

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.

INTRODUCTION

The need for medical treatment is a familiar issue in society. Almost every day, there are emergency cases that require immediate attention, whether in Malaysia or other countries. The number of patients in Malaysia is constantly increasing from year to year, necessitating strategies to reduce this number. In 2018, the Ministry of Health Malaysia reported a drastic increase of 10.1 percent in the number of patients admitted to hospitals compared to 2017. An estimated 2,629,826 patients required further treatment in 2017, while in 2016, the reported number of patients reached 2,387,558 (KKM, 2018).

The demand for medical supplies is on the rise due to the increasing number of patients in Malaysia. With advancements in technology and science, various medications can be produced to treat and cure various diseases. In 2021, the approved investment for the pharmaceutical industry by the Malaysian government reached RM 419.5 million, and it is projected that this industry will continue to grow rapidly in the coming years (MIDA, t.th). Various projects are underway to innovate this industry, including the development of new drugs, generic products, biologics, nutritional supplements, and more (MIDA, t.th).

However, the development in the pharmaceutical and medical treatment industry to cure diseases has led to the exploration of various sources, including substances that are prohibited in Islam, such as pork and alcohol (Kashim et al. 2017). Therefore, pharmaceutical products today are experiencing rapid growth. Indirectly, this growth has a positive impact on the involved industry. Pharmaceutical products are obtained through a

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combination of various active ingredients, complex chemical compounds, and involve the use of plant-based and animal-based sources to meet the demand for a variety of medications (Jaludin et al, 2018). However, at the same time, it indirectly contributes to the increasing demand for medications derived from forbidden sources due to their effectiveness in treating serious diseases. Studies from the West have found that pig organs can be processed to produce as many as 3,000 types of medications (Mahaiyadin & Suhaimi, 2019). For example, Clexane is believed to contain substances derived from pigs and is capable of treating blood clotting in veins, feelings of tightness and pain in the chest, and sudden heart attacks (Mohd Zulkifli et al., 2019).

The use of medications containing forbidden sources is becoming increasingly widespread due to their effectiveness and success (Kashim et al., 2018). This has led to confusion regarding the religious rulings on the use of medications that clearly contain prohibited substances in Islam. Therefore, this article focuses on the legal and religious rulings on treatment using forbidden sources.

Haram Sources During Treatment

In the discussions of Islamic jurisprudence (fiqh) by scholars, there are several things deemed as forbidden due to the impure and dirty substances they contain. In the Shafi'i school of thought, there are seven types of impurities that are prohibited for deriving benefits, including medicinal purposes (Al-Bugha, 1992). Additionally, in the sayings of Prophet Muhammad (SAW), several things are mentioned as impure. Therefore, the researcher identified eight forbidden sources based on fiqh discussions, as follows:

Pig and Dogs

The prohibition of pig is a well-known aspect in the Muslim community. The impurity of this animal has been extensively discussed by classical and contemporary Islamic scholars. For example, 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 declare that pig and everything derived from it are categorized as 'aini impurities, meaning impure in their essence.

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

The meaning is: [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. (al-An'am, 6:145).

Therefore, the majority of scholars who hold the opinion on the prohibition of swine believe that the phrase in Allah's statement "for indeed, it is impure", in the mentioned Quranic verse refers to swine, providing a comprehensive indication of the prohibition of swine and all its parts (Al-Tayyar, 2011). Additionally, dogs are also considered impure in Islam. If it is found that a dog has licked a food container, scholars advise washing it seven times. The impurity of dogs is also mentioned in a hadith narrated by Abu Hurairah (RA), where the Prophet Muhammad (SAW) said:

The meaning is: "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." (Muslim, 1955).

