

## **Darurah Typology in Contemporary Health Sciences**

**Achmad Makki<sup>1</sup>, Hasbi Umar<sup>1</sup>, Bahrul Ulum<sup>1</sup>**

<sup>1</sup>Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi

Corresponding author e-mail: [makki9564@gmail.com](mailto:makki9564@gmail.com)

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**Abstract:** As the current advancement of health technology nears completion, so does the desire to discuss and learn about it. Scientists from both Islamic and non-Islamic scientific groups are discussing and even participating in its development. The advancement of health technology, which is valued by almost the entire world's population, necessitates a review of its benefits and drawbacks, including Islamic academics who see this necessity in terms of its relevance to aspects of Islamic law. According to academics, Islamic law in relation to technological developments is dynamic. It is subject to change due to its distinct nature from the source of law. Sources of law are *qat'i* (static), whereas legal products derived from these sources of law are *zanni* (dynamic); ensure change. The bizarre potential of this law is then used to trace all kinds of events, both old and new, particularly those concerning the advancement of contemporary health sciences.

**Keywords:** *Al-Darurah, Al-Maslahah, Relationship Between Al-Maslahah and Al-Darurah*

### **A. Introduction**

As current health technology advancements reach their apex, so does interest in discussing and learning about them. Scientists from both Islamic and non-Islamic scientific groups are discussing and even participating in its development. The advancement of health technology, which is valued by almost the entire world's population, necessitates a review of benefit and harm, including Islamic academics who see this necessity in terms of its relevance to aspects of Islamic law.

According to academics, Islamic law in relation to technological developments is dynamic. It is subject to change due to its distinct nature from legal sources. Sources of law are *qat'i* (static), whereas legal products derived from these sources of law are *zanni* (dynamic); ensure change. The bizarre potential of this law is then used to trace all kinds of events, both old and new, particularly in the field of contemporary health sciences.

Even though Ibn Sina, a Muslim scientist from Persia, pioneered health science, not all health products are always compatible with Muslim groups (Bakhtiar et al., 2014).

According to Islam, the advancement of modern health sciences has significant benefits while also containing fundamental disadvantages. These advantages can be seen in the success of modern health science in overcoming problems that classical science cannot solve, while the disadvantages can be seen in the use of materials, the application of methods, and the placement of health goals, which frequently receive criticism from the *ifuqaha* group.

In the case of cloning, modern medical science has proven capable of creating new creatures that are identical to their original form (Zein, 1997).

This discovery is unquestionably a scientific triumph, but it does not serve the purpose of human life. If cloning is limited to animals, it may be acceptable in terms of logic and norms. When applied to humans, however, this clearly contradicts not only the branches of law (*furu'*), but also the source of the law itself (*nass*).

Another example is the mall, which has recently emerged as an alternative 'way out'. Because, in addition to saving money, it can be ordered according to the patient's preferences. This type of practice, by definition, violates legal rules, particularly Islamic law (Burhanuddin, 2010). This contradiction affects not only scientific principles, but also many aspects of Islamic law, such as *jinayah*, *shahadah*, *muamalah*, and others. Implications for *jinayah* arise when malpractice results in death, implications for *shahadah* arise when testimony is required in a *jinayah* case, and *iqrar* is an implication of *muamalah*, which is the subject's acknowledgment of events, both civil and criminal.

Nonetheless, this does not imply that Islam opposes the advancement of health science and technology, but rather encourages it for the benefit of humans. It is at this point that the discussion of the relationship between the development of contemporary health sciences and the goals of benefit becomes interesting, namely that there is an intersection between the development of health science and benefit; both lead to the advancement of science-based civilization.

This study traces problems in the development of contemporary health sciences by pursuing the significance of material objects, specifically in operational areas of contemporary health sciences and areas of benefit coverage. It's just that the benefits assumed by health science must be reconsidered in order to determine the scope and/or limits of health science's operation among Muslims. As a result, it will be clear how Islam actually represents teachings that not only regulate the vertical relationship between humans and their God, but also affirm the horizontal relationship between humans, so long as they do not contradict and/or exceed the limits set by Shari' (law maker/God).

