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Blood Status According to The Miscarriage Category in The Syafi'i School of Thought and The View of The Mufti Department of Terengganu, Malaysia

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Abstract

Explanation regarding the status of blood according to the category of miscarriage or type of pregnancy experienced by women or pregnant women requires a detailed determination of the law according to the Shafi'i school of thought. This is because the practice of Islam in Malaysia is based on the Shafi'i school of thought in various aspects of life management, including the matters of worship and family law. This article aims to explain the views of the Shafi'i school of thought and the views of the Fatwa Committee of Terengganu in determining the status of blood in cases of bleeding during pregnancy and miscarriage based on medical knowledge. The methodology used is a qualitative study using a case study design and obtaining study data through document analysis and structured interviews. The research findings indicate that the categorization of miscarriage according to the Shafi'i school of thought is based on referring to the confirmation of trusted pregnancy specialists. On the other hand, according to medical science, the determination the type of miscarriage is based on the condition of the pregnant mother. Therefore, the view of the fatwa committee of Terengganu state takes into consideration both of these aspects. This clarification can lead to the proper and clear management of the community's practices, in accordance with the requirements of Islamic law.

Keywords: Miscarriage Blood, Category Miscarriage, Pregnancy, Mufti Department of Terengganu

Introduction

Islam being a comprehensive religion, encompasses guidelines and regulations in various domains, including matters concerning women. Women, by their very nature, possess the inherent capability of conceiving and bearing children. Nevertheless, despite this inherent ability, there are instances where pregnancies result in miscarriages. A study conducted on the subject reveals that a potential 8-20% of pregnant women may experience miscarriages (MyHealth, 2021).

Spontaneous miscarriage and medical (therapeutic) miscarriage are distinct conditions with different causes. Spontaneous miscarriage occurs naturally, often resulting from factors such as abnormal chromosome replication, environmental influences, or unavoidable pregnancy-related trauma. On the other hand, medical (therapeutic) miscarriage refers to a miscarriage or abortion performed for medical reasons, such as saving the mother's life, preserving her physical and mental well-being, or preventing the birth of severely defective fetuses (MyHealth, 2021).

Additionally, intentional miscarriage, also known as forced miscarriage, is another category. This type of miscarriage is prompted by personal motivations, including a desire to delay or avoid pregnancy, viewing pregnancy as a hindrance to one's career, education, finances, continuity, and other aspects of life. All the types of miscarriages mentioned, have detailed Islamic regulations on their management.

Research Problem

The main target of the study was to solve fiqh issues related to obstetrics and gynecology (O&G) issues. It will be a guidance and reference for O&G in midwifery treatment for the handling of miscarriage cases involving normal and abnormal pregnancy in the determination of childbirth blood category. Especially issues related to their worship status. According to Endut (2018), Obstetrics and Gynecology experience difficulties during and after handling cases of miscarriage, especially to determine the status of blood involving matters of worship, iddah and so on. According to her, a detailed study and issued guidelines for the management of miscarriage blood is very much needed by the O&G in explaining the real position of matters related to the law of hakam, especially issues involving their worship.

Methodology

The methodology used is a qualitative study using a case study design that is by examining the forms of miscarriage. Research data were also obtained through a literature review by analyzing medical documents as well as works of classical and contemporary fiqh, articles and other related works. Data were also obtained through interviews with physicians and the mufti's department.

Literature Review

The problem of women's fiqh, especially the problem involving women's blood, namely menstruation, childbirth and *istihadah*, is often debated by scholars, whether classical or contemporary.

According to a study conducted by Ibrahim (2002) in his thesis titled "*Ahkam al-Ijhadh fi al-Fiqh al-Islami*" at the University of al-Imam Muhammad bin Su'ud al-Islamiyyah, detailed information is provided on the various aspects related to abortion and miscarriage. The study

explores the stages of fetal development, the Islamic perspective on caring for the fetus, the concept of *ijhadh*, and the legal rulings associated with it. The legal consequences of abortion and miscarriage are also examined, including their implications in criminal law, property matters, *diat* (compensation), *kafarah* (penalty), and other related aspects. However, the study does not specifically address the medical and Islamic perspectives on the status of blood resulting from a miscarriage. It is important to conduct further research to determine the appropriate categorization of this blood. Such research would enable women who experience a miscarriage to ascertain the implications for their religious obligations, such as acts of worship and the waiting period (*iddah*).