Alcohol and Every Intoxicant

The prohibition of alcohol is a clear subject 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, be it a large or small amount (al-Nawawi, 1392H). Therefore, it is prohibited to derive benefits from it for various purposes such as food, drinks, medications, and so on. The prohibition of using alcohol as a treatment substance is explained in a hadith narrated by Muslim, in which Tariq ibn Suwaid Al-Ju'fi (RA) asked the Prophet Muhammad (SAW) about alcohol. The Prophet (SAW) prohibited it, and when Tariq mentioned they used it for medicinal purposes, the Prophet (SAW) said:

The meaning is: “Indeed, alcohol is not a remedy, but it is a disease.” (Muslim, 1955)

Carrion

Carrion is also considered impure in Islam. According to scholars, carrion refers to any animal that dies without being slaughtered (Al-Jassas, 1994). Therefore, 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). Hence, Islam strongly prohibits the consumption of carrion due to the impurities it carries. Animals slaughtered without mentioning 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 clearly stated in the Quran, in Surah al-Ma'idah, verse 3:

The meaning is: 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).

Flowing Blood

Islam prohibits the use of flowing blood for medical purposes. Blood is also classified as one of the impurities in the discussions of Islamic jurisprudence by scholars. Therefore, if it falls under the category of impurities, it is indirectly not allowed to be used for treatment and the like. This prohibition is mentioned in Surah al-Baqarah, verse 173, as follows:

The meaning is: He has only forbidden you carrion, blood, pig's meat (al-Baqarah 2:173)

Based on the above verse, the emphasis on the prohibition of all types of flowing blood becomes an argument for scholars in prohibiting the utilization of blood. For example, Ibn Kathir (1419H) quotes the words of Qatadah regarding the prohibition of blood in the Quran. The prohibition of blood specifically applies to the blood that flows while the animal is alive and during slaughter. However, the blood that remains in the meat after slaughter is not prohibited.

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 detailed in a hadith narrated by Anas Bin Malik (RA), which recounts:

The meaning is: “A Bedwi Arab urinated in the mosque, and people came to him. Prophet Muhammad (SAW) said: ‘Leave him alone.’ Then he asked for a bucket of water to be brought and poured it over the area.” (al-Bukhari, 1993).

Thus, based on the above hadith, it can be clearly understood that the Prophet Muhammad's command to the companions 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).

Separated Parts of a Living Animal

Scholars have unanimously agreed that any part or limb separated from a living animal, even if the animal itself is permissible (halal) to eat, the consumption of such parts is considered Haram (forbidden) and should not be used at all (al-Kasani, 1327H; Ibn Qudamah, 1997; al-Dusuqi, t.th; Al-Ramli, 1984).

The prohibition of using separated animal parts from their living bodies has been explained by Al-Ramli (1984), who opines that these animal parts would be considered immediately as forbidden if obtained from an animal not slaughtered according to Sharia, even if the animal itself is halal for consumption. Therefore, such parts are deemed impure and forbidden as carrion through a hadith narrated by the Prophet Muhammad (SAW), as follows:

The meaning is: “Whatever is cut off from a living animal is carrion.” (al-Tirmizi, 1996)

Milk from Forbidden Animals

The milk referred to in this category does not encompass all types of milk. Rather, it specifically refers to the milk of animals that are forbidden in Islam (Kashim et al. 2020a). The prohibition of all milk from animals that are forbidden to eat is based on the principle established by scholars that the ruling on milk follows the ruling on the meat of the animal. For example, in Islam, donkeys are considered among the animals that are forbidden to eat. Therefore, the milk of a donkey cannot be consumed because, in essence, the ruling on donkey milk is the same as the ruling on the meat of the donkey, which is forbidden (Ibn Qudamah, 1997).

Poison

The prohibition of using poison for medicinal purposes has been mentioned by scholars due to the inherent danger it poses. This prohibition is elucidated in a hadith narrated by Abu Hurairah (RA). He said:

The meaning is: “The Messenger of Allah prohibited the use of impure medicine.” (al-Tirmizi, 1996).

The scholars have various interpretations of the hadith regarding the prohibition of using impure medicine. However, al-Tirmizi (1996) interprets the meaning of the word “impure” in the hadith as poison. Therefore, the hadith clearly prohibits the use of all types of poison in medicine for humans. According to Ibn Ruslan (2016), the hadith seems to explain the adverse effects that can occur if treatment based on poison is implemented, as Islam prioritizes the well-being of humans and prohibits anything that can endanger their lives.