What this study intends to do, and what distinguishes it from al-Asyqar and Syahrur's studies (Syahrur, 1990), is not only to focus its discussion on tracing the legal terms of contemporary health science practice, but also to establish the concept of boundaries originating from the interpretation of the results itself (fiqh). He did not directly analyze the meaning of the Koran, but saw an opportunity to present fiqh decisions as the lightest (*haddial-akhaff*) and heaviest (*haddial-asqal*) typologies in order to determine whether or not contemporary health science practice is permissible.

If the issue of *darurah* is mentioned in the study of *maqasid sharia*, this study does not deny it, but rather sees a kind of space or empty space that needs to be filled. To round out the discussion of *darurah* presented by the *maqasid sharia* theory, this study offers what are known as *haddial-akhaff* and *hadd-al-asqal*.

This study employs the induction method to pursue formal object significance, tracing specific propositions to direct them to general propositions and then drawing conclusions from the tracking results. Reasoning (reasoning) towards principles and laws is raised as a rule in an epistemological-*syar'i* approach, completing the foundation of *darurah* on the *maqasid sharia* theory.

Because the use of *syar'i* epistemology is based on the principle of *maslahah*, which is a response to the dynamism of Islamic law, the epistemology used must also come from and benefit Islam itself. *Maslahah*, as defined by ash-Syatibi, is a type of substance that must refer to two aspects: aspects of reality and aspects of the *syar'i* book. The aspect of reality refers to the condition that requires Islamic law to conform to the contemporary context (*al-waqiiyah*), whereas the aspect of *khitaab syar'i* refers to how the law is produced by finding epistemological arguments that are consistent with *syar'i* principles (Asy-Syatibi, 1417).

The law of injection (*al-huqnah biial-ibrah*) during the day in Ramadan is a simple example that has probably been discussed by contemporary and even classical jurists. The context of *darurah* on this issue is classified based on the limitations on fasting cancellation (*haddial-butlan*). This understanding refers to the advantage of the *hifzian-nafs* aspect, as well as two understandings that absolutely allow and prohibit. The method that underpins the fuqaha's argument in establishing these *haddial-butlan* conditions, which will then be analogous to *hadd al-akhaff* and *hadd al-asqal* in the discussion of *darurah*.

In pursuing the significance of the research issue, this study wishes to state that in order to respond to the development of contemporary health sciences, an examination of the arguments that allow for its advancement is required. However, it is also necessary to understand the operational scope of health science that Islam permits. If the *'illat* used to allow is *darurah*, some kind of categorization and/or limitations for the *darurah* itself are required. From these constraints, Islamic law decisions on

contemporary health science issues will be obtained; decisions that are consistent with the reality of the development of health sciences while not contradicting the *syar'i khitab*.

## **B. Methods**

This study is a qualitative literature review that employs a *syar'i* epistemology approach (Irianto, 2011). This method is used to find legal *istidlal* that does not contradict the *syar'i khitab'i* (Prastowo, 2011). This approach is a synthesis of the epistemological approach, which is commonly thought to be Western in orientation, and the *syar'i* approach (*fiqh* and its proposals). The *syar'i* theme is used here not only because it is based on the Islamic jurisprudence family, but also because it must not conflict with the *syar'i khitab*.

A number of samples were drawn from various contemporary health science populations. These samples are linked, either directly or indirectly, to the five pillars of *maqasid sharia* (Ashshofa, 2013).

This is a literary study, the data collection method used is aimed at tracing data and information such as documents, both written and electronic, photographs, images, and electronic documents that can support the writing process and result in arguments. Academically, they are relatively well-established (Lexy, 2002).

Because the nature of this study is library research, the documentation method was used to collect data. This method consisted of tracing and studying various sources according to historical research patterns through the stages of data collection, data research, interpretation, and drawing conclusions (Sugiyono, 2009). Furthermore, data categorization into units, synthesis, pattern formation, selecting what is important and what will be studied, and drawing conclusions are all performed (Surakhmad, 1982).

