

FATWÁS OF INDONESIAN SCHOLARS' COUNCIL ON MEDICAL ISSUES IN THE LIGHT OF MAQĀŞID AL-SHARĪ'AH

Fathimah Al-Hasanah, Dr. Muhammad Salama

International Open University

ABSTRACT

The Indonesian Scholars' Council has issued numerous fatwás on medical issues determined on the basis of the Qur'ān, Sunnah, ijma', and qiyās. Formulating a fatwá always takes into consideration maqāşid al-sharī'ah, although it is not always evident how maqāşid al-sharī'ah are applied in the fatwá. Hence, a study is required to discover the implementation of maqāşid al-sharī'ah, especially on fatwás related to medical issues. Using a qualitative approach, the study has been conducted to find out the conformity of the fatwás with maqāşid al-sharī'ah and examine its application. Medical issue fatwás from the Ijtima' held by the Indonesian Scholars' Council were selected as primary data. The secondary data was collected from various books, journals, and writings about maqāşid al-sharī'ah and the analysis of the Indonesian Scholars' Council fatwás, followed by data analysis using the content analysis method. In conclusion, the concept of maqāşid al-sharī'ah is an important consideration in the establishment of the fatwás. Its implementation can be observed through the evidence provided in the fatwás alongside the ruling of the issues. The use of al-qawā'id al-fiqhīyah and maşlahah mursalah in the evidence indicates the implementation of maqāşid al-sharī'ah. Among preservation of the five essentials, preservation of life and preservation of lineage are more commonly found in fatwás on medical issues.

Keywords: *Fatwá*, *medical issues*, *maqāṣid*, *maqāṣid al-sharī'ah*, *Indonesian Scholars' Council*.

Corresponding author: Fathimah Al-Hasanah can be contacted at al.hasanah09@gmail.com

1. INTRODUCTION

The Indonesian Scholars' Council or *Majelis Ulama Indonesia* (MUI) is an organization founded to provide guidance for the Muslim society in Indonesia whether in religious or social affairs. Technological advances and developments in medical science raise questions for Muslims regarding Islamic law and Islamic perspectives on medical practices that come with the latest innovations and technology. In this case, the Indonesian Scholars' Council provides guidance to the Muslim community by issuing *fatwás* related to medical issues.

The basis of the Indonesian Scholars Council's *fatwás* is the Qur'ān, Sunnah, *ijmā'*, and *qiyās*. However, the concept of *maqāṣid al-sharī'ah* must be considered so that the *fatwá* will be valid and will not deviate from the objectives of the Lawgiver. Therefore, this research was conducted to examine the application of *maqāṣid al-sharī'ah* in the *fatwás* of the Indonesian Scholars' Council on medical issues and determine the conformity of the *fatwás* with *maqāṣid al-sharī'ah*. By understanding the role of *maqāṣid al-sharī'ah* in *fatwás* of the Indonesian Scholars' Council, this study is expected to increase people's faith that Islamic *Sharī'ah* is fair and aims to provide benefits for humans in this world and the hereafter.

2. REVIEW OF LITERATURE

2.1 Definition of *Maqāṣid al-Sharī'ah*

Maqāṣid al-sharī'ah is an annexation structure. It is composed of two Arabic words: *maqāṣid* and *al-sharī'ah*. *Maqāṣid* is the plural noun of *maqṣad*. *Maqṣad* is a verbal noun that begins with the *mīm* letter (*maqṣad mīmī*). It is derived from *qaṣada - yaqṣudu - qaṣdan*. The word *maqṣad* and *qaṣd* have the same meaning. According to Ibn Manẓūr, the meaning of *al-qaṣd* in Arabic is as follows:

- (1) *istiḳāmat al-ṭarīq* (straightness of the way)³⁰
- (2) *al-'adl* (justice)³¹
- (3) *al-i'timād wa al-amm* (determination, intention)³²
- (4) *ityān al-shay'* (coming to something)³³
- (5) *mā bayna al-isrāf wa al-taqṭīr* (moderation between extravagance and miserliness)³⁴
- (6) *al-kasr* (breakage).³⁵

The most suitable meaning of *maqāṣid* is the third and fourth meanings which cover the meaning of the intention and

³⁰ Ibn Manẓūr, "Faṣl Al-Qāf," 353.

³¹ Ibn Manẓūr, 353.

³² Ibn Manẓūr, 353.

³³ Ibn Manẓūr, 353.

³⁴ Ibn Manẓūr, 354.

³⁵ Ibn Manẓūr, 355.

determination on something.³⁶ It is said that the original meaning of the word consists of *qāf*, *ṣād*, and *dāl* in the speech of the Arabs is determination, direction, and rise toward something, whether in moderation or injustice.³⁷ Other similar meanings to define *maqāṣid* are purposes, designs, aims, ends, goals, and objectives.³⁸

Al-sharī'ah is a specific noun. It is derived from *shara'a* – *yashra'u* – *shar'an*. The word *al-sharī'ah* has several meanings mentioned as follows:

- (1) "Places that a part of it descends into the water."³⁹
- (2) "Water resource that people go to drink and retrieve the water from."⁴⁰
- (3) "A place in the seashore where the animals come in."⁴¹
- (4) "What Allāh has legislated from the religion and what He commanded, such as fasting, pilgrimage, *zakāh*, and every good deed."⁴²
- (5) Religion and way of life (*dīn*, *millah*, *minhāj*).⁴³

³⁶ Al-Yūbī, *Maqāṣid al-Sharī'ah al-Islāmīyah*, 28–29.

³⁷ Ibn Manẓūr, "Faṣl Al-Qāf," 355.

³⁸ Baalbaki, *Al-Mawrid*, 862 and 1091–92.

³⁹ Ibn Manẓūr, "Faṣl Al-Shīn," 175.

⁴⁰ Ibn Manẓūr, 175.

⁴¹ Ibn Manẓūr, 176.

⁴² Ibn Manẓūr, 176.

⁴³ Ibn Manẓūr, 176.

The first three meanings show that *sharī'ah* refers to a water resource. The other meaning refers to what Allāh has legislated and commanded from the religion. *Sharī'ah* also means religion or a way of life. Religion is a general meaning, which includes other religions besides Islam. However, in the context of *maqāṣid al-sharī'ah*, it is more suitable that the meaning of *al-sharī'ah* is Islamic *sharī'ah*.