The Legality of Treatment Using Forbidden Substances According to Scholars

In the discussions of Islamic jurisprudence (fiqh) among scholars, there is a disagreement among them regarding this issue. Scholars have differing views on the legality of treatment using forbidden substances, leading to three main perspectives. The first perspective holds that it is not permissible to seek treatment using forbidden substances, whether they are ingested or consumed. This viewpoint is present in the Hanafi school (al-Sarakhsi, t.th), Maliki (al-Dusuqi, t.th), a faction in the Shafi'i school (al-Nawawi, 1344H; al-Mawardi, 1999), and the Hanbali school (Ibn Qudamah, 1997).

The first group, which opposes the use of forbidden substances, argues based on a hadith narrated by Muslim, where Tariq ibn Suwaid Al-Ju'fi asked the Prophet Muhammad (SAW) about alcohol, and the Prophet prohibited it. Tariq then mentioned that they used it for medicinal purposes, and the Prophet (SAW) said:

The meaning is: “Indeed, alcohol is not a remedy, but it is a disease.” (Muslim, 1995).

According to Al-Syaukani (1993), the above hadith clearly explains the prohibition of alcohol for every purpose, including treatment or medicinal use. This prohibition is not limited to alcohol alone but also extends to the prohibition of using other impure sources such as pork, poison, carrion, and other things forbidden in Islam. They also argue that every medicine must use only permissible (halal) substances, based on the hadith narrated by Ibn Mas'ud (RA):

The meaning is: “Indeed, Allah has not made your cure in what He has forbidden for you.” (al-Bukhari, 1993).

Ibn Qayyim (2019) explains that dependence on forbidden sources in treatment has negative implications from both a religious and rational perspective. From a religious standpoint, this is evidenced by clear prohibitions based on hadiths and the Quran. Meanwhile, from a rational perspective, Allah SWT strongly prohibits humans from seeking treatment using forbidden substances due to their impure and unclean nature. The prohibition of impure and forbidden sources is seen as a step to protect humans from using impure and

forbidden substances, as it is believed to have a detrimental effect on the heart and soul of an individual (Kashim et al. 2020b). Therefore, it is not appropriate for someone to rely on such sources.

Based on the statement by Ibn Qayyim (2019) above, it can be understood that one of the reasons for the prohibition of substances containing forbidden sources is due to the harm they pose to the human body. Therefore, substances containing harm and impurity will not automatically transform into beneficial elements that can be used in any treatment (Ibn al-'Uthaimin, 1413H). The Prophet Muhammad explained to humanity through the above hadith that Allah SWT does not provide a cure for humans in things that have been forbidden as permissible medications. The prohibition in the Quran and the hadith mentioned above clearly details the prohibition of treatment and medication using forbidden sources, whether the prohibition is due to impurity, disgust, or filth (al-Bukhari, 1993).

Additionally, the second opinion, advocated by the Zahiri school (Ibn Hazm, t.th), holds that it is permissible to use forbidden substances for treatment. This is also the opinion within the Shafi'i school, stating that it is allowed to use forbidden substances for treatment except those that intoxicate (al-Nawawi, 1344H). The second opinion, which permits medical treatment based on forbidden sources, argues that treatment is considered an emergency that threatens a person's well-being, and in such emergencies, "forbidden things become permissible". This argument is reinforced by the words of Allah SWT in Surah al-An'am, verse 119:

The meaning is: 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).

Therefore, this second group believes that it is permissible for someone to use forbidden substances in case of an emergency. Indeed, there are several incidents in the history of Islam that are cited as examples by classical and contemporary scholars regarding this issue. For instance, there is a story that Prophet Muhammad allowed the 'Urainah tribe to use camel urine as a remedy for their ailments, as narrated by Anas Bin Malik RA:

The meaning is: 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 (SAW) 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 (SAW) and ran away with the camels. When the news reached the Prophet Muhammad (SAW) around noon, he sent a group to track them down. By the time the sun was high, the messengers of the Prophet Muhammad (SAW) came with them. The Prophet Muhammad (SAW) 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).

Based on the above hadith, the permission of the Prophet Muhammad (SAW) to use camel urine is considered an alternative for the purpose of treatment experienced by patients in curing their illnesses (Badr al-Din, 2008). Therefore, when the 'Urainah people followed the guidance and advice of the Prophet Muhammad (SAW) to drink camel urine and milk, it proved to be effective in treating the illness as they recovered immediately.