## **C. Results and Discussion**

**What is the reality of the practice of developing modern health sciences?**

### **Medical Practice Definition**

Before delving deeper into the world of medicine, it is necessary to first define the medical profession. It should be noted that the medical profession is one that is concerned with human welfare, so it is said that the medical profession always follows moral and intellectual guidelines. It should also be noted that being a doctor entails being willing to serve and treat sick people in order to obtain prevention and treatment in order to obtain healing and physical health through prevention and

health status improvement. The term "medical practice" does not yet have a standard definition from experts, but it is related to the term medicine (medicine), which is defined as the science and practice of disease diagnosis, treatment, and prevention. The word medicine comes from the Latin word *medicus*, which means "doctor". Medicine encompasses the various health-care practices developed to maintain and restore health through disease prevention and treatment. Biomedical science, biomedical research, genetics, and medical technology are used in modern medicine to diagnose, treat, and prevent injuries and disease, usually through drugs or surgery, but also through a variety of therapies such as psychotherapy, external splints, and traction, among others. Equipment for medical, biological, and ionizing radiation.

### **Medical Practice's Scope**

Doctor is a profession that the people of Indonesia consider to be honorable. Based on the general explanation of Medical Practice Law No. 24 of 2009. It was explained that doctors, as one of the primary components of providing health care to the community, play a critical role because they are directly related to health care and the quality of care provided.

Doctors in practice have the most important foundation, which is their knowledge, technology, and competencies, which they obtain through education and training (Asyhadie, 2017). Their knowledge and knowledge must be continuously maintained and improved in accordance with the advancement of science and technology.

Dahlan (2000) explains in his book that a doctor's profession is a doctor's job. It is explained in several countries that there are several formulations of doctors' work, namely:

- a. Establish a clinic or office for this purpose.
- b. Announce publicly or privately in various ways that he is willing and ready to treat sick people anywhere in the country.
- c. Conduct and offer any investigation or diagnosis of any physical, mental disorder, or disease;
- d. Provide surgical assistance, prescriptions, drugs, or other materials to cure or relieve and/or alleviate mental or sports ailments in exchange for money or other forms of compensation.

### **Medical Practice's Legal Foundation**

According to Article 1 point 1 of Law No. 29 of 2004 concerning Medical Practice, Medical Practice is a series of activities carried out by doctors and dentists for patients in order to carry out health efforts (See also Article 1 point 1 of the Regulation of the Minister of Health of the Republic of Indonesia No. 2052/menkes/per/x/2011 concerning Medical Practice License and Implementation).

Medical practice implementation arrangements based on the principles of statehood, science, expediency, humanity, and justice (Soewono & Setyowati, 2007). UUPK exists to:

- a. protect patients;
- b. maintain and improve the quality of medical services provided by doctors and dentists; and
- c. provide legal certainty to the public, doctors, and dentists.

### **Medical Professionals' Legal Responsibilities**

The legal responsibility of the medical profession is important to explain in the literature review because it is closely related to the title that the author will investigate. The legal responsibilities of the medical profession in this description are expected to be used as a basis for the authors to look at the main issues, as the authors have stated that online-based health services do not yet have a regulatory legal basis.

### **Legal Implications**

Legal responsibility is the obligation to bear a consequence under applicable law for intentional or unintentional behavior or actions. Legal responsibility can also be interpreted as a manifestation of awareness of one's responsibilities.

In general, responsibility can be defined as the obligation to do something or to behave in a way that does not violate existing regulations.

In his book, Wahyu Sasongko argues that legal responsibility is defined as the responsibility to bear a consequence in accordance with the applicable legal provisions, and that there are legal norms or regulations governing responsibility. If an act violates a legal norm, the perpetrator may be held accountable under the law that was violated. Undergraduate health workers are doctors, dentists, pharmacists, and bachelors in the field of health, according to Law No. 6 of 1963 on Health Workers. Both health workers are baccalaureate, medium, and low level, and work in the fields of pharmacy, such as pharmacist assistants, midwifery, and nursing midwives, such as nurses, physiotherapists, and so on (Indar, 2017).

