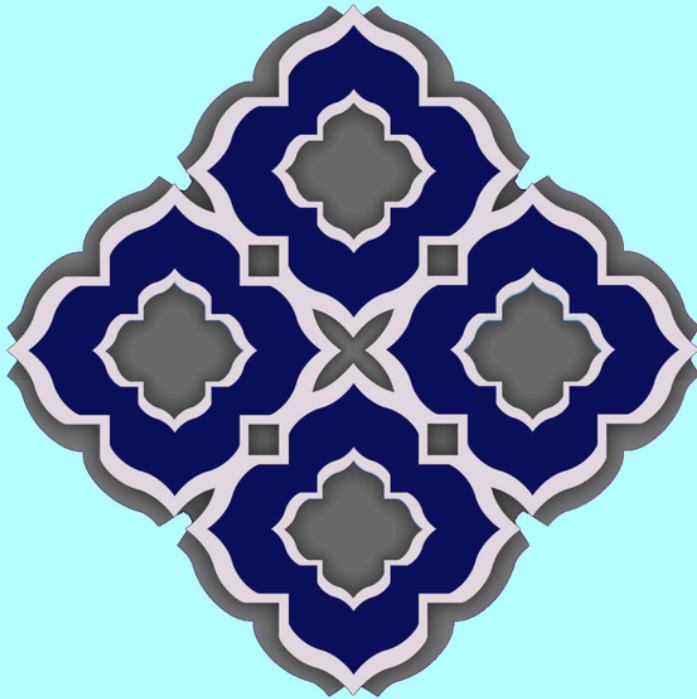


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Legal Parameters of Fatwas on Medical Treatment Involving Prohibited Substances in Islam

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ABSTRACT

This study examines the legal parameters governing fatwas on medical treatments involving prohibited substances in Islamic law. The increasing reliance on contemporary medical interventions, some of which incorporate elements deemed impermissible (*ḥarām*), raises critical questions regarding their permissibility within the framework of Shariah. This research adopts a qualitative methodology through textual and content analysis of classical and contemporary juristic sources to identify the underlying principles applied in issuing such fatwas. The study finds that the permissibility of medical treatment involving prohibited substances is not absolute but is regulated by a set of legal parameters, including the principle of necessity (*ḍarūrah*), the absence of lawful alternatives, expert medical verification, and proportionality in treatment. These parameters are derived from established legal maxims and objectives of Islamic law (*maqasid Shariah*), particularly the preservation of life (*hifz al-nafs*). This paper contributes by systematising the juristic principles governing such cases into a coherent analytical framework, thereby providing clearer guidance for contemporary fatwa formulation in the field of medical treatment. It highlights the need for a balanced approach that upholds Shariah principles while responding to modern medical realities.

Keywords: Fatwa, Medical Treatment, Prohibited Substances, Ḍawābiṭ, Ḍarūrah.

1. Introduction

The demand for medical treatment constitutes a persistent and growing concern in contemporary society, as emergencies and health-related conditions require timely and effective intervention both in Malaysia and globally. In the Malaysian context, the increasing number of patients reflects a rising dependency on healthcare services. Reports from the Ministry of Health Malaysia indicate a 10.1% increase in hospital admissions in 2018 compared to 2017, with a total of 2,629,826 patients recorded in 2017, up from 2,387,558 in 2016 (KKM, 2018). This trend underscores the expanding need for medical interventions and pharmaceutical support.

In parallel with this demand, advancements in science and technology have significantly accelerated the development of pharmaceutical products. The Malaysian pharmaceutical sector, for instance, recorded approved investments amounting to RM 419.5 million in 2021, signalling substantial growth potential (MIDA, n.d.). These developments encompass the production of innovative drugs, generic medicines, biologics, and nutritional supplements, reflecting the increasing complexity and diversification of modern medical treatment (MIDA, n.d.).