A study on Abortion According to Islamic and Legal Perspectives in Malaysia, an article published in *Global Journal of Al-Thaqafah (GJAT)*, 2012: 69, by Makiah Tussaripah Jamil, et. al, focusing his writing on the definition and concept of abortion technically according to medical and Islamic, the causes of abortion as well as the legal implications of this crime of abortion. This article aims to understand the concept of natural and medical abortion as well as forced abortion. Data on miscarriage according to medical and Islamic perspectives were analyzed with the objective of explaining the Islamic rulings on the status of miscarriage blood for normal and abnormal pregnancies. Similarly, the study by Ismail & Awang, 2014, on Abortion and Legal Justification According to Islamic Law and the Provisions of Section 312 of the Penal Code.

The work of Salleh (2014) with the title *al-A'zar al-Khassah bi al-Nisa 'wa Ahkamuha fi al-Ibadat*, discusses specific issues related to women such as issues related to menstruation, childbirth, *istihadhah*, pregnancy, breastfeeding, *iddah* and also called about miscarriage. It is found that her discussion did not mention the types of miscarriage according to medical and the determination of her blood status. Therefore, this study aims to explain the position of the blood of women who have had a miscarriage due to normal and abnormal pregnancy according to the Islamic perspective. Article by Nor Kartina Tawang and Basri Ibrahim, 2016, "Management Practices of Purification on Women's Blood According to Islamic Perspective" states that there is confusion among women about the management of women's blood.

In a study conducted by Reshad and Ismail in 2020, the focus was on analyzing the literature survey related to menstrual blood. Additionally, Salleh et al (2018) discovered that the explanation of menstrual blood occurrence, as interpreted by scholars and supported by scientific findings, plays a significant role in understanding the implications of blood in maintaining a balance between religious obligations and women's health. The study emphasized the importance of conducting a detailed investigation into the status of blood for women who have experienced miscarriages resulting from both normal and abnormal pregnancies.

Results and Discussion

Types of Miscarriage According to Medicine and Fiqh

Miscarriage is the expulsion of a deceased embryo or fetus from the uterus (MyHealth, 2021). In the field of obstetrics and gynecology, abortion refers to the removal of the product of fertilization or conception before the completion of a normal pregnancy. Abortion occurs when the uterus prematurely empties during pregnancy and is intentionally terminated. Among medical professionals, the term abortion typically denotes the illegal termination of a

pregnancy, whereas termination of pregnancy or pregnancy termination is commonly used to refer to medically permissible abortions.

Although there are differences in terms of the use of terms commonly used by medical practitioners, both the terms abortion and termination of pregnancy carry the same meaning and effect of removal the fetus from the mother's uterus at a time when medically, the fetus does not have the ability to survive whether with the medical support or not. The difference between the two is only from a legal, moral and ethical point of view, between lawful and prohibited actions.

Miscarriage Factors

Main factor of miscarriage (MyHealth, 2021) is due to genetic factor. There is about 30% of miscarriages occur before the eighth week and the main cause is genetic problem. The embryo results from the fertilization of the wife's egg and the husband's sperm fails to grow and divide into the fetus. Genetic problems account for 40-45% of the causes of miscarriage. In addition, the main factors to miscarriage also stem from disease problems experienced by the mother, such as uncontrolled diabetes, structural problems in the uterus (septum) or fibroids. Other than these two main factors, there are also other factors such as (MyHealth, 2021):

1. **Maternal age:** For older mothers there is a higher risk than the risk of miscarriage of younger mothers.
2. **Have had a miscarriage:** Mothers who have had a miscarriage for the first time, the percentage to have a miscarriage a second time is as much as 20%. If a mother has ever had two miscarriages, the risk for a subsequent miscarriage is as much as 30%. The risk will increase to 43% for mothers who have had three or more miscarriages.
3. **Smoking:** For mothers who smoke more than ten cigarettes a day (or passive smokers) can increase the risk of miscarriage.
4. **Alcohol:** Consumption of alcohol during pregnancy by pregnant women, even a little can cause miscarriage.
5. **High fever:** Pregnant mothers have a fever that reaches a temperature above 37.8°C or more can cause miscarriage.
6. **Trauma:** Trauma (accident) in the uterus during pregnancy can increase the risk of miscarriage. This also includes amniocentesis treatment and chronic villous sampling.
7. **Caffeine:** Excessive intake of coffee or caffeinated substances that exceed 300mg a day such as cola and so on, can increase the risk of miscarriage.
8. **Other reasons:** the risk of miscarriage will increase when the mother is exposed to radiation infection and chemicals, taking certain medications, experiencing excessive physical stress.