### **Responsibilities as a Professional**

Experts in the health sector work in a profession that involves risks. If the individual has performed his duties correctly in accordance with professional benchmarks (professional standards), he is entitled to legal protection. The legal responsibility of a doctor is known as medical responsibility (medical liability). Doctors' legal responsibilities are based on a professional code of ethics, and the development of a

professional code of ethics to be followed and implemented by its supporters has three (three) goals:

- a. A professional code of ethics facilitates the efficient adoption of decisions.
- b. Individually, the practitioners of this profession frequently require direction or guidance to direct their professional behavior.
- c. Professional ethics establishes a pattern of professional behavior that is expected of its customers. Thus, in health care, any doctor's actions that cause harm to patients as a result of negligence or carelessness in carrying out medical actions that are deemed harmful to patients can be held accountable. A doctor's motivation for continuing to try to keep the patient's body healthy or trying to make the patient's body healthy or heal the patient's body so that it returns to health, or at least taking action to reduce the patient's suffering, is noble (Ilyas, 2014). As a result, doctors are eligible for legal protection up to certain limits set by the relevant regulations. How far the law legitimizes or provides boundaries to protect or become a benchmark for the actions of doctors in carrying out a medical action is critical to understand for both the doctor and patients, as well as law enforcement officials (Praptianingsih, 2006).

**What is the relationship between *darurah* and *maslahah* as an argument that allows the practice of modern health sciences?**

### **The meaning of *Al - Maslahah***

Before explaining the meaning of *maslahah mursalah*, it is first necessary to discuss

*maslahah* *مصلحة* in the language *maslahah* comes from the words *صلح, يصلح*, *صلحا* which means something good, proper and useful. *Maslahah*, also known as *maslahat* in Indonesian, means benefit, benefit, good, good. Kindness, *gusna*, or utility.

While scholars disagree on the definition of *maslahah*, here are some of their thoughts:

- a. According to Al-Ghazali, *maslahah* means something that brings profit or benefit while keeping away from harm (harm). But, in essence, *maslahah*, that is ( *المحافظة* )

*على مقصود الشرع* maintains the purpose of *syara'* in establishing law). The *syara'* exists to preserve religion, soul, mind, lineage, and property.

- b. Al-Khwarizmi gives nearly the same definition as al-Gazali above, namely ( *المحافظة على مقصود الشرع بدفع المفسد عن الخلق* ) maintains the purpose of Islamic law by rejecting disaster/damage/things that are detrimental to human beings). Meanwhile, scholars agree that the goal of Islamic law is to protect religion, mind, property, soul, and lineage or honor.
- c. According to Ramadan al-Buti, *maslahah* is something useful that Allah the

Creator determines for the benefit of His servants, both their offspring and their property, in a specific order that can be obtained in the category of caring for it.

- d. According to Ahmad Al-Raysuni and Muhammad Jamal Barut, *maslahah* is everything that is good and beneficial to individuals and groups of people, while avoiding all *mafsada* (Alfikri, 2016).

### Miscellaneous *Maslahah*

*Maslahah* in the sense of *syara'* is not only based on rational considerations, but what is good by reason must also be in accordance with *syara'* goals. The goal of *syara'* is to uphold the five fundamental principles of life, such as the prohibition on drinking alcohol or the prohibition on adultery. Because it aims to preserve the mind/mental and protect offspring, this prohibition contains *maslahah*. As a result, the law's determination is consistent with basic human principles. *Maslahah* is broken down into several branches. *Maslahah* is divided into three types based on its strength as evidence to establish law:

- a. *Maslahah daruri* , المصلحة الضرورية is the benefit that humans truly require to sustain their lives. Human life is imperfect if one of these principles does not exist. In other words, avoid Allah's prohibition. means *maslahah* at the *daruri* level, such as the prohibitions on apostasy (preserving religion), killing (preserving the soul), drinking *khamar* (preserving the mind), adultery (preserving offspring), and stealing (protecting wealth).
- b. *Maslahah hajiyah*, المصلحة الاجية namely a benefit that does not directly meet basic needs but indirectly does so by providing convenience for the fulfillment of human life.
- c. *Maslahah tahsiniyah*, المصلحة التحسينية namely the benefit that must be fulfilled in order to provide perfection and beauty for human life. If *maslahah* has a conflict of interest, it must take precedence over *hajiyah*, and *hajiyah* takes precedence over *tahsiniyah*.