Despite these advancements, the integration of certain materials derived from prohibited (*ḥarām*) sources, such as porcine derivatives and alcohol, has raised critical ethical and religious concerns among Muslim communities. Contemporary pharmaceutical formulations often utilise active ingredients sourced from both plant and animal origins, some of which may not comply with Islamic dietary and legal standards (Jaludin et al., 2018). Empirical findings suggest that porcine-based materials alone can be utilised in the production of thousands of medicinal products (Mahaiyadin & Suhaimi, 2019). A commonly cited example is Clexane, a medication used in the treatment of blood clotting disorders, which is believed to contain porcine-derived components (Mohd Zulkifli et al., 2019).

The increasing prevalence of such substances in medical treatment necessitates a more structured and principled evaluation from the perspective of Islamic law. In particular, the formulation of fatwas addressing these issues requires clear legal parameters to ensure consistency, reliability, and contextual relevance. While existing discussions often focus on general permissibility based on necessity, there remains a need to systematically articulate the governing principles that underpin

such rulings.

Accordingly, this study aims to examine the legal parameters (ḍawābit) that regulate fatwas on medical treatment involving prohibited substances. It further reviews selected contemporary literature on key prohibited sources and analyses relevant fatwas to identify the underlying juristic principles applied in such cases. By doing so, this paper seeks to provide a more coherent analytical framework for understanding and formulating fatwas in the context of modern medical practice.

2. Prohibited Substances and the Governing Legal Parameters in Treatment

Within Islamic jurisprudence, certain substances have been categorised as impure and, consequently, their consumption or utilisation in medical treatment is considered prohibited. The Shafi'i school, for instance, recognises seven types of impurities that are explicitly forbidden for use, whether in food or medicine (al-Bugha, 1992). Contemporary medical practice, however, introduces complexities, as modern pharmaceuticals often incorporate materials derived from these prohibited sources.

This section examines eight specific substances that are commonly identified as forbidden within fiqh discussions and their implications for medical treatment. Beyond simply listing these substances, the discussion highlights the legal considerations and principles governing their permissibility in treatment contexts. Particular attention is given to conditions under which exceptions may be warranted, including scenarios of necessity and the absence of lawful alternatives. By analysing these sources within the framework of Shafi'i jurisprudence, this section lays the foundation for a systematic understanding of the legal parameters that guide fatwas related to the use of prohibited substances in medical care.

2.1 Pig and Dogs

The prohibition of pigs is a well-established principle in Islamic jurisprudence, widely acknowledged across Muslim communities. Classical and contemporary scholars from major schools of thought, including the al-Hanafi (al-Kasani, 1327H), al-Shafi'i (al-Nawawi, 1344H), and al-Hanbali (Ibn Qudamah, 1997) traditions, categorically classify pigs and all derivatives from their bodies as *'aini* impurities, substances that are

intrinsically impure.

The Qur'an explicitly addresses this prohibition in Surah Al-An'am (6:145), stating:

قُلْ لَا أُجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَىٰ ظَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُ رِجْسٌ أَوْ فِسْقًا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ ۚ فَمَنِ 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).

Scholars maintaining the prohibition interpret the phrase '*fainnahu rijsun*' (for indeed, it is impure) in this verse as a comprehensive indicator of the impurity of pigs and all their parts (al-Tayyar, 2011). In contemporary medical contexts, this understanding forms the basis for evaluating whether medications derived from porcine sources can ever be deemed permissible under exceptional circumstances, such as necessity and lack of lawful alternatives.

Similarly, dogs are also regarded as impure in Islam. Classical jurisprudence specifies that if a dog comes into contact with a vessel, the container must be washed seven times, with the first washing including soil, as narrated by Abu Hurairah (may Allah be pleased with him):

ظَهْرُ إِنَاءٍ أَحَدِكُمْ، إِذَا وَلَعَ فِيهِ الْكَلْبُ، أَنْ يَغْسِلَهُ سَبْعَ مَرَّاتٍ. أَوْلَاهُنَّ بِالتُّرَابِ

"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).

