

**THE ISLAMIC LEGAL RULINGS OF "NECESSITY DICTATES  
EXCEPTIONS" IN PHARMACEUTICAL PRODUCTS**

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BRUNEI DARUSSALAM**

**1441 H / 2020 M**

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

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**NURHAZWANI BINTI HAJI ABD RANI  
18MC1005**

**A DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF  
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**HALALAN THAYYIBAN RESEARCH CENTRE  
UNIVERSITI ISLAM SULTAN SHARIF ALI  
BRUNEI DARUSSALAM**

**ZULKAEDAH 1441 H / JULY 2020 M**

**SUPERVISION**

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## DECLARATION

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## ABSTRACT

### THE ISLAMIC LEGAL RULINGS OF "NECESSITY DICTATES EXCEPTIONS" IN PHARMACEUTICAL PRODUCTS

Muslims are prohibited from consuming any pharmaceutical products that contain harmful and unlawful (*ḥarām*) substances; nevertheless, issue arises when there is no other suitable alternative of *ḥalāl* pharmaceutical products to be used as a treatment in *ḍarūrah* (necessity) situation. Therefore, this research aims to explore the Islamic legal rulings of “Necessity Dictates Exceptions” in Pharmaceutical products and to determine the *fatwās* related to *Sharī’ah* issues in Pharmaceutical products. Apart from that, researcher also will study the understanding of Muslim consumers on the Islamic legal rulings of “Necessity Dictates Exceptions” relating to Pharmaceutical products. This research will only focus on the pharmaceutical products with the usage of alcohol, drug that contains animal products and drug that is extracted from plants. To achieve the objectives of this research, researcher used the mixed method of qualitative and quantitative methods for the data collection. Finding from this research showed that it is permissible to consume the pharmaceutical products that contain harmful and unlawful (*ḥarām*) substances in the state of *ḍarūrah* (necessity) situation, where no alternative of *ḥalāl* pharmaceutical products available. The survey questionnaire was distributed to Muslim consumers among the general public in Brunei Darussalam and the data analysis revealed that respondents have a good knowledge and understanding on the ruling of drug that is extracted from harmful plant. On the other hand, they are lack of understanding on the rulings of pharmaceutical products with the usage of alcohol and drug that contains non-*ḥalāl* animal products. This research is very significant as it will provide guidance and contribute to a better understanding to the public about the Islamic legal rulings of “Necessity Dictates Exceptions” in Pharmaceutical products.