Aside from that, if there is a clash between fellow *daruri*, those at a higher level take precedence. As a result, an acceptable *maslahah* (*mu'tabarah*) is a necessary *maslahah*, which includes five fundamental guarantees, such as:

1. The Advantages of Religious Beliefs
2. The benefit of the soul
3. The benefit of reason
4. The benefit of family and heirs

## 5. Property advantage

### The definition of *al-Darura*

According to language, *الضَّرُّ* Al - *Darurah* comes from the word which means harm or calamity that cannot be avoided, or without anything that can withstand it. According to Ibn Faris in *Mu'jam Maqayis al-Lughah* *ضُرٌّ* which consists of two letters, namely the letters *الضَّاد* and *الرَّاء* contains three main meanings, namely first *خِلَافٌ* (opposite the word benefit), second : *اجْتِمَاعُ الشَّيْءِ* ( collection of something) dan and third: *القُوَّة* (strength). However, the focus of this thesis is on the first meaning, which is the inverse of the word benefit.

*Al-Darurah* is also found in Arabic dictionaries, such as: Abdul Azis Muhammad 'Azzam, who stated that *al Darar* means something that is contrary to benefits. Whereas *al- idtirar* *إِلَى شَيْءٍ إِلَى شَيْءٍ* means "needing something" in Lisan al-'Arabic. The meaning of *al- idtirar* in al-Qamus al-Muhith is *al- ihtiyaj ila syai'*, which means needing something. And the meaning of the phrase *Idtarrahu ilaihi* is *Ahwajahu wa Alja'ahu*, which means someone is in desperate need of something. The singular noun (isim) is *al-Darrah*. The word for emergency is the same as the word for need, *al-Hajat*. It is also synonymous with the sentence *al-Darurah*, *al-Darur*, *al-Darar*, which means narrow. According to *al-Mu'jam al-Wasit*, the sentence *al-Darurah* is the same as *al-Hajat*, which means need, uncontrollable violence, and difficulty (*masyaqqah*).

Wahbah al-Zuhaili, an expert in Islamic law, commented on these definitions, saying that on the surface, they appear to be only intended to explain *darurah* related to the problem of filling food. As a result, these limited definitions do not include a complete understanding of *darurah* as a principle and theory that leads to the permissibility of what is forbidden or the abandonment of what is obligatory. As a result, he proposed the following definition:

*Darurah* is the appearance of a very serious danger or difficulty that befalls a human being, making him fearful of damage or something that will harm his soul, limbs, honor, mind, property, and those related to him. At that time, it is permissible or there is no other option but to do what is forbidden, leave what is required, or postpone its implementation in order to avoid the harm that is expected to befall him, as long as it does not violate the conditions determined by *syara'*.

Wahbah al-definition Zuhaili's encompasses all types of harm, including harm caused by filling food and medicine, committing an act under duress from terror or coercion, defending one's life or property, and so on. This is a definition with special properties, not a definition with limitations.

The rules that are branches of the rules, *al-dararyuzal*, are as follows:

1) الضَّرُورَةُ تُبِيحُ الْمَحْظُورَاتِ

Absence allows forbidden things to occur. According to the ushul scholars, an emergency situation that allows someone to do things that are prohibited is one that meets the following conditions:

First and foremost, the emergency situation is life and/or limb threatening. This is based on the Qur'anic verses al-Baqarah/2: 177, al-Ma'idah/5: 105, and Al-An'am/6: 145, which all refer to the protection of the soul (*Hifzu al-Nafs*). All things that are forbidden in the context of maintaining *maqasid al-shari'ah* appear to be classified as emergencies in the sense that if they are not done, *maqasid al-shari'ah* is threatened, such as being allowed to beat people when we are going to take our property. Indeed, the Prophet's hadith stated, *man mata duna malihi fa huwa shahidun*, which means that whoever is killed for defending his legal property, his death is a martyrdom (*Hifzu al Mal*). Drunkards, drug users, and others may be arrested and punished (*Hifzu al-'aql*). Similarly, it is permissible to arrest and punish pornographers and pornographers in order to save offspring (*Hifzu al-Nasl*). Similarly, fighting the insurgents (*Hifzu al-Ummah*).