These rulings regarding pigs and dogs serve as critical references in determining the legal parameters for issuing fatwas on the use of prohibited substances in medical treatment, providing a foundation for balancing religious imperatives with contemporary healthcare needs.

2.2 Legal Parameters Governing the Use of Alcohol and Intoxicants in Treatment

The prohibition of alcohol is explicitly established in both the Qur'an and Hadith,

forming a cornerstone of Islamic jurisprudence. Classical scholars, including those from the Shafi'i school, unanimously maintain that alcohol is forbidden for all uses, with prescribed consequences for consumption regardless of quantity (al-Nawawi, 1392H). Consequently, deriving any form of benefit from alcohol, whether for food, beverages, or medicinal purposes, is impermissible.

The issue of alcohol in medical treatment has been addressed directly in prophetic guidance. As narrated by Tariq ibn Suwaid Al-Ju'fi (may Allah be pleased with him), when the use of alcohol for medicinal purposes was mentioned, the Prophet Muhammad (peace be upon him) responded:

إِنَّهُ لَيْسَ بِدَوَاءٍ، وَلَكِنَّهُ دَاءٌ

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

This clear prohibition underscores that alcohol cannot serve as a legitimate therapeutic agent under normal circumstances. In contemporary medical contexts, Islamic jurists rely on these foundational texts to assess whether any use of intoxicants can ever be permissible. Typically, exceptions are considered only under strict conditions such as necessity and the absence of lawful alternatives, forming part of the legal parameters that guide fatwas on medicinal substances.

2.3 Carrion and Its Legal Parameters in Medical Treatment

In Islamic jurisprudence, carrion (*maytah*) is categorically regarded as impure (*najis*). Classical scholars define carrion as any animal that dies without being slaughtered in accordance with Shariah requirements (al-Jassas, 1994). There are two primary circumstances under which an animal may become carrion. Firstly, if death occurs due to human actions outside the prescribed method, and secondly, if the animal is not slaughtered according to Islamic regulations (al-Jassas, 1994).

Islam strictly prohibits the consumption of carrion due to the inherent impurities it contains. This category includes animals slaughtered without invoking the name of Allah, as well as those sacrificed to idols in non-Muslim worship practices. The Qur'an explicitly addresses this prohibition in Surah Al-Ma'idah (5:3):

حُرِّمَتْ عَلَيْكُمْ أَلْمَيْتَةُ وَالِدَمُّ وَلَحْمُ الْخِنزِيرِ 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-Maidah 5:3).

In the context of contemporary medical treatment, these rulings are instrumental in determining the permissibility of animal-derived ingredients. When medications or therapeutic products are sourced from carrion, Islamic jurists assess their use under strict legal parameters, considering factors such as necessity, the absence of lawful alternatives, and the overall objective of preserving life (*hifz al-nafs*). Such an approach ensures that fatwas remain consistent with Shariah principles while addressing modern healthcare realities.

2.4 Flowing Blood and its Legal Parameters in Medical Treatment

In Islamic jurisprudence, the use of flowing blood for medical purposes is explicitly prohibited. Blood is classified among the impurities, and its utilization in treatment is generally impermissible due to its intrinsic impurity. The Qur’an addresses this prohibition in Surah Al-Baqarah (2:173):

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالِدَمَّ وَلَحْمَ الْخِنزِيرِ

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

Scholars interpret this verse as encompassing all types of flowing blood, particularly that which is expelled from an animal while it is alive or during the process of slaughter. Classical exegesis, such as that by Ibn Kathir (1419H), cites Qatadah to reinforce that this prohibition is primarily concerned with blood that flows naturally from the living animal. Conversely, residual blood contained within properly slaughtered meat does not fall under this prohibition, illustrating the nuanced approach of Islamic law toward different categories of blood.

In modern medical contexts, these rulings inform the legal parameters for assessing the permissibility of blood-derived products. Jurists consider factors such as the nature of the substance, the process by which it is obtained, and the necessity for treatment. Such an approach ensures that fatwas remain faithful to Shariah principles while providing guidance for contemporary medical applications.

