-Ramli (1984) outline several essential



conditions to consider before using forbidden sources for treatment:

- i. The absence of halal and clean sources for treatment. If a halal option is available, using forbidden sources is prohibited.
- ii. Approval from a qualified and just Islamic healthcare professional is required to use forbidden sources, even if the approval comes from just one person.
- iii. The healthcare professional must possess the necessary qualifications, skills, and expertise in medicine.
- iv. The healthcare professional must recognize the necessity and effectiveness of these forbidden sources, confirming that no permissible alternatives are available.

If *halal* alternatives exist for treatment, using impure substances without a legitimate difference of opinion is prohibited (Al-Nawawi, 1344H). The necessity ceases, and the ruling reverts to its original state of prohibition if a halal substitute is available. Although Islam permits the use of forbidden sources in emergencies threatening life, it is crucial to emphasize that these materials should only be used to the extent necessary for treatment and alleviating the emergency without excessive reliance. This principle is captured in the *fiqh* saying:

ما أبيح للضرورة يقدر بقدرها

*“What is permitted during an emergency is allowed only to the extent of its necessity.”* (Al-Suyuti 1983).

In addition to the aforementioned conditions and principles, it is essential to consider the ethical implications of using forbidden sources in medical treatment. The decision to utilize such sources must be approached with great caution and moral responsibility. Healthcare professionals should engage in thorough discussions with patients or their guardians, ensuring that they are fully informed about the risks and benefits associated with using forbidden substances. This dialogue should also encompass the importance of exploring all available halal alternatives, emphasizing a commitment to ethical medical practice within the framework of Islamic teachings. Furthermore, it is vital for healthcare institutions to establish clear guidelines that uphold the ethical standards of Islamic medicine while addressing emergencies effectively. By fostering an environment of transparency and ethical deliberation, the healthcare community can navigate the complexities of utilizing forbidden sources in

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a manner that aligns with the core values of *maqasid Shariah* and the overarching goal of preserving human dignity and welfare.

#### **4.1 The Role of *Istihalah* (Transformation) in Permissibility**

An essential aspect of *maqasid shariah* in modern contexts is the concept of *istihalah* (transformation), where a forbidden substance undergoes a complete chemical change, resulting in a new, pure substance. According to contemporary scholars, such as Kamali (2019), this transformation can make previously haram substances permissible if the final product no longer retains the properties or identity of the original impure source. This aligns with the principle of *jalb al-masalih* (achieving benefits), allowing Muslims to benefit from advanced medical treatments while adhering to Islamic guidelines.

The concept of *istihalah*, or transformation, plays a crucial role in understanding the permissibility of using certain substances in Islamic law, especially in contemporary medical contexts. *Istihalah* refers to the complete transformation of a substance that alters its original properties, rendering it a new entity that is no longer considered impure or forbidden (*haram*). This principle is significant for Muslims navigating the complexities of modern medicine, particularly when dealing with substances traditionally deemed unacceptable by Islamic standards.

According to contemporary scholars such as Kamali (2019), *istihalah* facilitates a pragmatic approach to Islamic jurisprudence, allowing for flexibility in the application of Islamic law in light of advancements in science and medicine. For instance, if a haram substance undergoes a chemical process that changes its fundamental nature—such as the transformation of alcohol into a non-alcoholic product—this new product can be considered halal, as it no longer retains the characteristics that rendered it forbidden.

This transformation aligns with the *maqasid shariah* framework, which emphasizes the protection of human welfare and the pursuit of beneficial outcomes (*jalb al-masalih*). By permitting the use of transformed substances, Islamic law accommodates the pursuit of effective medical treatments while maintaining adherence to religious principles. This balance is particularly relevant in the context of life-threatening conditions where the use of advanced medical treatments can save lives, even if they involve substances that were initially prohibited.

Moreover, the application of *istihalah* must be approached with caution and scholarly rigor. It requires thorough examination to ensure that the transformation genuinely alters the substance to a degree that it is no longer identified as haram. Scholars emphasize that such transformations must be verified by experts in the relevant fields, including chemists and medical professionals, to ascertain the safety and purity of the final product.