Linguistically, it can be deduced that *maqāṣid al-sharī'ah* means the purpose, intention, goal, or objective of the *sharī'ah*. In terminology, the scholars define *maqāṣid al-sharī'ah* with various definitions:

- (1) *Ibn 'Āshūr*: "The meanings and wisdom of the Lawmaker noted in all conditions of legislation or most of it."⁴⁴
- (2) *'Alāl al-Fāsī*: "The aim (of the *sharī'ah*) and the secrets laid down by the Lawgiver in each of its rulings."⁴⁵
- (3) *al-Ḥasanī*: "The intended beneficial purposes of the rulings, and the intended meanings of the speech."⁴⁶
- (4) *al-Raysūnī*: "The goals, which the *sharī'ah* is established in order to achieve them, for the benefit of the people."⁴⁷

⁴⁴ Ibn 'Āshūr, *Maqāṣid Al-Sharī'ah al-Islāmiyyah*, 2:251.

⁴⁵ Al-Fāsī, *Maqāṣid Al-Sharī'ah al-Islāmiyah Wa Makārimuhā*, 7.

⁴⁶ Al-Ḥasanī, *Naẓarīyat Al-Maqāṣid*, 119.

⁴⁷ Al-Raysūnī, *Naẓarīyat Al-Maqāṣid*, 19.

- (5) *al-Khādīmī*: “They are the meanings observed in the *sharīʿah* rulings, and consequent upon them, whether those meanings are partial wisdom, general interests, or global characteristics, and they gather within one goal, which is: establishing the servitude to Allāh and attaining the human interest in two worlds.”⁴⁸
- (6) *al-Yūbī*: “Meanings, wisdom, and so forth that the Lawgiver preserves generally and specifically in the legislation, to achieve the benefit of the people.”⁴⁹

It can be summarized that *maqāṣid al-sharīʿah* refers to the purposes, meanings, and wisdom of the *sharīʿah*. These purposes, meanings, and wisdom are preserved by Allāh as the Lawgiver in His legislation to establish servitude to Allāh and attain the benefits of the people in the world and the hereafter.

2.2 Classification of *Maqāṣid al-Sharīʿah*

Classification of *maqāṣid al-sharīʿah* according to priority and demand:

- (1) *Ḍarūrīyāt* (necessities): Necessary objectives to establish the benefits of religion and the world.⁵⁰ The necessities contain the preservation of five elements: religion, life, intellect, wealth, and lineage.⁵¹

⁴⁸ Al-Khādīmī, *Al-Ijtihād al-Maqāṣidī*, 52–53.

⁴⁹ Al-Yūbī, *Maqāṣid al-Sharīʿah al-Islāmiyah*, 37.

⁵⁰ Al-Shāṭibī, *Al-Muwāfaqāt*, 1997, 2:17.

⁵¹ Al-Shāṭibī, 2:17.

- (2) *Hājīyāt* (needs): The requirements needed to relieve and lift difficulty, burden, and hardship.⁵² Examples: concession (*rukḥṣah*) for travelers and sick people in shortening *ṣalāh* and fasting on Ramadan, the permissibility of loans, sharecropping contract, and advance payment sales (*bay' al-salām*).⁵³
- (3) *Taḥsīnīyāt* (luxuries): Appropriate matters according to customs and ethics, which do not lead to difficulty and hardship.⁵⁴ Examples: purification, covering one's private parts, the etiquette of eating and drinking, and prohibition of selling impurities.⁵⁵

Classification of *maqāṣid al-sharī'ah* according to its inclusiveness:

- (1) *Maqāṣid 'Āmmah* (general objectives): The objectives observed in all fields of *sharī'ah* or most of them.⁵⁶ The examples of general objectives of the *Sharī'ah*: maintaining the five essentials (preservation of religion, life, intellect, wealth, and lineage), eliminating harm, lifting difficulties, and enforcing justice among people.⁵⁷

⁵² Al-Shāṭibī, 2:21.

⁵³ Al-Shāṭibī, 2:21.

⁵⁴ Al-Shāṭibī, 2:22.

⁵⁵ Al-Shāṭibī, 2:22–23.

⁵⁶ Al-Khādimī, *ʿIlm al-Maqāṣid al-Sharī'iyah*, 72; al-Raysūnī, *Madkhal Ilá Maqāṣid Al-Sharī'ah*, 14.

⁵⁷ Al-Raysūnī, *Madkhal Ilá Maqāṣid Al-Sharī'ah*, 14.

(2) *Maqāṣid Khāssah* (specific objectives): The objectives that are related to a field or certain fields or several topics in *sharī'ah* law that are close to each other.⁵⁸ Examples of *Sharī'ah's* specific objectives are objectives in family law, objectives regarding finance, objectives pertaining to judgments and evidence, objectives of worship, objectives of transactions, etc.⁵⁹

Maqāṣid Juz'iyah (partial objectives): The objectives that are related to specific issues. It is the objective of each ruling of *Sharī'ah* in obligation, recommendation, forbiddance, dislike, or condition.⁶⁰ Examples: the objective of having witnesses in marriage is to strengthen the marriage contract and prevent disputes and denial,⁶¹ objectives of ablution, objectives of *ṣalāh*, etc.⁶²

2.3 Importance of Maqāṣid al-Sharī'ah in the Fatwá of the Indonesian Scholars' Council

Maqāṣid al-sharī'ah is important when dealing with the texts of *Sharī'ah*. It helps a *muftī* to comprehend the meaning of the text, assists in checking and making sure that the evidence on an issue is safe from contradiction, and helps in giving

⁵⁸ Al-Raysūnī, 14.

⁵⁹ Al-Raysūnī, 14.

⁶⁰ Al-Raysūnī, 15.

⁶¹ Al-Raysūnī, 15.

⁶² Al-Yūbī, *Maqāṣid al-Sharī'ah al-Islāmīyah*, 415.

preponderance or combining two contradicted pieces of evidence.⁶³

Knowledge of *maqāṣid al-sharī'ah* is necessary when establishing a ruling on an issue in which the ruling is unknown in the *Sharī'ah* texts and there is no comparison in other cases.⁶⁴ It not only helps a *muftī* in his deduction but also in considering the contradiction between benefits and harms.⁶⁵ Besides that, *maqāṣid al-sharī'ah* can be used to verify whether a *fatwá* is valid and acceptable in *Sharī'ah* or not by examining the conformity of the *fatwá* with the objectives of *Sharī'ah*.⁶⁶

In the *fatwás* of the Indonesian Scholars' Council, *maqāṣid al-sharī'ah* is an important concept to be preserved when establishing a *fatwá*. It is mentioned in the guidelines that the establishment of a *fatwá* must be done while maintaining benefits (*masālih*) and preserving *maqāṣid al-sharī'ah*.⁶⁷ According to the *fatwá* Number 6/MUNAS VII/MUI/10/2005, benefit in Islamic law is the achievement of *maqāṣid al-sharī'ah* manifested in the preservation of five essentials (*al-ḍarūrīyāt al-khams*), which are the preservation of religion, intellect, life, wealth, and lineage.⁶⁸ It can be deduced that the implementation of *maqāṣid al-sharī'ah* in the Indonesian Scholars' Council *fatwá* is by maintaining the five essentials.