The 'Uraniyyin hadith further strengthens the argument of scholars who believe that impure sources can be used for medical purposes. They consider the actions and permission of Prophet Muhammad (SAW) to treat using camel urine as evidence in justifying treatment involving impure and prohibited sources. Therefore, if these substances were strictly forbidden, Prophet Muhammad (SAW) would not have allowed the use of camel urine, as he was well aware of what is permissible and forbidden in medical matters (al-Sighnaqi, 1435H). Hence, treatment to alleviate a serious illness is considered a priority, as it falls under emergency situations. Therefore, when someone is truly afflicted with a life-threatening illness, it is permissible to use substances that are forbidden in Islam (Ibn Hazm, t.th).

Therefore, it can be understood here that the permission to drink camel urine and other forbidden substances based on the 'Uraynah's hadith is only allowed due to the occurrence of necessity or emergency. However, it should be emphasized that whatever is permitted during an emergency is prohibited to use without necessity or intentionally. For example, Islam prohibits men from wearing silk as clothing, but it is allowed during warfare and in extremely cold temperatures if there is no alternative to silk (Badr Al-Din, 2008). Al-Bayhaqi (2003) emphasizes that the hadith prohibiting the use of impurities as medicines and the 'Uraniyyin hadith can be combined to formulate two principles:

Prohibition of using alcohol for medicinal purposes and medications.

Prohibition of using forbidden substances for medicinal purposes without a life-threatening emergency situation.

From al-Bayhaqi's summary, it can be understood that treatment using forbidden substances can be permissible if there is a genuine harm or emergency. This is because Islam provides flexibility to humans in rejecting all evils and harms that could threaten life and well-being through the use of forbidden substances. Therefore, it would still be considered prohibited if the use is done in a situation that does not meet the criteria of an emergency.

Furthermore, the third view holds that it is permissible to use forbidden substances for treatment when it is believed that they can cure a particular illness. If their use is not effective in treating the illness, then it is not allowed to use them for treatment. This is the view of some scholars in the Hanafi school of thought (Ibn 'Abidin, 1966). This third group argues based on the hadith narrating the implementation and guidance of the Prophet Muhammad (SAW) to the 'Uraniyyin tribe to use camel urine for treatment, as reported by Anas Bin Malik (RA) as follows:

The meaning is: 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 (SAW) 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 (SAW) and ran away with the camels. When the news reached the Prophet Muhammad (SAW) around noon, he sent a group to track them down. By the time the sun was high, the messengers of the Prophet Muhammad (SAW) came with them. The Prophet Muhammad (SAW) 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).

The reasoning here is that Prophet Muhammad (SAW) allowed the 'Urainah tribe to use camel urine for medicinal purposes, even though it is considered impure, because, in reality, the Prophet (SAW) had knowledge of the cure for their illness through revelation from Allah SWT. Therefore, using impure sources for medicinal purposes is deemed permissible when it is believed to be effective in treating the specific ailment. If there is no conviction of its effectiveness, then such a practice is not allowed (Badr Al-Din, 2008).

Determination of The Legality of Treatment Using Forbidden Sources Based on Maqasid Shariah

Islam prohibits people from using forbidden sources for the purpose of treatment and medicine because these sources are considered impure, disgusting, and dirty (Ibn Qayyim, 2019). The obligation to treat diseases using lawful and wholesome sources remains a priority for every Muslim to ensure the safety and effectiveness of the treatment performed. Additionally, it is closely related to the aspect of blessings, which Islam strongly emphasizes when preventing the use of any forbidden substances in medical practices.

However, when harm occurs, impacting and threatening someone's life, it is allowed to use forbidden and impure sources as a concession from the Sharia because Islam rejects any harm to humans (Kashim et al. 2020b). Treatment to save lives is seen as consistent with and in line with the concept of Maqasid Shariah, which considers matters related to the well-being and welfare of individuals. Therefore, discussions regarding

the use of forbidden substances in treatment can be examined using the concept of Maqasid Shariah. There are several definitions mentioned by scholars regarding the definition of Maqasid Shariah. According to Ibn 'Ashur (2004), Maqasid Shariah means the meanings and wisdoms considered by Shariah in the entire legislation of the law or a significant part of it, not limited to a specific group of Shariah laws. Meanwhile, al-Raysuni (1992) provides a more comprehensive definition, which is the objectives that make Shariah rules established so that they are realized for the benefit of humanity.

