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**TITLE: CONTEMPORARY FIQH'S PERSPECTIVE ON CONTEMPORARY
ISSUES IN MEDICAL PRACTICES**

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CONTEMPORARY FIQH'S PERSPECTIVE ON CONTEMPORARY ISSUES IN MEDICAL PRACTICES

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Abstrak: Kajian ini bertujuan untuk melihat perkembangan yang pesat dalam bidang perubatan moden telah menimbulkan pelbagai persoalan baharu yang menuntut penilaian semula dari sudut hukum Islam, khususnya melalui fiqh kontemporari. Selain itu, kajian ini bertujuan untuk meneliti perspektif fiqh terhadap beberapa isu perubatan semasa yang semakin mendapat perhatian, antaranya ialah pemindahan organ haiwan kepada manusia, penggunaan bahan farmaseutikal dalam keadaan darurat, serta proses pengeluaran fatwa melalui kolaborasi antara pakar perubatan dan ulama. Melalui pendekatan analisis kualitatif terhadap sumber-sumber fiqh moden serta dokumen fatwa semasa, kajian ini mendapati bahawa keperluan perubatan (darurah) memainkan peranan penting dalam menentukan hukum sesuatu rawatan atau intervensi. Di samping itu, proses istinbat hukum kini semakin melibatkan kepakaran antara bidang yang menjadikan kerjasama antara pakar perubatan dan ahli syariah sebagai asas dalam menghasilkan panduan yang bersifat realistik dan berpandukan kepada maqasid al-shariah. Kajian ini juga diharapkan dapat memberi sumbangan kepada wacana keilmuan Islam dalam memahami cabaran etika dan hukum dalam perubatan moden serta menyokong usaha pembangunan fatwa yang relevan mengikut zaman.

Kata kunci: Fiqh kontemporari, amalan perubatan moden, keperluan perubatan, fatwa, maqasid al-shariah

Abstract: This study aims to explore how the rapid development of modern medical science has raised numerous new questions that require re-evaluation from the perspective of Islamic law, particularly through contemporary fiqh. In addition, the study seeks to examine the fiqh perspective on several current medical issues that are receiving increasing attention, including the transplantation of animal organs into humans, the use of pharmaceutical substances in emergency situations, and the process of fatwa issuance through collaboration between medical

1.0 INTRODUCTION

The definition of the word *maṣlaḥah* originates from the Arabic language, with its root word being (صلح), which means to provide benefit, goodness, and to prevent harm or damage. This implies that anything which brings benefit and goodness is considered to have *maṣlaḥah*. In terms of terminology, *maṣlaḥah* refers to the effort to preserve the *maqasid al-shariah* (objectives of Islamic law), which include the protection of religion, life, intellect, lineage, and property, by maximizing benefits and eliminating all forms of harm.

Meanwhile, *mafsadah* comes from the Arabic word (فسد), which means something that does not bring benefit or goodness, but rather causes damage and harm. Terminologically, *mafsadah* refers to anything that causes harm and suffering. It also includes any source that may lead to negative and undesirable consequences. (Mazuk, Abdullah, & Mustafa, 2024)

In facing the rapid development of scientific and modern medical technology disciplines, various innovative treatment methods have emerged that require clarification of their legal status according to Islamic law. Fatwa institutions play a role in providing explanations and solutions that align with the objectives of Islamic legislation. The preservation of life, as one of the objectives of Islamic law, has a close relationship with medical science. (Rosman, et al., 2019)

Emergency (*darurat*) refers to a state of compulsion resulting from an undesirable situation. In the context of *fiqh* (Islamic jurisprudence), risks, expectations, possibilities, and implications may lead to certain relaxations in rulings, where actions originally deemed prohibited (*haram*) are allowed under specific circumstances. In the governance of an Islamic state, the fatwa institution holds a vital role and a unique standing. With the passage of time and the growing level of religious awareness, Muslims particularly in Malaysia often regard fatwa institutions as a central point of reference for resolving various issues related to Islamic law.

These issues span multiple scales, fields, and levels, including *fiqh* and Shariah matters across areas such as worship (*ibadah*), transactions (*muamalat*), finance, and economics. Additionally, fatwas concerning science, technology, and medicine have increasingly gained attention, aiming to provide clear answers and serve as guidance for the Muslim community. (Adnan, Mokhtar, & Samuri, 2023)