⁶³ Ibn 'Āshūr, 2:183.

⁶⁴ Ibn 'Āshūr, 2:184.

⁶⁵ Al-Shībān, "Ḍawābiṭ Al-Fatwá," 260.

⁶⁶ Al-Shībān, 260.

⁶⁷ Indonesian Scholars' Council, Fatwa Establishment Guidelines 2015, Chapter III, Article 7.

⁶⁸ Majelis Ulama Indonesia, "Kriteria Maslahat (Criteria of Interests)."

3. RESEARCH METHODOLOGY

This study used a qualitative approach to obtain the best analysis of *maqāṣid al-sharī'ah* in the *fatwās* of the Indonesian Scholars' Council. The primary data of the study is the medical *fatwās* from the *Ijtima'* of the Indonesian Scholars' Council. It was collected by document analysis. The secondary data was collected from various books, journals, and writings about *maqāṣid al-sharī'ah* and the analysis of Indonesian Scholars' Council *fatwās*. Then, the data was analyzed by content analysis method to uncover the meanings found in the texts. The general steps for data analysis in this study are based on the procedure of qualitative research by Creswell⁶⁹:

- (1) Preparation of the data which consists of the *fatwās* of the Indonesian Scholars' Council and the references related to *maqāṣid al-sharī'ah* and analyses of the Indonesian Scholars Council's *fatwās*.
- (2) Coding or organizing the *fatwās* of the Indonesian Scholars' Council on medical issues.
- (3) Generating themes from the coding process after sorting the *fatwās* with the same theme.
- (4) Analyzing medical *fatwās* of the Indonesian Scholars' Council from the perspective of *maqāṣid al-sharī'ah*.
- (5) Drawing conclusions from the findings.

⁶⁹ Creswell, *Research Design*.

4. RESULTS

4.1 Preservation of Five Essentials

After analyzing the *fatwás* and observing the evidence, the implementation of *Sharī'ah* general objectives, particularly the preservation of five essentials, in medical issue *fatwás* of the Indonesian Scholars' Council can be seen in table 1.

Table 1. Preservation of Five Essentials in the *Fatwás* of the Indonesian Scholars Council

Issue	Preservation of Five Essentials				
	Religion	Intellect	Life	Wealth	Lineage
Embryo Transfer					✓
Alternative Medicine	✓		✓		
Vasectomy					✓
Eye Bank			✓		
The Use of Nicotine		✓	✓		
Immunization			✓		
The Use of Ethanol		✓	✓		
The Use of Blood Plasma			✓		
Uterus Transplantation					✓

Table 1 shows the preservation of five essentials considered in nine medical issue *fatwás* of the Indonesian Scholars Council.

Based on the number of occurrences, the preservation of life was considered in six of nine *fatwás*, followed by the preservation of lineage in three *fatwás*, then the preservation of intellect in two *fatwás*, and the preservation of religion in one *fatwá*. Consideration of wealth preservation was not found during the study.

4.2 The Use of al-Qawā'id al-Fiqhīyah

Apart from the Qur'ān and Sunnah, there are *al-qawā'id al-fiqhīyah* (maxims of Islamic law) mentioned nearly in every *fatwá* of the Indonesian Scholars Council. Maxims of Islamic law can be used to recognize *maqāṣid al-sharī'ah*. It is because the maxims contain clear descriptions regarding purposes and objectives in Islamic law.⁷⁰ However, not all of them related to the concept of *maqāṣid al-sharī'ah*.

The maxims of Islamic law that indicate the general objective of Shari'ah in achieving benefit and removing harm can be seen in table 2.

Table 2. Maxims of Islamic Law Related to Maqāṣid al-Sharī'ah

Issue	Maxims of Islamic Law (<i>al-Qawā'id al-Fiqhīyah</i>)
Embryo Transfer	Avoiding detriment takes precedence over bringing about benefit (<i>Dar'ul mafāṣid muqaddam 'alá jalb al-maṣāliḥ</i>)
Alternative Medicine	Avoiding detriment takes precedence over bringing about benefit (<i>Dar' al-mafāṣid muqaddam 'alá jalb al-maṣāliḥ</i>)

⁷⁰ Al-Zuḥaylī, *Al-Qawā'id al-Fiqhīyah Wa Taṭbīqātuhā Fī al-Madhāhib al-Arba'*, 28.

Vasectomy	-
Eye Bank	Necessities may permit forbidden things (<i>al-ḍarūrāh tubīḥu al-maḥzūrāt</i>) When two detriments or two harms contradict, take the greatest harm into consideration by committing the least of the two (<i>Idhā ta'āraḍat mafsadatān aw ḍararān rū'īya a'ḍamuhumā ḍararan bi-rtikāb akhaffihimā</i>) When two evils or harms contradict, Sharī'ah intends to avert the worst of the two harms and two evils (<i>idhā ta'āraḍat sharrān aw ḍararān qaṣada al-shar' daf' ashadd al-ḍararayn wa a'ḍam al-sharrayn</i>) Harm must be eliminated (<i>al-ḍarar yuzāl</i>)
The Use of Nicotine	Necessity is determined according to its extent (<i>al-ḍarūrah tuqaddar bi-qadrihā</i>) Harm must be eliminated (<i>al-ḍarar yuzāl</i>). Harm should be avoided as much as possible (<i>al-ḍarar yudfa' bi-qadr al-imkān</i>)
Immunization	Averting something before its occurrence takes precedence over eliminating it (<i>al-daf' awlā min al-raf'</i>) Harm should be avoided as much as possible (<i>al-ḍarar yudfa' biqadr al-imkān</i>) Harm must be eliminated (<i>al-ḍarar yuzāl</i>) Need can develop into necessity (<i>al ḥājah tanzilu manzilat al ḍarūrah</i>) Necessities may permit forbidden things (<i>al-ḍarūrāh tubīḥu al-maḥzūrāt</i>)

	What is permitted for necessity is determined according to its extent (<i>mā ubīḥa lil-ḍarūrah yuqaddar biqadrihā</i>)
The Use of Ethanol	Harm should not be inflicted nor reciprocated (<i>lā ḍarar wa-lā ḍirār</i>)
	If a lawful and unlawful thing come together, the unlawful thing predominates (<i>idhā ijtama'a al-ḥalāl wa-al-ḥarām ghuliba al-ḥarām</i>)
	Harm must be eliminated (<i>al-ḍarar yuzāl</i>)
	Avoiding detriment takes precedence over bringing about benefit (<i>dar'ul mafāsid muqaddam 'alá jalb al-mašāliḥ</i>)
The Use of Blood Plasma	Necessity is determined according to its extent (<i>al-ḍarūrah tuqaddar biqadrihā</i>)
Uterus Transplantation	Necessity is determined according to its extent (<i>al-ḍarūrah tuqaddar biqadrihā</i>)
	Harm must be eliminated (<i>al-ḍarar yuzāl</i>)
	Need can develop into necessity (<i>al ḥājah tanzilu manzilat al ḍarūrah</i>)

Most of the maxims of Islamic law mentioned in the Indonesian Scholars' Council fatwás are maxims that contain the concept of removing harm, such as "*al-ḍarar yuzāl*" (harm must be eliminated) and "*dar' al-mafāsid muqaddam 'alá jalb al-mašāliḥ*" (avoiding detriment takes precedence over bringing about benefit). The use of these maxims indicates the application of

the concepts *maṣlaḥah* and *mafsadah* which is a concept included in *maqāṣid al-sharī'ah*.