There are three levels in the discussion of Maqasid Shariah. Al-Shatibi (1997) classified Maqasid Shariah into three main levels: dharuriyyat, hajjiyyat, and tahsiniyyat. The first level is mentioned as dharuriyyat. Dharuriyyat means things that are necessary to achieve the well-being and welfare of humans. Therefore, if these needs are not preserved and provided to humans, their lives will perish and be destroyed (al-Shatibi, 1997). Thus, the foundations that must be preserved to safeguard human life are the five essential matters, as explained by al-Ghazali (1993): religion, life, intellect, lineage, and wealth. The second level is called hajjiyyat, which means a need to facilitate and provide ease to humans by rejecting things that will cause hardship. If not done, it is feared to lead to difficulty and hardship in human life but does not reach the level of destruction and ruin (al-Shatibi, 1997). The third level is called tahsiniyyat. This level is a need to complement life with comfort and things considered good according to human customs.

Therefore, the application of the objectives of Islamic law in human life has a very significant purpose, especially in issues related to well-being and goodness. Among the main objectives is to eliminate harm (dar al-mafasid) to humans and achieve benefits (jalb al-masalih) that need to be attained in every aspect of human life as required by Shariah (Abd Jalil, 2013). Thus, preserving life, or (hifz al-nafs), is a matter that is highly emphasized in Islam. If there is harm or a threat to someone that requires the use of forbidden things such as pork, alcohol, and the like, then it is considered permissible because saving a life is crucial to preventing harm. There is a legal maxim in fiqh that states:

The meaning is: "Necessities render prohibited things permissible." (al-Syatibi, 1997).

The principle mentioned explains that the prohibition (haram) can be changed to necessity (wajib) when an individual is faced with harm, and that harm can only be avoided by doing something that is initially prohibited (Al-'Abd Al-Latif, 2003). In the context of using prohibited substances for treatment, it is considered permissible for the purpose of urgent medical treatment. This principle aligns with the Quranic verse that permits consuming carrion and impurities, which are generally forbidden, but are allowed in situations where preserving life is at stake. The Quranic verse is from Surah Al-Maidah (5:3) and it states:

The meaning is: "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." (al-Ma'idah 5:3)

'Izz Al-Din (1911) strengthens the argument that permits treatment using forbidden sources by explaining that the benefit of saving a person's life is greater than avoiding what is forbidden and impure. However, according to him, there are several conditions that must be met to use such sources, namely when there are no permissible alternatives available, and it is believed that they can cure the ailment. Al-Nawawi (1344H) and Al-Ramli (1984) have laid down several conditions that must be adhered to before using forbidden sources for treatment, such as:

The absence of halal and clean sources for treatment. If there is a halal source available for treatment, then using forbidden sources is prohibited.

Obtaining approval from a qualified and just Islamic healthcare professional to use forbidden sources, even if the approval is from only one person.

The healthcare professional must be qualified, skilled, and an expert in the field of medicine.

The healthcare professional is aware of the necessity and effectiveness of these forbidden sources and knows that there are no permissible alternatives available.

If there are alternative halal materials available for treatment, it is prohibited to use impure substances without a legitimate difference of opinion (al-Nawawi, 1344H). The necessity ceases, and the ruling reverts to its original state, which is prohibition if a halal substitute is available. Even though Islam permits the use of forbidden sources in emergencies that threaten life, it is essential to emphasize that these materials should be used only to the extent necessary to treat the illness and alleviate the emergency without excessive use. The fiqh principle states:

The meaning is: “What is permitted during an emergency is allowed only to the extent of its necessity.” (al-Suyuti, 1983).

CONCLUSION

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.

Acknowledgement

The authors would like to thank TAP-16288, Universiti Kebangsaan Malaysia.

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