Types of Miscarriage According to Medical

According to Endut (2018), there are several types of miscarriage according to medicine. She stated that the forms of miscarriage that occur are as follows:

1. **Threatened miscarriage:** the threat of miscarriage, that is, bleeding during pregnancy. In most cases, this bleeding will stop on its own and the pregnancy can be safe until its time.
2. **Inevitable miscarriage:** an unavoidable miscarriage that causes the cervix to open and bloodshed a lot.

3. **Complete miscarriage:** the pregnancy have fallen out and come out completely.
4. **Incomplete miscarriage:** the pregnancy have fallen and come out but there is still the remaining part of the fetus in the uterus.
5. **Molar pregnancy:** Grape pregnancy occurs after fertilization will normally form the placenta and fetus, but the tissues form a large cyst in the uterus and no fetus in the mother's womb. It is also referred to as grape pregnancy because the tissues form in the form of grapes.
6. **Ectopic pregnancy:** Pregnancy occurs and grows outside the uterus. This pregnancy occurs when this fertilized egg will stick outside the uterus..
7. **Pregnancy of unknown location:** A woman is confirmed pregnant, but the pregnancy cannot be detected through ultrasound examination. It is also possible that the pregnancy has been dropped.

The study found that the type of miscarriage according to medical is categorized according to the condition of the pregnant mother.

Types of Miscarriage and Miscarriage Blood Status according to Syafi'i School

For the Syafi'i school of thought, the fetus that comes out is a perfect child of creation or vice versa, the fetus comes out in a living or dead state, the coming out is natural or has no nature like coming out in the form of *nutfah* or *'alaqah*, all these situations are applied to the law of *nifas* because it comes out it is a human creation (al-Nawawi, 1992).

According to al-Bajuri, miscarriage means that the child (fetus) comes out of its mother's womb before it is perfect. Means before perfection is before a sufficient period of months (six months) or before the perfection of his creation (Al-Bajuri, 1996). Al-Bajuri also classifies miscarriage into the following four conditions

First: Miscarriage of fetuses aged six months and older.

Second: Miscarriage of a fetus aged six months and below and the fetus that came out are still alive.

Third: Miscarriage of a fetus aged six months and below, and the condition of the fetus is dead and has a clear nature.

Fourth: Miscarriage of a fetus aged six months and below, and the condition of the fetus is dead and has no obvious nature.

The definition of miscarriage according to contemporary scholars includes the definition by Ibn Faris, miscarriage means losing something out of place quickly (Ibn Faris, 1415). Ibrahim (2002) formulates the definition of miscarriage among linguists, namely: abortion (fetus) before the perfection of creation, or before the perfection of pregnancy whether the spirit is blown or vice versa, as well as whether the fetus is male or female. He also mentioned, it is not miscarriage except when it happens before due time and not alive. If the miscarriage occurs during that period and the fetus is alive it is not called a miscarriage. However, if the miscarriage occurs at the beginning of the pregnancy, which is the first four months, it is called as *ijhadh*. When a miscarriage occurs between the gestation period of four months to six months, it is termed as *isqat*. While after that period, it is referred to as *wiladah* which is birth before the time (premature).

Determination of Miscarriage Blood According to Sharia

Looking at the types of miscarriage according to medical and Syafi'i School. Medical miscarriages are categorized according to the condition of the pregnant mother. While the

categorization of miscarriage according to fiqh, fetal indicators are used as the basis for the division of types of miscarriage.

Before determining the blood status of a woman who has had a miscarriage with reference to the types of miscarriage according to medical as stated, it is necessary to explain the definition of *nifas* according to Islamic law. Fuqaha of the four schools of thought, they define *nifas* to a similar definition that is the blood that comes out of the uterus after birth (Al-Kasani, 2000; Al-Sarkhasi, 1989; Al-Dusuki, n.d; Al-Mawardi, 1994; Al- Ramli, 1984, Ibn Qudamah, 2000). In addition, *nifas* is also defined as blood that comes out after the fetus comes out or the uterus is empty from pregnancy (Al-Kaf, 2003).