Besides that, there are maxims that contain necessity such as "*al-ḍarūrāt tubīḥ al-maḥzūrāt*" (Necessities permit the prohibited) and "*al-ḍarūrah tuqaddar bi-qadrihā*" (necessity is determined according to its extent). Necessity has a relation with the concept of *maqāṣid al-sharī'ah* as well. In the situation where the five essentials are harmed, the *Sharī'ah* objective is to preserve them and remove the harm.

4.3 The Use of *Maṣlaḥah Mursalah*

Other than *al-qawā'id al-fiqhīyah* (maxims of Islamic law), *maṣlaḥah mursalah* is also mentioned in the evidence of *fatwā* regarding eye bank, organ donation, and transplantation. *Maṣlaḥah mursalah* is a benefit that is not confirmed by *Sharī'ah* texts nor it is abolished. In contemporary issues where there are no *Sharī'ah* texts that address the ruling of the issues, *maṣlaḥah mursalah* is used in determining the ruling of these issues.

The use of *maṣlaḥah mursalah* also indicates an implementation of *maqāṣid al-sharī'ah* in establishing a ruling. It is because maintaining the objectives of *Sharī'ah* is considered as *maṣlaḥah* (benefit). According to the Indonesian Scholars' Council, *maṣlaḥah* in Islamic law is the achievement of *maqāṣid al-sharī'ah* manifested by maintaining the five essentials: religion, intellect, life, wealth, and lineage.⁷¹

By considering the opinion of the scholars in the past, the Indonesian Scholars' Council explained further the meaning of

⁷¹ Majelis Ulama Indonesia, "Kriteria Maslahat (Criteria of Interests)."

maṣlaḥah or benefits. According to al-Ghazālī, *maṣlaḥah* is the preservation of *Sharī'ah* objectives.⁷² Everything that embodies the preservation of five essentials is considered a benefit in Islamic law. It means that the preservation of religion, life, intellect, lineage, and wealth are benefits. Accordingly, everything that annuls benefit is harm, and removing harm is counted as a benefit.⁷³

5. DISCUSSION

5.1 Embryo Transfer

From the perspective of Islamic law, the prohibition of transferring embryos from a husband and wife to foreign women is in accordance with Islamic law which has legislation that the believers must protect their private parts from unlawful actions such as *Sūrah al-Mu'minūn* (23): 5-7 and *al-Ma'ārij* (70): 29-31. Based on these verses, to implant the embryo in the womb of a woman who does not have a marital relationship is not in accordance with the meaning of the verses. The uterus is a part of a woman's body that is not lawful except for her husband. The thing that allows a man to have rights over a woman including private parts and the womb is marriage. Thus, transferring the embryo into the womb of a foreign woman is forbidden according to *Sharī'ah*.

In the fatwá there is a *ḥadīth* that contains a prohibition from the Prophet *ṣallá-llāhu 'alayhi wa-sallam* for the believers to have intercourse with women who are pregnant by other men. He *ṣallá-llāhu 'alayhi wa-sallam* said, "It is not lawful for a man who

⁷² Al-Ghazālī, *Al-Mustaṣfá min 'Ilm al-Uṣūl*, 1:416.

⁷³ Al-Ghazālī, 1:417.

believes in Allah and the last day to water what another has sown with his water.”⁷⁴ This prohibition aims to protect offspring and avoid mixing offspring. This is because having intercourse with a woman who is pregnant by another man can cause the lineage to be mixed. Thus, Islamic law prohibits this act. According to this *ḥadīth*, transferring the embryo to another wife of the husband can cause problems in the lineage, such as when the second wife is pregnant from the husband even after transferring the embryo.

One of the *Sharī'ah* objectives is the preservation of lineage. Transferring the embryo to another woman's womb may cause confusion and mix the lineage, whether it is another wife of the husband or not. Thus, to prevent harm to the lineage, transferring the embryo must not be done except into the womb of the wife from whom the embryo originated. Other ways of embryo transfer are prohibited in *Sharī'ah*.

The Indonesian Scholars' Council mentioned a maxim of Islamic law: “*dar' al-mafāṣid muqaddam 'alá jalb al-maṣālih*,” which means avoiding detriment takes precedence over bringing about benefit. In terms of benefits, having offspring is permissible and counted as a benefit for humans. However, the harm that will occur is even greater if embryo transfers are allowed without conditions. Thus, preventing harm takes precedence in consideration rather than achieving benefits. In the principle of *maqāṣid al-sharī'ah*, if a benefit contradicts *Sharī'ah*, then that benefit is not valid. In this case, transferring of embryo to the uterus of a foreign woman or another wife of the husband

⁷⁴ Al-Sijjīstānī, *Sunan Abī Dāwud*, 2009; al-Sijjīstānī, “Sunan Abi Dawud 2158 - Marriage.”

contradicts *Sharī'ah*. It causes a mixing of lineage. Hence, having offspring obtained from an unlawful method of embryo transfer is not considered a benefit and Islam intends to remove harm caused by that practice.

5.2 Alternative Medicine

According to the *fatwá*, there are two types of alternative medicine methods: alternative medicine that contains *shirk* or magic and alternative medicine that does not contain *shirk* or magic. The first type is prohibited. The second type of medicine and treatment must be measured by the *Sharī'ah* law, such as using pure and lawful materials and avoiding using unlawful methods.

The prohibition of using magic for treatment or medication is in accordance with the principles of medication in Islam because all forms of treatment using unlawful methods are not permitted in Islam, including magic. From the concept of benefits and harm, *shirk* brings harm to a man's religion. If the one who commits *shirk* does not repent until his death, he is forbidden from entering Paradise and he will be punished in Hellfire as Allāh said in the Qur'an.⁷⁵ This is considered to be a great harm to humans, and *Sharī'ah* intends to remove this harm by forbidding *shirk* and every means that leads to *shirk*.