**Keywords:** Islamic Legal Rulings, Necessity Dictates Exceptions, Pharmaceutical Products.



## ABSTRAK

### HUKUM-HUKUM ISLAM MENGENAI KAEDAH “DARURAT MENGHARUSKAN PERKARA YANG DILARANG” DI DALAM PRODUK-PRODUK FARMASEUTIKAL

Umat Islam dilarang untuk merawat menggunakan sebarang produk farmaseutikal yang mengandungi bahan berbahaya dan haram; namun demikian, timbul persoalan apabila tidak ada alternatif lain yang halal untuk dijadikan sebagai rawatan dalam keadaan darurat (keperluan). Oleh itu, matlamat kajian ini adalah untuk meneroka hukum-hukum Islam mengenai kaedah “Darurat Mengharuskan Perkara yang Dilarang” di dalam produk farmaseutikal dan mengenal pasti fatwa-fatwa yang berkaitan dengan isu-isu Syari’ah dalam produk farmaseutikal. Selain itu, pengkaji juga akan mengkaji sejauhmana pemahaman pengguna Muslim mengenai hukum-hukum Islam tentang kaedah “Darurat Mengharuskan Perkara yang Dilarang” yang berkaitan dengan produk farmaseutikal. Kajian ini hanya akan menumpukan pada produk farmaseutikal yang mengandungi alkohol, ubat yang mengandungi bahan haiwan dan juga ubat yang diekstrak dari tumbuhan. Bagi mencapai matlamat kajian ini, pengkaji menggunakan kaedah gabungan iaitu kaedah kualitatif dan kuantitatif untuk pengumpulan data. Hasil kajian menunjukkan bahawa penggunaan produk farmaseutikal yang mengandungi bahan berbahaya dan haram adalah dibenarkan ketika dalam keadaan darurat (keperluan), di mana tidak ada alternatif produk farmaseutikal yang halal. Borang kaji selidik telah diedarkan kepada pengguna Muslim di kalangan masyarakat umum di Negara Brunei Darussalam dan analisis data menunjukkan bahawa pengguna Muslim sememangnya mengetahui hukum-hukum Islam terhadap ubat yang diekstrak dari tumbuhan yang berbahaya. Sebaliknya, mereka kurang mengetahui hukum-hukum Islam terhadap produk farmaseutikal yang mengandungi alkohol dan ubat-ubatan yang mengandungi bahan haiwan yang tidak halal. Kajian ini diharapkan dapat dijadikan sebagai panduan dan memberi pemahaman yang lebih baik kepada masyarakat tentang hukum-hukum Islam mengenai kaedah “Darurat Mengharuskan Perkara yang Dilarang” di dalam produk farmaseutikal.

**Kata Kunci:** Hukum-Hukum Islam, Darurat Mengharuskan Perkara yang Dilarang, Produk Farmaseutikal.

## ملخص البحث

### الأحكام الإسلامية لـ "الضرورة تبيح المحظورات" في المنتجات الصيدلانية

الممنوع على المسلمين أن يعالجوا الأمراض باستخدام المنتجات الصيدلانية التي تحتوي على المواد الضارة وغير الحلال. وعلى الرغم من ذلك، إبراز المشكلة عن عدم وجود بديل مناسب من المنتجات الصيدلانية الحلال لعلاج في حالة الضرورة. لذلك، يهدف هذا البحث إلى استكشاف الأحكام الإسلامية في "الضرورة تبيح المحظورات" في المنتجات الصيدلانية وتحديد الفتاوى المتعلقة بقضايا الشريعة فيها. وبصرف النظر عن ذلك، درست الباحثة أيضاً عن فهم المستهلكين المسلمين حول الأحكام الإسلامية لـ "الضرورة تبيح المحظورات" المتعلقة بالمنتجات الصيدلانية. ركز هذا البحث على المنتجات الصيدلانية باستخدام الكحول، والأدوية التي تحتوي على المنتجات الحيوانية، والأدوية المستخرجة من النباتات. لأجل تحقيق أهداف هذا البحث، استخدمت الباحثة الطريقة المختلطة بين طريقتي البحث النوعي والكمي لجمع البيانات. تبين هذا البحث أنه يجوز استهلاك المنتجات الصيدلانية التي تتكون من المواد الضارة وغير المشروعة (حرام) في حالة الضرورة، حيث عدم وجود بديل حلال للمنتجات الصيدلانية. تم توزيع الاستبانة على المستهلكين المسلمين بين المجتمع في بروناي دار السلام وظهرت تحليل البيانات بأن المستجيبين يدركون ويعرفون حكم المخدرات المستخرجة من النبات الضار. من ناحية أخرى، هم أقل إدراكاً لحكم المنتجات الصيدلانية باستخدام الكحول والمخدرات التي تحتوي على المنتجات الحيوانية غير الحلال. هذا البحث مهم لأنه سيوفر التوجيه وسيساهم الفهم بشكل أفضل على الجمهور للأحكام الإسلامية لـ "الضرورة تبيح المحظورات" في المنتجات الصيدلانية.