Second, emergencies are only performed sparingly in order to avoid exceeding the limit. Third, there is no other legal way than to do what is illegal.

2) الضَّرُورَاتُ تُقَدَّرُ بِقَدَرِهَا

In an emergency, the size is determined by the severity of the harm.

مَا أُبِيحَ لِلضَّرُورَاتِ يُقَدَّرُ بِقَدَرِهَا

What is permissible due to an emergency is only measured in terms of its harm. The two preceding rules actually prevent humans from doing what is prohibited due to an emergency. As previously stated, doing what is illegal due to an emergency should not exceed the limit, but only modestly. For example, even if there is no female doctor, a doctor is permitted to examine the private parts of a woman he is treating for what is required for treatment. People who are starving to death can only eat what is illegal in order to survive, and they cannot eat until they are full.

3) الضَّرُّ يُزَالُ بِقَدْرِ الْإِمْكَانِ

Absenteeism must be discouraged to the greatest extent possible. Examples of applying these rules include Abu Bakr's actions in collecting the Qur'an for the sake of preserving the Qur'an; peaceful efforts to prevent war; and economic policy efforts to keep people from starving.

4) الضَّرُّ لَا يُزَالُ بِالضَّرِّ

Loss cannot be erased by another loss. This rule is synonymous with:

الضَّرُّ لَا يُزَالُ بِمِثْلِهِ

Comparable harm cannot be used to eliminate harm. The rule states that harm cannot be eliminated by committing other harm comparable to the situation, such as a debtor refusing to pay his debt even though the due date has passed. In this case, the creditor may not steal the debtor's property in order to repay the debt. Another example is that a starving person should not take the belongings of another starving person.

5) يُحْتَمَلُ الضَّرُّ الْخَاصُّ لِأَجْلِ الضَّرْرِ الْعَامِّ

Specific harms can be used to counteract general harms. There are numerous examples of this rule in action, including:

- Prohibit legal action against someone who endangers the public interest. For instance, bankrupting a company in order to save its customers.
- Selling detained debtors' goods in order to pay off creditors' debts.
- Forcibly selling stockpiled goods in the public interest.
- Imprison those who refuse to provide maintenance to those who are legally obligated to do so. This rule's meaning is as follows:

إِذَا تَعَارَضَ مَفْسَدَتَانِ رُوعِي أَعْظَمُهُمَا ضَرَرًا يَارْتِكَابِ أَحْفَهُمَا

If two *nafsadah* are contradictory, then do the one with the lighter one and pay attention to which one has the greater harm.

For example, a doctor may operate on a dead woman who is pregnant in order to save a baby who is still alive in her stomach. If the mother is still alive, it is permissible to operate on a pregnant woman, even if the baby in her stomach dies. In this case, allowing the mother to die is more dangerous than allowing the baby in her stomach to die.

6) الضَّرُّ الْأَشَدُّ يُزَالُ بِالضَّرْرِ الْأَخْفِ

Lesser harms mitigate more severe harms. This rule is often abbreviated:

## الْأَخْذُ بِأَخْفِ الضَّرَرَيْنِ

Take the less severe harm

### يُحْتَمَلُ الضَّرْرُ الْخَاصُّ لِدَفْعِ الضَّرْرِ الْعَامِ

Special harm is committed in order to reject general harm. For example, if no one wants to teach religion, the Qur'an, Al-Hadith, or religious knowledge unless they are paid, they are permitted to do so.

#### 7) الضَّرْرُ لَا يَكُونُ قَدِيمًا

Because it has been happening for a long time, this harm cannot be tolerated. The point is that the harm must be removed and not allowed to persist on the grounds that it existed a long time ago. You could, for example, prohibit a lecturer with severe high blood pressure from teaching. This prohibition cannot be denied because the disease has been present for a long time. Another example: water flows onto the road and has been doing so for a long time, so the water must be directed somewhere else. In short, even though it has been going on for a long time, the harm must be stopped.