In the *fatwá*, a number of evidence point out the dangers of polytheism (*shirk*) and magic. *Sūrah an-Nisā'* (4): 16 contains the dangers of *shirk*, namely that *shirk* is a sin that cannot be forgiven. There is also a *ḥadīth* that shows the dangers of going

⁷⁵ The Qur'ān 5:72.

to a magician or soothsayer. In the *ḥadīth* reported by *al-Imām* Muslim, it is stated that a person who visits a soothsayer then his prayers will not be accepted for forty days.⁷⁶ Whereas the *ḥadīth* of Abū Hurayrah reported by Imam Aḥmad and al-Ḥākim contains that whoever justifies the words of the magician then he is a disbeliever.⁷⁷ All verses and *ḥadīths* that prohibit taking treatment using magic indicate the implementation of *maqāṣid al-sharī'ah* to preserve religion.

Besides the preservation of religion, the preservation of life is also considered in the *fatwá*. However, the preservation of religion takes precedence over the preservation of life. In the concept of *maqāṣid al-sharī'ah*, the preservation of religion is a top priority compared to other preservations. Although the *fatwá* does not mention the priority of this preservation, the use of the maxim of Islamic law "avoiding harm takes precedence over achieving benefits" (*dar' al-mafāṣid muqaddam 'alá jalb al-maṣāliḥ*) can be evidence on the priority of preserving religion.

Preservation of religion, which is manifested in the prohibition of taking treatment using magic, takes precedence over taking treatment which is part of life preservation. If the method of treatment does not contain *shirk* and the religion of people is not threatened, then the preservation of life is considered in the permission of the treatment. Therefore, treatment using any

⁷⁶ al-Ḥajjāj, *Ṣaḥīḥ Muslim*, 1991, 1:1751; ibn Ḥanbal, *Musnad*, 1999, 27:197; al-Ḥajjāj, "Sahih Muslim 2230 - The Book of Greetings."

⁷⁷ Ibn Ḥanbal, *Musnad*, 1997, 15:331; al-Ḥākim, *al-Mustadrak*, 2002, 1:50.

methods other than magic is permissible as long as it uses lawful and pure material.

5.3 Vasectomy

The establishment of the *fatwá* that vasectomy is prohibited based on the opinion that it is categorized as sterilization which contradicts the purpose of *Sharī'ah* to preserve lineage. The Indonesian Scholars' Council presented various verses from the Qur'an. The main point of the verses mentioned in the *fatwá*, which are Al-An'ām (6):151, Al-Isrā' (17):31, Al-An'ām (6): 137, is a prohibition of killing children. The polytheists used to bury their children for fear of poverty and buried their daughters for fear of disgrace.⁷⁸ In the Sunnah, the Prophet ﷺ prohibited his followers from burying their daughters alive.⁷⁹ It is clear from the Qur'an and Sunnah that killing children is prohibited. *Sharī'ah* intends to preserve the life and the lineage of human beings. In this case, sterilization and vasectomy are not in accordance with the intention of *Sharī'ah* to preserve lineage.

Another verse of the Qur'an presented in the *fatwá* is *Ash-Shūrā* (42):50. This verse comprises meaning that Allāh is the One who grants children for whomever He wills and withholds them from whomever He wills. Al-Sa'dī mentioned the meaning of this verse and the previous verse. They indicate Allāh's authority and providence upon His creations.⁸⁰ Among them is the legislation of marriage which is the cause of the birth of children

⁷⁸ Ibn Kathīr, *Tafsīr al-Qur'ān al-'Adhīm*, 3:309.

⁷⁹ Al-Dārimī, *Musnad Al-Dārimī*, 1810–11.

⁸⁰ Al-Sa'dī, *Taysīr Al-Karīm al-Raḥman*, 897.

and He grants children to whom He wills.⁸¹ This meaning confirms the preservation of lineage in Islam.

Preservation of lineage is one of general objectives that keep mankind's lineage and protect them *Sharī'ah's* from extinction. It is reported from Anas that the Prophet ﷺ used to command his companions to marry and forbid celibacy and say, "Marry women who are beloved (due to their good characteristics), prolific in bearing children, for I shall outnumber the Prophets by you on the Day of Resurrection."⁸² This *ḥadīth* gives a clear indication that *Sharī'ah* intends to preserve lineage by recommending marriage and prohibiting celibacy.

Furthermore, *Sharī'ah* comes to achieve benefits and remove harm. In the case of vasectomy with the intention of sterilization, the harm is more prominent than the benefit. Although recanalization of vas deferens is possible, the probability of having children will decrease after vasectomy.⁸³ Hence, vasectomy is prohibited.

There are additional conditions mentioned in the *fatwá* established in 2012 regarding vasectomy surgery. By any means, vasectomy is prohibited except if it needs to be performed for acceptable reasons or purposes that do not contradict Islamic law. It must not cause permanent sterility and there is a guarantee that the canal can be restored to its original

⁸¹ Al-Sa'dī, 897.

⁸² Ibn Ḥanbal, *Musnad*, 1997; al-'Asqalānī, "Hadīth - Marriage - Bulugh al-Maram," n.d.

⁸³ Majelis Ulama Indonesia, "Fatwa." See fatwa of 4th *Ijtimā'* 2012 on vasectomy.

state and function. It also must not cause harm to the patient. Additionally, the Indonesian Scholars' Council stated that vasectomy must not be recommended by the government as part of the contraception program. The purpose of these conditions is to ensure the preservation of *Sharī'ah* objective which is the preservation of lineage and prevention from the harm caused by vasectomy.

5.4 Eye Bank, Organ Donation, and Transplantation

The implementation of *maqāṣid al-sharī'ah* in this issue is evident in the concept of benefits and harm. In the permissibility of organ donation, transplantation, and eye banks, there are benefits that *Sharī'ah* intends to achieve, which are the preservation of life and removing harm from people. In some conditions, organ donation, organ transplantation, and eye banks may be necessities when a life of human is threatened. While in other conditions they are not necessary but needed to remove the harm. Still, organ donation, organ transplantation, and eye banks are allowed in order to preserve human life.

Another concept of *maqāṣid al-sharī'ah* in this *fatwá* is the objective of removing harm. This objective can be observed from the maxims of Islamic laws as follows:

- *Idhā ta'āraḍat maḥsabatān aw ḍararān rū'iya a'ẓamuhumā ḍararan bi-rtikāb akhaffihimā* (when two detriments or two harms contradict, take the greatest harm into consideration by committing the least of the two).
- *Idhā ta'āraḍat sharrān aw ḍararān qaṣada al-shar' daf' ashadd al-ḍararayn wa a'ẓam al-sharrayn* (when two

evils or harms contradict, *Sharī'ah* intends to avert the worst of the two harms and two evils).