**كلمات البحث:** الأحكام الإسلامية، الضرورة تبيح المحظورات، المنتجات الصيدلانية.

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## TRANSLITERATION

TRANSLITERATION	ARABIC
<i>Allāh Subḥānahu wa Ta'ālā</i>	الله سبحانه وتعالى
<i>al-An'ām</i>	الأنعام
<i>al-Anṣāb</i>	الأنصاب
<i>al-Azlām</i>	الأزلام
<i>al-Baqarah</i>	البقرة
<i>al-Madhī</i>	المذبي
<i>al-Mā'idah</i>	المائدة
<i>al-Muḍṭarr</i>	المضطر
<i>al-Qur'ān</i>	القرآن
<i>al-Sunnah</i>	السنة
<i>al-Wadī</i>	الودي
<i>an-Naḥl</i>	النحل
<i>'Ādil</i>	عادل
<i>'Aql</i>	عقل
<i>Aḥādīth</i>	أحاديث
<i>Aṣḥaḥ</i>	أصح
<i>Aṣḥāb</i>	أصحاب
<i>Ḍarūrah</i>	ضرورة
<i>Dīn</i>	دين
<i>Fāsiq</i>	فاسق
<i>Fatwā</i>	فتوى
<i>Fiqh</i>	فقه
<i>Fisqun</i>	فسق
<i>Ḥadīth</i>	حديث

## TRANSLITERATION

TRANSLITERATION	ARABIC
<i>Ḥaj</i>	حج
<i>Ḥalāl</i>	حلال
<i>Ḥalālan Ṭayyiban</i>	حلالاً طيباً
<i>Ḥanafī</i>	حنفي
<i>Ḥanbalī</i>	حنبلي
<i>Ḥarām</i>	حرام
<i>Ḥukum</i>	حكم
<i>Ḥukum Syara'</i>	حكم شرع
<i>Ijmā'</i>	اجماع
<i>ijtihād</i>	إجتهد
<i>Istihlāk</i>	استهلاك
<i>Istihsān</i>	استحسان
<i>Istiṣhāb</i>	استصحاب
<i>Jihād</i>	جهاد
<i>Khabā'ith</i>	خبائث
<i>Khamr</i>	خمر
<i>Khinzir</i>	خنزير
<i>Madhāhib</i>	مذاهب
<i>Madhhab</i>	مذهب
<i>Māl</i>	مال
<i>Mālikī</i>	مالكي
<i>Maytah</i>	ميتة
<i>Muftī</i>	مفتي
<i>Mukallaf</i>	مكلف
<i>Nafs</i>	نفس

## TRANSLITERATION

TRANSLITERATION	ARABIC
<i>Najis</i>	نجس
<i>Nasab</i>	نَسَب
<i>Nuṣub</i>	نُصُب
<i>Qiyās</i>	قياس
<i>Raḍiallāhu ‘Anhu</i>	ﷺ
<i>Raḍiallāhu ‘Anhumā</i>	رضي الله عنهما
<i>Raḥimahullāh</i>	رحمه الله
<i>Ribā</i>	ربا
<i>Rukḥṣah</i>	رخصة
<i>Ṣallallāhu ‘Alayhi Wasallam</i>	ﷺ
<i>Shāfi‘ī</i>	شافعي
<i>Sharī‘ah</i>	شريعة
<i>Shayṭān</i>	شيطان
<i>Sunan</i>	سنن
<i>Ṭayyib</i>	طَيِّب
<i>‘Umrah</i>	عمرة
<i>Wājib</i>	واجب
<i>Walī al-Amr</i>	ولي الأمر