The jurists have laid down some guidelines for determining the status of blood according to the level or category of miscarriage experienced by mothers. These guidelines are able to be a guide for the determination of miscarriage blood and the management of the worship, as well as several other issues related to miscarriage such as *'iddah*.

Application of Syafi'i School View in Determining Women's Blood Status by Type of Miscarriage

The Syafi'i school of thought decides that the blood that comes out of the uterus is considered *nifas* even if the one that comes out is perfect or imperfect in its creation, life or death, has nature or not even *nutfah*, which is the first stage of human creation after fertilization between ovum and sperm or *'alaqah*. The *nifas* blood determination indicator is also referred to the confirmation of the midwife or physician that the woman is pregnant (MyHealth, 2021). Thus, in assessing the status of miscarriage blood according to the types of miscarriage according to medical is measured through the confirmation of the midwife or physician. If it is confirmed to be pregnant, all the blood experienced after having a miscarriage is considered *nifas*. Except for the first type of miscarriage, which is threatened miscarriage because the condition occurs when bleeding during pregnancy. According to the Syafi'i school of thought in one view, bleeding that occurs during pregnancy is categorized as menstrual blood if it meets the conditions of menstruation (al-Nawawi, 2001). All types of miscarriages that occur other than threatened miscarriage are legally childbirth. The summary is as follows

Types of Miscarriage	With Nature or Not, Life or Death, <i>Nutfah, Alaqah, Mudghah</i>	Justification
	Blood Status	
Threatened Miscarriage	Menstrual blood	When it meets menstrual conditions because it is only bleeding during pregnancy
Inevitable Miscarriage	<i>Nifas</i> (Lochia)	Confirmed pregnant by a midwife or physician
Complete Miscarriage	<i>Nifas</i> (Lochia)	
Incomplete Miscarriage	<i>Nifas</i> (Lochia)	
Molar Pregnancy	<i>Nifas</i> (Lochia)	
Ectopic Pregnancy	<i>Nifas</i> (Lochia)	
Pregnancy Of Unknown Location	<i>Nifas</i> (Lochia)	

The blood status of women who have had a miscarriage according to the type of miscarriage according to the medical as stated can be used as a guide for cases of women who have had a miscarriage due to normal or abnormal pregnancy. Similarly, it can be used as a reference or guide for cases of spontaneous miscarriage or medical (therapeutic) miscarriage.

Studies have found that after examining the views of the Shafi'i school regarding the determination of miscarriage, it requires detailed information regarding the status of the blood that occurs during pregnancy, especially in cases where pregnant women experience bleeding and the fetus is still in a safe condition, which in medical terms is referred to as threatened miscarriage. Therefore, the study found that in cases of threatened miscarriage, women who experience bleeding during pregnancy and are confirmed by medical experts that their fetus has not been aborted yet, have two statuses for this condition, namely whether their blood is deemed as menstrual blood or *fasad* blood.

Here is a detailed schedule of the issues addressed in this study, which are the current blood status during pregnancy and after miscarriage according to the types of pregnancies experienced by pregnant mothers

Num.	Types of Miscarriage	With Nature or Not, Life or Death, <i>Nutfah</i> , <i>Alaqah</i> , <i>Mudghah</i>	Justification
		Blood Status	
1	Threatened Miscarriage	Fasad Blood	When confirmed by a trusted expert (<i>thiqah</i>) that there is bleeding occurring due to a threat or injury to the pregnancy that could lead to a miscarriage.
		Menstrual blood	When the conditions of menstruation are met, as it is only bleeding during pregnancy and confirmed by a trusted expert (<i>thiqah</i>) that it is not caused by any threat or injury to the uterus that could lead to a miscarriage.
2	Inevitable Miscarriage	<i>Nifas</i> (Lochia)	Confirmed pregnant by a midwife or physician
3	Complete Miscarriage		
4	Incomplete Miscarriage		
5	Molar Pregnancy (Complete Mole or Perial Mole)		
6	Ectopic Pregnancy		
7	Pregnancy Of Unknown Location		

As for cases of bleeding that occur after childbirth or the delivery of the fetus, it is considered as postpartum bleeding (*lochia*), even if there are still placenta or remnants of the fetus inside the mother's uterus that have not been fully expelled. This is because postpartum bleeding, according to the jurists (*fuqaha*), refers to the bleeding that occurs after the delivery of the fetus from the mother's uterus (al-Kasani, 2000; al-Dusuqi, n.d.; al-Syairazi, 1992; al-Mawardi, 1994; al-Ramli, 1984; IbnQudamah, 2000).