These maxims of Islamic law are also considered the maxims of *maqāṣid al-sharī'ah* because these maxims indicate the intention of *Sharī'ah* to avert the worst of two harm by committing the lesser harm. In this issue, the application can be seen when taking priority of the harm caused by organ or cornea donation from a deceased person and the harm of neglecting organ donation from the one in need.

Another maxim is the maxim *al-ḍarar yuzāl* (harm must be eliminated). The use of this maxim in prohibiting a living person from donating cornea or permitting organ donation from a deceased person is an indication of the *Sharī'ah's* intention to remove harm.

Aside from removing harm, the concept of benefits or the application of *maṣlaḥah mursalah* in this *fatwá* also indicates the attempt to establish a *fatwá* that corresponds with the objectives of *Sharī'ah* to preserve life and achieve benefits for mankind. In this issue, the benefits of organ donation, organ transplantation, and eye banks are not affirmed nor rejected in the texts of *Sharī'ah*, However, these benefits are in accordance with the general purpose of *Sharī'ah*.

5.5 The Use of Nicotine as Medicine

The prohibition of nicotine consumption in the *fatwá* is in accordance with the aim of the *Sharī'ah* to preserve human life and intellect. The dangers caused by long-term consumption of nicotine can be detrimental to health and life-threatening. Nicotine can also cause addiction and affect brain function.

These effects of consumption contradict the purpose of *Sharī'ah* to protect the mind or intellect.

The prohibition of consuming nicotine is supported by verses in the Qur'an that are mentioned in the *fatwá*. In *Sūrah al-A'rāf*: 157 it is stated that the teachings brought by Allāh's messenger ﷺ are to justify good and forbid evil. In Islam, all bad things and evil are prohibited and shunned. In *Sūrah al-Baqarah*: 195 there is a prohibition against self-destruction. Because of the harm contained in nicotine and the negative effects of its long-term use, nicotine is forbidden in Islamic law. This prohibition aims to prevent and eliminate harm that occurs as a result of nicotine consumption.

As for the purposes of treatment, nicotine consumption is temporarily permitted if there is no other drug that can replace it. Furthermore, its use must be proven to heal and give good results. Apart from medicinal purposes, the use of nicotine is forbidden. This is based on the rule that in an emergency situation, using things that are unlawful is only permissible to eliminate the danger in the state of emergency. Outside of emergency situations, using something unlawful is not allowed. The maxim of Islamic ruling regarding this matter is *al-ḍarūrah tuqaddar bi-qadrihā*: "Necessity is determined according to its extent." The objective of nicotine consumption permissibility in emergency situations is to eliminate a greater danger which is in accordance with the principles and general objectives of Islamic law.

5.6 Immunization

The implementation of *maqāṣid al-sharī'ah* in this *fatwá* is the preservation of life which can be observed in the permission of immunization using *ḥalāl* and pure vaccine. Immunization is a means to prevent disease. Maintaining health and treating diseases is also legislated in Islam as mentioned in the *ḥadīth*, "Use remedies. For indeed Allāh did not make a disease but He made a cure for it."⁸⁴ The vaccines used in immunization must contain *ḥalāl* and pure materials because using unlawful and impure materials as medicine is prohibited.

However, there are several conditions that allow immunization using vaccines made from non-*ḥalāl* and impure materials. In a life-threatening situation, immunization using vaccines made from *ḥarām* and impure materials is permissible under the condition that a *ḥalāl* and pure vaccine has not been found and its unavailability must be confirmed by a trusted doctor. Impure materials are allowed to be used in medicine as long as there is no substitute because safety and health are more important than staying away from impurities.⁸⁵ In this situation, the preservation of life takes precedence over the harm of using unlawful and impure materials in order to prevent greater harm that threatens life.

As for the prohibition of immunization using unlawful and impure vaccines, its objective is to prevent harm. Immunization using unlawful and impure material is prohibited in Islam and

⁸⁴ Al-Tirmidhī, *Sunan Al-Tirmidhī*, 407; al-Tirmidhī, "Jami` At-Tirmidhī 2038 - Chapters on Medicine."

⁸⁵ Al-Silmī, *Qawā'id al-Aḥkām fī Maṣāliḥ al-Anām*, 1:95.

considered harmful. There is a maxim that the Lawgiver does not command except for pure or preponderant benefits and does not forbid except for pure or preponderant harm. It means that unlawful materials are prohibited because of the harm contained in them. The use of *al-qawā'id al-fiqhīyah* that indicates this meaning is also mentioned in the *fatwá*, such as: “averting something before its occurrence takes precedence over eliminating it” (*al-daf' awlá min al-raf'*), “harm should be avoided as much as possible” (*al-ḍarar yudfa' biqadr al-imbān*), “harm must be eliminated (*al-ḍarar yuzāl*).

The objective of *Sharī'ah* to remove harm is also observed in the permissibility to use unlawful and impure vaccines in emergency situations. It is supported by the use of *al-qawā'id al-fiqhīyah* that is related to necessities or emergency situation, such as: “need can develop into necessity” (*al ḥājah tanzilu manzilat al ḍarūrah*), “necessities may permit forbidden things” (*al-ḍarūrāh tubīḥu al-maḥzūrāt*), and “what is permitted for necessity is determined according to its extent” (*mā ubīḥa lil-ḍarūrah yuqaddar biqadrihā*).

5.7 The Use of Ethanol as Medicinal Ingredients

There is no disagreement that intoxicants are prohibited in Islam. In *Sūrah Al-Mā'idah* (5): 90, Allāh the Exalted forbade intoxicants for Muslims. The use of intoxicants as medicine is also prohibited. In the Sunnah, the Prophet ﷺ forbade a Companion from producing intoxicants to cure illness and stated that they are not medicine but ailment.⁸⁶

⁸⁶ Al-Ḥajjāj, *Ṣaḥīḥ Muslim*, 1991, 3:1573.

The basic principle of medication in Islam is searching for a cure in a legal way (in accordance with *Sharī'ah*) and using only lawful and pure medicine.⁸⁷ Regarding the rule of using alcohol or ethanol in medicine, there are two kinds of alcohol mentioned in the *fatwá*. The first is the alcohol originating from intoxicants. It is impure (*najis*) and using it as medicine is forbidden as the rule on this kind of alcohol is the same as the rule on intoxicants. The second kind is the alcohol originating from non-intoxicants. It is pure (*ṭāhir*) and using it as medicine is permitted under the conditions that it is not dangerous for health, it is used in the right dosage, and it is not to be misused such as intentionally consuming it to get drunk.⁸⁸ The ruling of alcohol derived from non-intoxicants is different from the intoxicants because the cause of prohibition is intoxication or inebriety.