## ABBREVIATIONS

BKMH	Bahagian Kawalan Makanan <i>Halāl</i> / <i>Halāl</i> Food Control Division
Ed./Eds.	Editor (s)
ed.	edition
<i>et al</i>	<i>et alia</i> means “and others”. It is used in formal writing to avoid a long list of names of people who have written the work together
e.g.	<i>exempli gratia</i> means “for example”
etc.	<i>et cetera</i> means “and other similar things”
GD	Guidance Document
i.e.	<i>id est</i> means “in other words”
IBFIM	Islamic Banking and Finance Institute Malaysia
<i>ibid</i>	<i>ibidem</i> means “in the same place”. It is used when the source cited is the same with the preceding cite
IJABER	International Journal of Applied Business and Economics Research
IJPHS	International Journal of Public Health Science
IKIM	Institut Kefahaman Islam Malaysia / Institute of Islamic Understanding Malaysia
MUIB	Majlis Ugama Islam Brunei / Brunei Islamic Religious Council
MUIS	Majlis Ugama Islam Singapura / Islamic Religious Council of Singapore
MOH	Kementerian Kesihatan / Ministry of Health
n.d.	no date / no year of publication
n.pl.	no place of publication
no.	number
<i>Op.cit.</i>	<i>Opus citatum</i> means “in the work already cited”. It is used when the work that have been cited previously
p./pp.	page (s)
PB	Politeknik Brunei / Brunei Polytechnic
PPHT	Pusat Penyelidikan Halalan Thayyiban / Halalan Thayyiban Research Centre
SPSS	Statistical Package for Social Science
trans.	translator
UBD	Universiti Brunei Darussalam / University of Brunei Darussalam
UNISSA	Universiti Islam Sultan Sharif Ali / Sultan Sharif Ali Islamic University
Vol.	Volume
www	world wide web

# CHAPTER ONE

## INTRODUCTION

### 1.1 INTRODUCTION

*Halāl* products industry has been an emerging industry all over the world. *Halāl* products are not focused only on the consumption of foods, but also include the pharmaceutical products. <sup>1</sup> *Halāl* pharmaceuticals are those medicines that adhere to *Sharī'ah* law, which refers to medicines that should not contain any prohibited substances under *Sharī'ah* law.

Taking care of our health is a priority, as it is the most precious gift given from Allāh *Subḥānahu wa Ta'ālā*. He would sometime put a test on the life of his servant in the form of a disease or an illness. Hence, it is our responsibility to find the treatment or cure for healing. However, issues arise regarding the pharmaceutical products that contain unlawful (*ḥarām*) and harmful substances, which Muslim consumers may bought these unlawful pharmaceutical products from any stores without the prescription from a doctor. Thus, the consumers will innocently buy pharmaceutical products which are not suitable and may even be a non-*halāl* to them. So, it is important, specifically for Muslim consumers to know the necessary medications and its ingredients whether it is categorized as *halāl* or non-*halāl*. <sup>2</sup>

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<sup>1</sup> Mustafa 'Afifi Ab. Halim, Mohd Mahyeddin Mohd Salleh, Mohd Izhar Ariff Mohd Kashim, Azlin Alisa Ahmad and Norhaslinda Nordin. (2014). *Halāl* Pharmaceuticals: Legal, *Sharī'ah* Issues and *Fatwā* of Drug, Gelatin and Alcohol. *International Journal of Asian Social Science*, 4 (12). p. 1176.

<sup>2</sup> A. Asmak, S. Fatimah, I. Huzaimah, A.H. Khuriah and A.M. Siti Khadijah. (2015). Is Our Medicine Lawful (*Halāl*)?. *Middle-East Journal of Scientific Research*, 23 (3). p. 367.



As mentioned in a *ḥadīth* narrated by Imām Abū Dāwūd:

(( فَتَدَاوُوا وَلَا تَدَاوُوا بِالْحُرَامِ ))

Means: “So treat disease, but do not treat it with anything that is unlawful.”<sup>3</sup>

From the *ḥadīth*, we can understand that Muslims should consume pharmaceutical products that are made with clean, pure and lawful ingredients. If such pharmaceutical products cannot be obtained, only then it is permissible for them to take pharmaceutical products that are made with unclean, impure and unlawful ingredients.

Meanwhile, in the *al-Qur’ān*, Allāh *Subḥānahu wa Ta’ālā* says:

﴿... فَمَنْ أَضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ ...﴾

Means: “... But if one is forced by necessity without willful disobedience nor transgressing due limits; then there is no sin on him ...”<sup>4</sup>

Therefore, this research is aim to explore the issues raised regarding to the usage of unlawful (*ḥarām*) and harmful substances in medication, as well as the lawfulness (*ḥalāl*) and the permissibility of taking it.