The view of the Fatwa Committee of Terengganu, Malaysia

The determination of this blood status has been presented and explained as per the displayed table to the Fatwa Committee of Terengganu, the Islamic Religious Council and Malay Custom of Terengganu. The following is an excerpt from the legal opinions regarding the determination of the blood status of a miscarried woman:

"... The Meeting of the Fatwa Committee of Terengganu for the Sixth Time of the 2021/2023 Session (14th Term) convened on 28th Rejab 1443H, corresponding to 2nd March 2022, and was affirmed in the Meeting of the Fatwa Committee of Terengganu for the Seventh Time of the 2021/2023 Session (14th Term) held on 11th Ramadhan 1443H, corresponding to 13th April 2022, has made the following decision:..."

(Agree with the proposal of the Guideline for the Management of Miscarriage Blood for the treatment management by patients and medical practitioners of the Obstetrics and Gynecology Unit in government and private hospitals. However, the applicant must obtain confirmation from a specialist doctor regarding threatened miscarriage whether it is a miscarriage threat due to internal injury or otherwise. If there is an injury, it is considered to be *fasad* bleeding; if not, it is considered to be menstrual bleeding).

Based on the statement, the Fatwa Committee of Terengganu has clarified the ruling or status of blood in cases of bleeding experienced by pregnant women, where the condition of the fetus is still good and controlled. The Fatwa Committee detailed the ruling on blood according to the Shafi'i school of thought, stating that bleeding during pregnancy is considered menstrual if the blood meets the criteria for menstruation according to the Shafi'i school of thought. The Fatwa Committee ruled that the blood is considered menstrual if the bleeding that occurs does not pose a threat of miscarriage. However, if the bleeding is caused by a threat of miscarriage, such as injury to the placenta and so on, then the blood is considered as impure blood (*fasad*).

Regarding cases of bleeding, except for cases of bleeding during pregnancy, the Fatwa Committee of Terengganu takes into consideration the view of the Shafi'i school, which states that all miscarriages, regardless of the stage of pregnancy, are considered postpartum bleeding for the mother. This decision was made during a presentation by the author at the meeting held at the Office of the State Mufti of Terengganu, Malaysia.

Conclusion

Medical miscarriages are categorized according to the condition of the pregnant mother. Meanwhile, the categorization of miscarriage according to the Shafi'i school of thought is determined by the confirmation of pregnancy status provided by trusted medical experts, whether a woman is pregnant or not. If a woman is pregnant, the post-miscarriage blood status is considered postpartum bleeding.

Determination of blood status according to the types of miscarriage according to medical involves *fasad* blood, menstrual blood and lochia. For the Syafi'i school of thought, the basic measurement is assessed based on confirmation by a midwife or medical expert who confirms that a woman is pregnant.

According to the Syafi'i school of thought, all types of miscarriage according to medical, the blood status is *nifas* except for the type of threatened miscarriage. The type of threatened miscarriage in the Syafi'i views the status of the blood as menstrual blood.

The Fatwa Committee has decided that bleeding experienced by a pregnant woman is considered menstrual blood if the bleeding is not a threat to miscarriage. However, if the bleeding is caused by a threat of miscarriage, then the blood is considered as impure blood. For cases other than bleeding during pregnancy, the Fatwa Committee of Terengganu takes into account the view in the Shafi'i School of thought, which states that all miscarriages, regardless of the stage of pregnancy, the blood experienced by the mother is considered postpartum bleeding.

Analysis of the blood status of women with miscarriages, in The Syafi'i School of Thought And The View of The Mufti Department of Terengganu, Malaysia is able to resolve conflicts of worship management or implementation of *'iddah* as well as related issues by patients and nurses as well as relevant parties such as the courts and so on.

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