Establishing a *fatwá* regarding the use of alcohol or ethanol must consider the intoxication effect of the alcohol or ethanol. It is because *Sharī'ah* intends to preserve human intellect so that humans can perform their duty as the servants of Allāh. Intoxicants affect and harm the intellect. Thus, they are prohibited in the *Sharī'ah*. Alcohol or ethanol as the intoxicating substance found in intoxicants is prohibited for use as a medicinal ingredient. The objective is to preserve the intellect. Accordingly, if the amount of alcohol or ethanol does not cause

⁸⁷ Majelis Ulama Indonesia, "Fatwa." See the fatwa of 6th *Ijtimā'* 2018 on the use of ethanol as medicinal ingredients.

⁸⁸ Majelis Ulama Indonesia. See the fatwa of 6th *Ijtimā'* 2018 on the use of ethanol as medicinal ingredients.

intoxication, it is permissible to use alcohol or ethanol as a medicinal ingredient.

There are three *ḥadīths* that contain the preservation of intellect in the *fatwá*. The first is the *ḥadīth*: “Every intoxicant (*muskir*) is *khamr*, and every *khamr* is forbidden.”⁸⁹ The second is the *ḥadīth*: “All drinks that intoxicate are forbidden.”⁹⁰ The third is the *ḥadīth*: “If a large amount of anything causes intoxication, a small amount of it is prohibited.”⁹¹ The similarity of these *aḥādīth* is the prohibition of intoxicants. Intoxicant affects brain function and hinders its work and *Sharī’ah* intends to preserve human intellect. Therefore, consuming intoxicants or using them as medicinal ingredients is forbidden in Islam.

Aside from the preservation of intellect, the preservation of life is also considered in the permissibility of using ethanol as a medicinal ingredient. There is a *ḥadīth* that prohibits the use of intoxicants as medicine.⁹² In this case, the *ḥadīth* takes precedence over the concept of preserving life by permitting intoxicants to cure diseases. However, if alcohol or ethanol is not categorized as an intoxicant then it is permissible to use it as medicine. The intention of this permit is to preserve human life.

⁸⁹ Al-Ḥajjāj, “Sahih Muslim 2230 - The Book of Greetings,” 1587; al-Ḥajjāj, “Sahih Muslim 2003a - The Book of Drinks.”

⁹⁰ Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, 70; al-Bukhārī, “Sahih Al-Bukhari 242 - Ablutions.”

⁹¹ Al-Sijistānī, *Sunan Abī Dāwud*, 2009, 5:523; al-Sijistānī, “Sunan Abi Dawud 3681 - Drinks.”

⁹² Al-Ḥajjāj, *Ṣaḥīḥ Muslim*, 1991, 3:1573.

The concept of removing harm in this *fatwá* can be observed in the evidence mentioned in the *fatwá*. The first is *Sūrah al-Mā'idah* (5):90 which contains the commandment to avoid intoxicants. The second is *Sūrah al-Baqarah* (2): 195 which contains the prohibition of throwing oneself into destruction. Then, the *aḥādīth* that contains the prohibition of intoxicants. All of this evidence indicates the objective of *Sharī'ah* to remove harm caused by intoxicants.

Additionally, there are maxims of Islamic law that indicate *maqāṣid al-sharī'ah* in removing harm. These maxims are: "*lā ḍarar wa lā ḍirār*" (harm should not be inflicted nor reciprocated), "*al-ḍarar yuzāl*" (harm must be eliminated), and "*dar' al-mafāsīd muqaddam 'alá jalb al-maṣāliḥ*" (avoiding detriment takes precedence over bringing about benefit).

5.8 The Use of Blood Plasma as Medicinal Ingredients

There are two different opinions on whether blood plasma is considered as blood or not. The first opinion is that plasma is blood. Thus, plasma is impure (*najis*) in Islamic law, and it is not permissible to use it as an ingredient for medicine because medication must be done using pure and lawful means. The second opinion is that plasma is a different substance from blood. Under this opinion, plasma is considered pure (*tāhir*) because it is not blood and it is permissible to use it as a medicinal ingredient.

The council took the opinion that blood plasma is different from blood with the argument that blood plasma is a substance in the blood and it differs from blood in characteristics, color, smell,

and taste.⁹³ According to the *fatwá*, blood plasma is pure and it is permissible to be used as medicinal ingredients under the condition that it is used only for medication and used if necessary.⁹⁴ The blood plasma must be obtained from lawful (*ḥalāl*) animals. Using human and unlawful animal blood plasma in medicine is prohibited.⁹⁵

The council stated in the *fatwá* that the permissibility of using blood plasma as medicinal ingredients is an opinion on this issue. They acknowledged another opinion that blood plasma is impure and forbidden to be used in medicine. In that case, it is only allowed to be used in medication if necessary. In the medical field, relief and exceptions are found frequently because emergency situations often occur. Yet, the permissibility to use unlawful and impure things in emergency situations must be dealt according to the extent of necessity and must not exceed the boundary.

In this issue, the intention behind the permissibility of using blood plasma in medicine is the preservation of life. The Indonesian Scholars' Council included the maxim of Islamic law *al-ḍarūrah tuqaddar bi qadrihā*. It means that if the use of blood plasma is necessary, it can be used only to deal with the harm

⁹³ Majelis Ulama Indonesia, "Fatwa." See the fatwa of 6th *Ijtimā'* 2018 (titled *Ijtimā' Ulama 2018*) on the use of blood plasma as medicinal ingredients.

⁹⁴ Majelis Ulama Indonesia. See the fatwa of 6th *Ijtimā'* 2018 (titled *Ijtimā' Ulama 2018*) on the use of blood plasma as medicinal ingredients.

⁹⁵ Majelis Ulama Indonesia. See the fatwa of 6th *Ijtimā'* 2018 (titled *Ijtimā' Ulama 2018*) on the use of blood plasma as medicinal ingredients.

in the extent of the necessity. The intention behind that action is to eliminate harm and preserve life which are the objectives of *Sharī'ah*.

5.9 Uterus Transplantation

The Indonesian Scholars' Council has established a *fatwá* regarding organ transplantation. It is mentioned that organ transplantation is not allowed except if there is a necessity to perform it. Uterus transplantation is a part of organ transplantation. It is permissible if necessary. Infertility in women may be caused by illness or physical anomalies and women may undergo uterus transplantation if they are unable to bear offspring. After the transplantation, the uterus must only bear the embryo of the recipient and her husband. This is to emphasize and ensure that the lineage is preserved within the Islamically legal means.