2.5 Urine and Other Waste Products

In Islamic jurisprudence, urine and certain waste products of humans and animals are classified as impure and are prohibited for use in any form, including medicinal applications. The impurity of urine is illustrated in a hadith narrated by Anas ibn Malik (may Allah be pleased with him), which recounts:

أَنَّ أَعْرَابِيًّا 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).

This guidance demonstrates that the Prophet's instruction to cleanse the affected area highlights the intrinsic impurity of urine (al-Bugha, 1992). In contemporary medical contexts, such rulings form part of the legal parameters governing the use of human and animal-derived waste in treatment. Jurists consider both the nature of the substance and the circumstances under which it might be used, allowing exceptions only under stringent conditions, such as necessity or when no lawful alternative exists.

By systematically assessing these substances within the framework of Islamic law, scholars ensure that fatwas related to their medical application remain consistent with Shariah objectives while addressing the realities of modern healthcare.

2.6 Separated Animal Parts and Legal Parameters in Treatment

Islamic jurists unanimously hold that any part or limb removed from a living animal, even if the animal itself is permissible (*halal*) for consumption, is considered forbidden (*haram*) and must not be used (al-Kasani, 1327H; Ibn Qudamah, 1997; al-Dusuqi, n.d.; al-Ramli, 1984). Al-Ramli (1984) emphasizes that such parts are immediately deemed impermissible if taken from an animal that has not been slaughtered according to Shariah regulations, irrespective of the permissibility of the animal as a whole.

These separated parts are treated as impure, akin to carrion, reinforcing the principle that the lawfulness of an animal does not extend to parts removed before proper slaughter. This principle is illustrated in a 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)

In contemporary medical and pharmaceutical contexts, these rulings provide critical guidance for jurists when assessing the permissibility of using animal-derived materials. The legal parameters require careful consideration of the animal’s state, the method of obtaining its parts, and the necessity for medical treatment. Such a framework ensures that fatwas regarding the use of separated animal parts remain consistent with Shariah principles while addressing modern healthcare realities.

2.7 Milk Derived from Prohibited Animals: Juristic Perspectives

In Islamic jurisprudence, the consumption of milk derived from animals that are prohibited for human consumption is likewise forbidden. Scholars consistently establish that the ruling on the products of an animal follows the ruling on the animal itself. For instance, since donkeys are classified as impermissible to eat, their milk is similarly deemed forbidden (Ibn Qudamah, 1997). This principle applies broadly to all animals considered impure, ensuring that no benefits may be derived from their products.

The prohibition is grounded in the understanding that the essence of the animal directly affects the permissibility of its derivatives. Thus, the use of milk from forbidden animals in any form, including nutritional, medicinal, or pharmaceutical applications, would contravene Islamic dietary laws and ethical standards. In contemporary medical contexts, jurists apply these rulings within legal parameters, weighing factors such as necessity, absence of lawful alternatives, and the overall objective of preserving human life and health (*hifz al-nafs*).

2.8 Poisonous Substances: Legal and Ethical Parameters in Treatment

The use of poison for medicinal purposes is strictly prohibited in Islam due to its inherent danger to human life. This ruling is supported by a hadith narrated by Abu Hurairah (may Allah be pleased with him), in which the Prophet Muhammad (peace be upon him) stated:

نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الدَّوَاءِ الخَبِيثِ

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

(al-Tirmizi 1996: 2045).

Classical scholars have discussed various interpretations of the term *"impure"* (*khabath*), and Al-Tirmizi (1996) explains that in this context it encompasses poisonous substances. Thus, the hadith serves as a clear directive against employing any form of poison as a therapeutic agent, given the significant risks it poses to human health.