## 1.2 DEFINITIONS OF KEY TERMS

**Islamic Legal Rulings** can also be understood as Islamic law or *Sharī’ah* law. According to Hashīm Kamālī, *Sharī’ah* is the law that is contained in the *al-Qur’ān* and *al-Sunnah*, as well as the detailed rules of *fiqh* that jurists and scholars have developed through their interpretation and *ijtihād*. *Ijtihād* can be in the form of analogical reasoning (*qiyās*), juristic preference (*istiḥsān*), presumption of continuity (*istiṣḥāb*) and the consensus (*ijmā’*) that is basically originates in *ijtihād*.<sup>5</sup>

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<sup>3</sup> Abū Dāwūd Sulaymān bin Ash’ath. (2008). *English Translation of Sunan Abū Dāwūd*. Hāfīz Abu Tāhīr Zubair ‘Alī Za’ī (Ed.). Yaser Qadhi (trans). Riyadh: Dar-us-Salam. Vol. 4. pp. 311-312. *Hadīth* no. 3874.

<sup>4</sup> *Al-Baqarah*, 2:173. (All *Qur’ānic* translation in this writing is based on : Muhammad Taqī-ud-Dīn Al-Hilālī and Muhammad Muhsin Khān. (1996). *Interpretation of the Meanings of the Noble Qur’ān in the English Language*. Riyadh: Maktaba Dār-us-Salām.)

<sup>5</sup> Moḥammad Hashīm Kamālī. (2008). *Sharī’ah Law: An Introduction*. Oxford: Oneworld Publications. p. 19.

According to Imran Ahsan Nyazee, when the jurists search for any Islamic legal rulings, the first source to be approached is the *al-Qur'ān*, the second is the *al-Sunnah*, the third is the *ijmā'* (consensus of legal opinion) and the fourth is the *qiyās* (analogy). Thus, it is not proper to move to another source unless the search in the prior source has been completed.<sup>6</sup>

While the definition of **Pharmaceutical**, according to Oxford Advanced Learner's Dictionary, it is related with the making and selling of drugs and medicines.<sup>7</sup> Pharmaceutical products that also known as medicines mean the medicines that produced in the form of pill, tablet or capsule, drink or syrup. Thus, it is the kind of drugs that are used for medicinal purposes and to be consumed by people who are suffering from illness and sickness.

Finally, “**Necessity Dictates Exceptions** (الصَّرُورَاتُ تُبَيِّحُ الْمَحْظُورَاتِ)” is one of the Islamic Legal Maxim that has been defined as “*what is legally forbidden becomes legitimate due to dire need or ḍarūrah (necessity)*”.<sup>8</sup> It is a situation where a person has to do some desperate acts in order to safeguard his life essentials. For example in medical purposes, a critically ill person is allowed to take medication made from prohibited elements such as porcine, liquor or harmful drug in order to save his life. Various verses in the *al-Qur'ān* establish and indicate this maxim. For instance, Allāh *Subhānahu wa Ta'ālā* says:

﴿... وَتَدَّ فَضْلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلَّا مَا اضْطُرِرْتُمْ إِلَيْهِ...﴾

Means: “... And Allāh has explained to you in detail what is forbidden to you, except under compulsion of necessity ...”<sup>9</sup>

<sup>6</sup> Imran Ahsan Khan Nyazee. (2003). *Islamic Jurisprudence*. Selangor: The Other Press. p. 150.

<sup>7</sup> *Oxford Advanced Learner's Dictionary*. (2000). Pharmaceutical. 6<sup>th</sup> ed. Oxford: Oxford University Press.

<sup>8</sup> \_\_\_\_\_. (2013). *Al-Qawā'id Al-Fiqhiyyah (Legal Maxims of Islamic Jurisprudence)*. Islamic University of North America (*Mishkah*). p. 95.