#### 8) الْحَاجَةُ تَنْزِلُ مَنْزِلَةَ الضَّرُورَةِ عَامَةً كَانَ أَوْ خَاصَّةً

This need occupies an emergency position, both general and specific. *Al-Hajah* is a condition in which a person is forced to perform an act that is contrary to the law that should apply due to difficulties and difficulties. The distinctions between *al-Darurah* and *al-Hajah* are as follows: first, in an *al-darurah* condition, a danger arises. In the case of *al-Hajah*, there are only difficulties or difficulties in implementing the law. Second, in *al-emergencies*, those who are prohibited by law, such as eating pork, are prohibited.

What is violated in *al-Hajah* is haram *ligairihi*. As a result, there is a saying that says:

مَا حُرِّمَ لِذَاتِهِ أُبِيحَ لِلضَّرُورَةِ وَمَا حُرِّمَ لِغَيْرِهِ أُبِيحَ لِلْحَاجَةِ

What is forbidden due to its substance is permissible due to an emergency, and what is forbidden due to something else is permissible due to the presence of *al-Hajah*.

Another example of *al-Hajah* is when you buy and sell something that already exists. However, it is permissible to sell goods that have not yet existed if the characteristics or examples already exist for the smooth operation of transactions. This is known as *ba I al-Salam* (buying and selling greetings). The money was handed over first, followed by the goods a short time later. Similarly, in *Jialah* (debt transfer). In theory, the debtor must pay the debt; however, for the sake of smooth payment, the debtor may transfer the debt to someone else.

#### 9) كُلُّ رُخْصَةٍ أُبِيحَتْ لِلضَّرُورَةِ وَالْحَاجَةِ لَمْ تُسَبَّحْ قَبْلَ وُجُودِهَا

Any relief permitted due to an emergency or al-Hajah may not be carried out prior to the occurrence of the emergency or al-Hajah. Eating unclean food, for example, is only permissible in an emergency or when no other halal food is available. The above Dabit is from Qadi Abd al-Wahab al-khitab Maliki's al-Isyraf.

10) كُلُّ تُصْرَفٍ جَرٌّ فَسَادًا أَوْ دَفْعٌ صَالِحٌ مِّنْهُ عَنْهُ

Any legal action that causes harm or denies benefit is illegal.

For instance, squandering wealth or being wasteful without benefit. Other examples include usury contracts, gambling, pornography, pornographic acts, robbery agreements, and so on.

As previously stated, the relationship between *maslahah* and *darurah* is very closely related in health science. For example, if a patient is experiencing severe pain and the only way to treat the pain is surgery, the doctor takes action by administering anesthesia to the patient so that the patient does not feel pain during the operation process. As we all know, this anesthetic also contains alcohol, which is not permitted for human consumption because it can have a harmful effect on humans, but because it is permitted for use, it is permissible so that the patient has problems in the form of not feeling pain during the operation.

#### **D. Conclusion**

It is possible to conclude that medical practice is associated with the term medicine (medicine), which is defined as the knowledge and practice of disease diagnosis, treatment, and prevention. The word medicine comes from the Latin word *medicus*, which means "doctor". Medicine encompasses the various health-care practices developed to maintain and restore health through disease prevention and treatment. Biomedical science, biomedical research, genetics, and medical technology are used in modern medicine to diagnose, treat, and prevent injuries and disease, usually through drugs or surgery, but also through a variety of therapies such as psychotherapy, external splints, and traction, among others. Equipment for medical, biological, and ionizing radiation. *Maslahah*, also known as *maslahat* in Indonesian, means benefit, benefit, and good. Meanwhile, scholars believe that *maslahah* in the sense of *syara'* emphasizes the discussion of *ushul fiqh*, which makes *syara'* goals the basis for establishing law. By incorporating the five goals of *syara'* law, as well as benefits and avoiding mafsadat.

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