Islamic jurisprudence prioritizes the preservation of life (*hifz al-nafs*) and overall well-being. Ibn Ruslan (2016) highlights the potential adverse effects associated with treatments derived from poisonous substances, reinforcing the principle that medical practices must safeguard life rather than endanger it. In contemporary medical contexts, these rulings contribute to the formulation of legal parameters for fatwas concerning potentially harmful substances. Exceptions are only considered under stringent conditions, such as necessity and absence of safe alternatives, ensuring compliance with Shariah objectives while addressing modern healthcare needs.

3. Scholarly Perspectives on the Permissibility of Medical Treatments Involving Forbidden Substances

In Islamic jurisprudence, scholars hold differing views regarding the permissibility of using forbidden substances for medical treatment. Broadly, these perspectives can be categorized into three main opinions.

3.1 Prohibitionist View

The first perspective maintains that seeking treatment with forbidden substances, whether ingested or externally applied is impermissible. This view is held by the Hanafi (al-Sarakhsi, n.d.), Maliki (al-Dusuqi, n.d.), certain factions of the Shafi'i (al-Nawawi, 1344H; al-Mawardi, 1999), and Hanbali (Ibn Qudamah, 1997) schools.

This group bases their argument on a hadith narrated by Tariq ibn Suwaid Al-Ju'fi, in which the Prophet Muhammad (peace be upon him) addressed the medicinal use of alcohol:

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 employing alcohol for any purpose, extending by analogy to other impure substances such as pork, poison, carrion, and other forbidden elements. The hadith narrated by Ibn Mas'ud (may Allah be pleased with him) further reinforces this principle:

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) explains that reliance on forbidden substances for treatment carries both religious and rational implications. Religiously, explicit Quranic verses and hadiths forbid their use. Rationally, forbidden substances' impure nature may adversely affect both the human body and soul. Thus, harmful or impure substances do not inherently become beneficial merely because they are used for treatment (Ibn al-'Uthaimin, 1413H).

3.2 Conditional Permissibility

The second perspective, advocated by the Zahiri school (Ibn Hazm, n.d.) and partially within the Shafi'i school (Al-Nawawi, 1344H), allows the use of forbidden substances under certain circumstances, particularly when a person's life or health is in danger. Proponents argue that in emergency or necessity situations, *"forbidden things become permissible"*. This principle is supported by the Qur'anic verse:

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).

3.3 Scholarly Balance

Overall, these perspectives illustrate a careful balancing of religious directives, ethical principles, and practical considerations in Islamic medical jurisprudence. Scholars

consistently emphasize that while forbidden substances are intrinsically impure and prohibited, exceptional circumstances may allow their use under stringent legal parameters, particularly when human life is at risk.

This nuanced approach ensures that fatwas regarding medical treatment remain faithful to Shariah while accommodating the realities of contemporary healthcare.

3.4 Case of the 'Urainah Tribe and Emergency Use of Forbidden Substances

The conditional permissibility of using forbidden substances in emergencies is illustrated by the historical incident of the 'Urainah tribe. When some members of this tribe fell ill after arriving in Madinah, the Prophet Muhammad (peace be upon him) instructed them to consume camel urine and milk as a remedy (Anas Bin Malik, Al-Bukhari, 1993: 231). This event demonstrates that, under life-threatening or emergency conditions, substances normally considered impure may be employed if they are believed to be effective.

Scholars such as Badr al-Din (2008) and al-Sighnaqi (1435H) interpret this hadith as evidence that the Prophet's guidance permits the medicinal use of forbidden substances strictly in emergency situations. The allowance is context-specific, intended for serious illnesses where conventional remedies are unavailable. Outside such circumstances, using forbidden substances remains prohibited, analogous to the restricted permissibility of silk for men only in extreme necessity (Badr al-Din, 2008).

Al-Bayhaqi (2003) summarizes the principles derived from these rulings as follows:

- i. Alcohol is prohibited for medicinal purposes under normal circumstances.
- ii. Forbidden substances may only be used for treatment in genuine, life-threatening emergencies.