In summary, *istihalah* serves as a critical mechanism within Islamic jurisprudence that enables the use of formerly forbidden substances in medical contexts, provided that these substances undergo a genuine transformation. This principle not only upholds the ethical standards of Islam but also promotes the well-being of individuals by allowing access to essential medical advancements that might otherwise be restricted. Through this framework, Muslims can navigate the challenges posed by modern medicine while remaining faithful to their religious obligations.

#### ***4.2 Contemporary Medical Cases Supporting Maqasid Shariah Principles***

Recent medical cases illustrate the application of *maqasid shariah*. For instance, the use of porcine insulin for diabetic patients was initially controversial due to its derivation from pigs. However, given the lack of equally effective alternatives and the necessity to preserve life, Islamic scholars have permitted its use until a halal alternative becomes widely available (Gatrad & Sheikh, 2001). This reflects how *maqasid shariah* facilitates pragmatic solutions in preserving life and health, balancing religious adherence with medical necessity.

The principles of *maqasid shariah* find practical application in various contemporary medical cases, demonstrating the dynamic interplay between Islamic law and modern healthcare needs. One notable example is the use of porcine insulin for patients with diabetes, a scenario that encapsulates the ethical dilemmas faced in medical practice while adhering to Islamic teachings.

Initially, the use of porcine insulin sparked significant debate among Islamic scholars due to its origin from pigs, which are classified as haram (forbidden) in Islam. However, diabetes is a chronic condition requiring effective management to prevent severe health complications, including organ failure, cardiovascular issues, and, in extreme cases, death. Given this urgent medical necessity, scholars have turned to the principles of *maqasid shariah* to assess the permissibility of using porcine insulin.

Islamic jurisprudence emphasizes the preservation of life (*hifz al-nafs*) as one of its fundamental objectives. In this context, the need to manage diabetes effectively and prevent life-threatening complications outweighs the prohibition against consuming or using substances derived from forbidden sources. As highlighted by Gatrad and Sheikh (2001), many scholars have concluded that the use of porcine insulin is permissible when no halal alternatives are available. This decision reflects a commitment to *jalb al-masalih*, or the pursuit of benefits, in which the well-being of the patient is prioritized.

The case of porcine insulin is not unique; it exemplifies how *maqasid shariah* facilitates pragmatic solutions in the face of medical necessity. The balance between adherence to religious tenets and the urgency of medical intervention illustrates a broader principle within Islamic law: the idea that necessity can lead to the relaxation of prohibitions (*darurat*). In circumstances where no halal options exist, utilizing forbidden substances becomes not only acceptable but necessary to preserve life and health.

Additionally, the evolving landscape of medical research and technology further underscores the need for flexibility within Islamic jurisprudence. As alternatives to porcine insulin become more widely available—such as insulin derived from recombinant DNA technology or plant-based sources—scholars will continue to reassess the permissibility of using porcine insulin in light of new developments. This ongoing dialogue is essential to ensuring that Islamic law remains relevant and responsive to contemporary healthcare challenges.

In conclusion, contemporary medical cases like the use of porcine insulin illustrate the practical application of *maqasid shariah* principles in balancing religious obligations with urgent medical needs. By prioritizing the preservation of life and health, Islamic scholars demonstrate a commitment to finding solutions that align with both ethical standards and the realities of modern medicine. This approach fosters a dynamic understanding of Islamic law that can adapt to the complexities of contemporary health issues while upholding the fundamental values of Islam.

## 5. Conclusion

The evolving nature of medical technology and treatment options necessitates continuous engagement from Islamic scholars and jurists to provide guidance on using haram substances in medicine. As advancements such as biotechnology, genetic engineering, and synthetic alternatives emerge, fatwas must be revisited and adapted to reflect the principles of *maqasid syariah* in safeguarding human health and well-being. This dynamic approach ensures that Islamic jurisprudence remains relevant and applicable in addressing contemporary challenges.

Based on the above discussion, it can be concluded that the use of forbidden sources for medical purposes is permissible to save lives and in emergency situations. This aligns with the concept of *maqasid syariah*, which prioritizes matters related to an individual's life and rejects all harm. However, it is essential to emphasize that the use of such substances should only be considered when there are no available halal medications and alternatives capable of treating the illness. The treatment process must receive approval from a doctor and a righteous Muslim nurse, with the nurse possessing the necessary qualifications, expertise, and knowledge of the effectiveness of the substances used for treatment. The utilization of forbidden sources and substances should be limited to the necessary amount only.

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