<sup>9</sup> *Al-An'ām*, 6:119.

Islamic legal maxims can be derived from the existing rulings that have been explicitly mentioned in the primary source, i.e *al-Qur'ān* and *al-Sunnah*. It is aim to ease the *ijtihad* of the jurists in order to solve new emerging problems.<sup>10</sup> Although majority of jurists do not consider legal maxims as the sources of *Sharī'ah*, they are still be helpful in discovering the rules of *Sharī'ah*.<sup>11</sup>

### 1.3 RESEARCH SCOPE

The scope of this research is to explore the Islamic Legal Rulings on “Necessity Dictates Exceptions” in Pharmaceutical products with the usage of alcohol, drug that contains animal products and drug that is extracted from plants, as well as the specific conditions and situations of the sick person that will eventually make the usage of unlawful (*ḥarām*) and harmful substances in pharmaceutical products are permissible and lawful.

This research will also discuss on *fatwās* related to *sharī'ah* issues in pharmaceutical products with the usage of alcohol, drug that contains animal products and drug that is extracted from plants.

In addition to that, this research will also study the understanding of Muslim consumers' among the general public of Brunei Darussalam on the Islamic legal rulings on “Necessity Dictates Exceptions” in Pharmaceutical products.

### 1.4 RESEARCH PROBLEM

As taking good care of our health is important, an effort in searching for medication to relieve the pain is needed when a person is sick. It is essential for the Muslim consumers to be aware of the *ḥalāl*, *ḥarām* as well as the doubtful substances that contain in the pharmaceutical products.<sup>12</sup> If the pharmaceutical products are made purely from *ḥalāl* ingredients, it is no doubt that it is *ḥalāl* and lawful to be consumed.

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<sup>10</sup> Dr. Basri bin Ibrahim Al-Hasani Al-Azhari. (2009). *Isu-Isu Fiqh Ḥalāl & Ḥarām Semasa*. Dr. Mohd Puzhi Usop and Ustazah Norsyahida Ahmad (Eds.). Vol. 2. Selangor: Al-Hidayah Publication. p. 511.

<sup>11</sup> Muhammad Naim Omar, *et al.* (2012). When *Ḥalāl* and *Ḥarām* meet, the *Ḥarām* Prevails?. *Op. cit.* p. 205.

<sup>12</sup> A. Asmak, *et al.* (2015). Is Our Medicine Lawful (*Ḥalāl*)?. *Op. cit.* p. 367.

On the other hand, if the pharmaceutical products are made from unlawful (*ḥarām*) and harmful ingredients, it is obviously *ḥarām* and unlawful to be consumed.

Issue arises when there is a mixture of *ḥalāl* and *ḥarām* elements in any products, including pharmaceutical products. Thus, thorough consideration must be taken into account before issuing any legal verdict.<sup>13</sup> By exploring deeply about the Islamic legal rulings on “Necessity Dictates Exceptions” in pharmaceutical products, this research will study the extent of this maxim for its application in pharmaceutical products.

Another issue that will be discussed in this research is regarding the *fatwās* on *sharī’ah* issues related to pharmaceutical products that contain unlawful and harmful substances.<sup>14</sup> Thus, this research aims to determine the *fatwās* on the issues of pharmaceutical product that contains alcohol, drug that contains animal products and drug that is extracted from plants.

Questionnaire survey will be distributed, which aims to study the understanding of Muslim consumers on the Islamic legal rulings on “Necessity Dictates Exceptions” in Pharmaceutical products. Therefore, from the analysis of the data, this research will justify the level of understanding of Muslim consumers, whether they know and familiar with the Islamic legal rulings of consuming pharmaceutical products that contain unlawful and harmful substances.

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<sup>13</sup> Muhammad Naim Omar, Mahamad Arifin, Mohammad Deen Mohd Napiah, Mohamad Asmadi Abdullah. (2012). When *Ḥalāl* and *Ḥarām* meet, the *Ḥarām* Prevails?: An Analysis of the Maxim and its Application in Contemporary Issues. *Australian Journal of Basic and Applied Sciences*, 6 (11). p. 199.