A third perspective, found among some Hanafi scholars (Ibn 'Abidin, 1966), allows the use of impure substances only if there is a reasonable belief in their efficacy for a particular ailment. In the 'Urainah case, the Prophet's divine guidance confirmed the effectiveness of camel urine and milk for their illness, validating its use. However, substances without confirmed efficacy should not be employed for treatment (Badr al-Din, 2008).

In summary, the hadith concerning the 'Urainah tribe provides a framework for emergency jurisprudence in medical treatment, balancing the principles of Shariah with the preservation of human life (*hifz al-nafs*). It underscores that the permissibility of forbidden substances is strictly conditional and not generalizable to routine medical practice.

3.5 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, 2021).

3.6 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. A Maqāṣid Shariah Approach to the Legality of Treatment Using Prohibited Sources

Islam categorically prohibits the use of forbidden (*ḥarām*) sources for medical treatment and pharmaceuticals, as these substances are inherently impure and may pose harm to human health (Ibn Qayyim, 2019). Every Muslim is obligated to seek

treatment using lawful (*halal*) and wholesome (*ṭayyib*) sources to ensure both the safety and efficacy of therapy. This principle aligns with the broader concept of blessings (*barakah*) in Islam, which underscores the avoidance of prohibited substances to safeguard physical, spiritual, and ethical well-being.

Nevertheless, when a situation arises in which harm threatens an individual's life or well-being, Shariah provides a concession to allow the use of impure or forbidden substances. This flexibility is grounded in the fundamental principle that Islam seeks to eliminate harm and preserve life. Therefore, in life-threatening circumstances, treatment that involves forbidden substances may become permissible, reflecting the objectives of Shariah that prioritize human welfare and well-being.

4.1 Concept and Definitions of Maqāṣid Shariah

Scholars have articulated various definitions of maqāṣid Shariah, capturing its role as a guiding framework in the derivation of Islamic rulings. Ibn 'Ashur (2004) defines maqāṣid Shariah as the overarching wisdom and objectives considered by Shariah in its legislative framework, extending beyond specific legal rulings to encompass the broader interests of society. Al-Raysuni (1992) provides a complementary view, describing maqāṣid Shariah as the intended objectives behind the establishment of Shariah rules for the benefit and welfare of humanity.

Al-Shāṭibī (1997) classifies maqāṣid Shariah into three hierarchical levels:

- i. Ḍarūriyyāt (necessities): Fundamental necessities essential for human survival and societal well-being. Neglecting these can result in severe harm or destruction.
- ii. Ḥājjiyyāt (needs): Facilitators that ease human life and alleviate hardship. Their neglect may cause difficulty but does not lead to total ruin.
- iii. Taḥṣiniyyāt (embellishments): Matters that enhance quality of life, comfort, and refinement, often in line with societal norms.

Within this framework, the preservation of life (*ḥifẓ al-nafs*) is of paramount importance. Al-Ghazālī (1993) identifies five essential objectives that Shariah seeks to protect: religion, life, intellect, lineage, and property. These objectives provide the basis for assessing the permissibility of actions that may involve normally forbidden substances, particularly when such actions serve to prevent harm and preserve human life.

4.2 Application of Maqāṣid Shariah in Medical Treatment

The application of maqāṣid Shariah in healthcare centers on balancing the elimination of harm (*dar al-mafāsid*) with the promotion of benefit (*jalb al-maṣāliḥ*) (Abd Jalil, 2013). Preserving life (*ḥifẓ al-naḥs*) is considered one of the highest objectives, which justifies the use of normally forbidden substances under exceptional circumstances. A foundational legal maxim in fiqh captures this principle:

الضروريات تبيح المحظورات

“Necessities render prohibited things permissible.” (al-Shāṭibī, 1997).

This principle asserts that what is generally prohibited (*ḥarām*) may become permissible (*mubāḥ*) when a person faces harm that can only be averted through initially forbidden actions (al-‘Abd Al-Latif, 2003). In the context of medical treatment, this permits the use of impure sources for urgent therapeutic needs, provided life or well-being is at stake.