The permissibility of uterus transplantation was also decided after considering the consequence of uterus transplantation on the lineage. The council took the opinion that the uterus is a reproductive organ that does not inherit genetic traits. It does not have the gonad and cannot pass the genetic traits. Thus, uterus transplantation is permissible because it has no effect on the lineage. The Indonesian Scholars' Council allows uterus transplantation only if there is a legitimate need or *ḥājah shar'īyah*. Therefore, there are several conditions mentioned in the *fatwá* that must be met before carrying out uterus transplantation. One of the conditions is to ensure that the embryo implanted after uterus transplantation belongs to a husband and wife who are legally married and still alive. This condition is important to ensure that the entire process of

uterus transplantation does not contradict the *Sharī'ah*. The intention is to remove harm from an unlawful embryo transfer.

Another condition is to make sure of the safety of the entire uterus transplantation process and procedure. The purpose of allowing uterus transplantation is to eliminate harm and lift the burden on women who cannot have children either due to disease or disability. However, if the transplant process is unsafe and impacts greater harm, then uterus transplantation is forbidden.

The intention of removing harm is apparent from the use of Islamic legal maxims in the *fatwá*. The maxim "harm must be eliminated" (*al-ḍarar yuzāl*) indicates the intention of removing harm that may appear if uterus transplantation is allowed without condition. In that case, allowing uterus transplantation under specific conditions is an implementation of *maqāṣid al-sharī'ah* to remove harm.

6. CONCLUSION

The implementation of *maqāṣid al-sharī'ah* in the *fatwás* of the Indonesian Scholars' Council can be seen through the analysis of the *fatwás* and the evidence. It is manifested in the preservation of the five essentials. Among the preservation of the five essentials, protection of life and lineage is found most often in the nine *fatwás*. Besides that, the general concept of *maqāṣid al-sharī'ah* to achieve benefits and remove harm is found in the *fatwás*. The concept of removing harm can be observed in the maxims of Islamic law (*al-qawā'id al-fiqhiyah*) used in the *fatwás*. Lastly, the use of *maṣlaḥah mursalah* also indicates the implementation of *maqāṣid al-sharī'ah*, which is to achieve benefits for humankind.

REFERENCES

- ‘Āshūr, M. T. i. (2001). Maqāṣid Al-Sharī‘ah al-Islāmiyyah (2nd ed., Vol. 2). Dār al-Nafā‘is.
- ‘Asqalānī, A. I. ‘. M. i. A. ibn. (n.d.). Ḥadīth - Marriage - Bulugh al-Maram [Web log post]. sunnah.com. <https://sunnah.com/bulugh/8/3>
- Baalbaki, R. (1995). Al-Mawrid: A Modern Arabic-English Dictionary (7th ed.). Dar El-Ilm Lilmalayin.
- Bukhārī, M. i. I. a-. (2002). Ṣaḥīḥ al-Bukhārī (Vol. 1). Dār Ibn Kathīr.
- Creswell, J. W. (2014). Research Design: Qualitative, Quantitative, and Mixed Methods Approaches (4th ed.). SAGE Publications.
- Dārimī, ‘A. i. ‘. ‘. a-. (2000). Musnad Al-Dārimī (Ḥ. S. al-Dārānī, Ed.). Dār al-Mughnī.
- Fāssī, ‘A. a-. (1993). Maqāṣid Al-Sharī‘ah al-Islāmīyah Wa Makārimuhā (5th ed.). Dār al-Gharb al-Islāmī.
- Ghazālī, M. i. M. a-. (1997). Al-Mustaṣfá min ‘Ilm al-Uṣūl (Vol. 1). al-Risālah.
- Ḥajjāj, M. i. a-. (1991). Ṣaḥīḥ Muslim (Vol. 3). Dār al-Ḥadīth.
- Ḥanbal, A. i. (1997). Musnad al-Imām Aḥmad ibn Ḥanbal (Vol. 15). al-Risālah.

- Ḥasanī, I. a-. (1995). Naẓarīyat Al-Maqāṣid ‘inda al-Imām Muḥammad al-Ṭāhir Ibn ‘Āshūr. The International Institute of Islamic Thought.
- Kathīr, I. i. ‘. ‘. (1998). Tafsīr al-Qur’ān al-‘Adhīm (Vol. 3). Dār al-Kutub al-‘Ilmīyah.
- Khādīmī, N. a-. (1997). Al-Ijtihād al-Maqāṣidī: Ḥujjīyatuhu.. Ḍawābiṭuhu.. Majālātuhu. Ministry of Endowments and Islamic Affairs State of Qatar.
- Khādīmī, N. a-. (2001). ‘Ilm al-Maqāṣid al-Shar‘īyah. al-‘Abīkān.
- Majelis Ulama Indonesia. (2018, August 13). Fatwá. <https://mui.or.id/produk/fatwá>
- Majelis Ulama Indonesia. (2017, February 22). Kriteria Maslahat (Criteria of Interests). <https://mui.or.id/produk/fatwá/1027/kriteria-maslahat/>
- Manẓūr, M. i. M. i. M. i. (1414H). Faṣl Al-Qāf. In Lisān Al-‘Arab (Vol. 3). Dār al-Ṣādir.
- Manẓūr, M. i. M. i. M. i. (1414H). Faṣl Al-Shīn. In Lisān Al-‘Arab (Vol. 8). Dār al-Ṣādir.
- Raysūnī, A. a-. (2010). Madkhal Ilá Maqāṣid Al-Sharī‘ah. Dār al-Kalimah.
- Raysūnī, A. a-. (1995). Naẓarīyat Al-Maqāṣid ‘inda al-Imām al-Shaṭībī (4th ed.). The International Institute of Islamic Thought.

Sa'dī, 'A. i. N. a-. (2002). Taysīr Al-Karīm al-Raḥman Fī Tafsīr Kalām al-Mannān (Vol. 2). Dār al-Salām.

Shāṭibī, A. I. I. M. a-. (1997). Al-Muwāfaqāt (Vol. 2). Dār Ibn 'Affān.

Shībān, U. i. M. i. I. a-. (H 1435). Ḍawābiṭ Al-Fatwá Fī Ḍaw' al-Maqāşid al-Shar'īyah. Majallat Al-'Ulūm al-Shar'īyah, 30.

Sijistānī, A. D. S. i. A. ibn. (2009). Sunan Abī Dāwud (Vol. 5). Dār al-Risālah al-'Ālamīyah.

Silmī, 'A. al-. (1991). Qawā'id al-Aḥkām fī Maşāliḥ al-Anām (Vol. 1). al-Kulliyāt al-Azharīyah.

Yūbī, M. S. i. A. i. M. a-. (1998). Maqāşid al-Sharī'ah al-Islāmīyah wa-'Alāqatuhā bil-Adillah al-Shar'īyah. Dār al-Hijrah.

Zuḥaylī, M. M. a-. (2006). Al-Qawā'id al-Fiqhīyah Wa Taṭbīqātuhā Fī al-Madhāhib al-Arba'. Dār al-Fikr.