<sup>14</sup> Mustafa ‘ Afifi, *et al.* (2014). *Ḥalāl* Pharmaceuticals. *Op. cit.* pp. 1176-1190.

## **1.5 RESEARCH QUESTIONS**

The main questions that are expected to be answered at the end of this study are as follows:

- (1) What are the Islamic legal rulings on “Necessity Dictates Exceptions” in Pharmaceutical products with the usage of alcohol, drug that contains animal products and drug that is extracted from plants?
- (2) What are the *fatwās* related to *Sharī’ah* issues in Pharmaceutical products with the usage of alcohol, drug that contains animal products and drug that is extracted from plants?
- (3) To what extent do the Muslim consumers understand on the Islamic legal rulings on “Necessity Dictates Exceptions” in Pharmaceutical products with the usage of alcohol, drug that contains animal products and drug that is extracted from plants?

## **1.6 RESEARCH OBJECTIVES**

This research aims to fulfill the following objectives:

- (1) To explore the Islamic legal rulings on “Necessity Dictates Exceptions” in Pharmaceutical products with the usage of alcohol, drug that contains animal products and drug that is extracted from plants.
- (2) To determine the *fatwās* related to *Sharī’ah* issues in Pharmaceutical products with the usage of alcohol, drug that contains animal products and drug that is extracted from plants.
- (3) To study the understanding of Muslim consumers on the Islamic legal rulings on “Necessity Dictates Exceptions” relating to Pharmaceutical products with the usage of alcohol, drug that contains animal products and drug that is extracted from plants.

## 1.7 LITERATURE REVIEW

The title of this research involves a literature review focusing on medical issues that specifically will discuss the situation of necessity where *halāl* pharmaceutical products cannot be obtained. Literature review mentioned below will be used and referred for this research.

- (a) A. Asmak, S. Fatimah, I. Huzaimah, A.H. Khuriah and A.M. Siti Khadijah. (2015). Is Our Medicine Lawful (*Halāl*)?. *Middle-East Journal of Scientific Research*, 23 (3). pp. 367-373.

This study aimed to present the general *Sharī'ah* guidelines on the status of common pharmaceutical products used by Muslims in Malaysia. The study also discussed about the concept of necessity (*ḍarūrah*) in pharmaceutical products, by listing the unlawful elements used in medication, such as carcass, liquor, alcohol, drugs and gelatin. At the end of this study, it concluded that, consumers should be aware of their right and responsibilities in ensuring the pharmaceutical products consumed by them are *halāl* and beneficial. Hence, consumers must be educated to take prescribed pharmaceutical products in treating their illness. In addition to that, medical practitioners should also play their roles in revealing the necessary information relating to the status, risk and benefit of the pharmaceutical products.

From the information given, the researcher will list the unlawful (*ḥarām*) and harmful substances that are used in pharmaceutical products; (1) Pharmaceutical product that contains alcohol, (2) Drug that contains animal products and (3) Drug that is extracted from plants. The research also will discuss on the Islamic legal rulings and *fatwās* relating to the usage of these unlawful (*ḥarām*) and harmful substances in necessity (*ḍarūrah*) or emergency situation.

- (b) Dr. Saadan Man. (2012). Darurat Ubat Daripada Babi: Sampai Bila?. In Norkumala Hj. Awang (Ed). *Bila Babi Bukan Babi: Analisis Awal*. pp. 45-75. Kuala Lumpur: Institute of Islamic Understanding Malaysia (IKIM).

As stated in the article, “*It is an Obligation for every Muslim to seek for Halāl*”, and seeking for *halāl* pharmaceutical product is not an exception. According to the Islamic *Sharī'ah* law, it is obligatory for Muslim to seek for *halāl* pharmaceutical products that are clean, pure and not *ḥarām*, in order to save himself from harm and death.

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