The Quran explicitly allows exceptions for necessity. Surah Al-Mā’idah (5:3) states:

فَمَنْ أَضْطُرَّ فِي مَحْمَصَةٍ غَيْرٍ 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-Dīn (1911) emphasizes that in such cases, the benefit of preserving life outweighs the avoidance of forbidden substances, although certain conditions must be met to ensure compliance with Shariah principles. These include the absence of permissible alternatives, and a reasonable belief that the forbidden substance will be effective in treatment.

Al-Nawawī (1344H) and Al-Ramlī (1984) outline essential conditions to be satisfied before employing forbidden sources for medical purposes:

- i. Absence of halal and clean alternatives: If a lawful option exists, forbidden substances remain impermissible.
- ii. Qualified and just Islamic healthcare professional: Permission must come from a healthcare provider who is competent, ethical, and knowledgeable in medical practice and Shariah compliance.
- iii. Professional expertise: The practitioner must possess necessary

- qualifications, skills, and expertise to evaluate the necessity and effectiveness of the treatment.
- iv. Necessity and effectiveness: The healthcare professional must ascertain that the forbidden substance is necessary for treatment and that no lawful alternative can achieve the same outcome.

Once halal alternatives are available, the necessity ceases, and the ruling reverts to prohibition. Islam permits the use of forbidden substances strictly to the extent required for the emergency, in accordance with the fiqh maxim:

ما أبيع للضرورات يقدر بقدرها

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

The use of forbidden sources in medical treatment carries profound ethical implications. Healthcare professionals must exercise moral responsibility, transparency, and prudence. Key ethical considerations include:

- i. Informed consent: Patients or their guardians must be fully aware of the risks, benefits, and alternatives associated with the treatment.
- ii. Exploration of halal alternatives: All permissible options must be considered before resorting to forbidden sources.
- iii. Institutional guidelines: Healthcare organizations should establish protocols ensuring that emergency use of forbidden substances aligns with both ethical and Shariah standards.
- iv. Alignment with maqāsid Shariah: Decisions must balance the preservation of life, avoidance of harm, and promotion of public welfare, upholding human dignity and welfare.

4.3 The Role of *Istihalah* (Transformation) in Permissibility

An essential aspect of maqāsid 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 (2021), 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.

Contemporary scholars such as Kamali (2021) emphasize that the principle of *istihalah* enables a dynamic and pragmatic application of Islamic law, particularly in light of scientific and medical advancements. When a prohibited substance undergoes a complete transformation that alters its essential properties, it is no longer classified as impure, and its ruling may change accordingly.

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.

4.4 Contemporary Medical Cases Supporting Maqasid Shariah Principles

Recent medical cases demonstrate the practical application of maqasid shariah. For instance, the use of porcine insulin for diabetic patients, although initially controversial due to its origin, has been permitted by Islamic scholars in situations where no equally effective halal alternatives are available and where the preservation of life is at stake (Gatrad & Sheikh, 2001). This reflects the role of maqasid shariah in facilitating pragmatic and flexible solutions that balance religious principles with urgent medical needs.

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 shariah* 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 discussions presented above, it can be concluded that the use of forbidden sources in medical treatment is permissible only under specific circumstances, particularly in life-threatening or emergency situations. This permissibility is firmly grounded in the principles of *maqasid Shariah*, which prioritize

the preservation of human life and the prevention of harm. However, it is imperative to stress that such use must be strictly conditional. Forbidden substances should be considered only when no lawful (*halal*) alternatives exist that are capable of effectively treating the illness. Furthermore, the administration of these substances must be supervised by a qualified healthcare professional, including a physician and a Muslim nurse of integrity, who possesses the necessary expertise, clinical knowledge, and understanding of the efficacy of the substances employed.

Finally, the quantity and extent of use must be limited to what is strictly necessary for achieving the therapeutic objective, avoiding any excessive reliance. This approach ensures that the treatment aligns with both Islamic ethical standards and the objectives of Shariah, upholding human dignity, safeguarding life, and balancing medical necessity with religious compliance.

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