

The Concept of Necessity (Darurah) in Islamic Law and its Application in the Use of Blood Plasma in Medicine

Nurul Husna Azhar, M. Z. Mohd Zin and Azhar Abdul Rahman

Academy of Contemporary Islamic Studies, Universiti Teknologi Mara, Sarawak

Corresponding Author Email: mohamadzaid@uitm.edu.my

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Abstract

The use of blood plasma in life-saving medical treatments presents a significant ethical and religious challenge for Muslim patients due to the prohibition of impure substances in Islamic law. The concept of *ḍarūrah* (necessity) offers a potential solution by permitting exceptions in extreme circumstances such as when no permissible alternatives exist to treat life-threatening conditions. Given the increasing reliance in blood plasma in modern medicine, this study explores the importance of understanding how Islamic law accommodates such advancements. This paper employs a library research methodology, analyzing classical Islamic legal texts, contemporary fatwas and scholarly writings. The study conducts a comparative examination of classical and contemporary views in the permissibility of utilizing blood plasma derived from both human and animal sources focusing on how scholars apply the principle of *ḍarūrah* in medical contexts. The study highlights that contemporary scholars prioritize the preservation of human life, aligning with the broader Islamic legal principle of preventing harm in exceptional circumstances. Further studies are recommended to explore the application of Islamic legal principles to other emerging medical technologies, such as biotechnology and genetic engineering. Additionally, there is a need for continuous dialogue among Islamic scholars to address evolving medical challenges while ensuring compliance with Islamic ethical standards, fostering the development of fatwas that are to the needs of modern medicine.

Keyword: Darūrah (Necessity), Blood Plasma, Medicine and Islamic Law

Introduction

Islam is a religion that demonstrates flexibility in addressing contemporary issues, especially those related to Islamic rulings. In this context, solutions to current issues related to Shariah are handled carefully and in accordance with Islamic principles, adapting to the times. According to Dato' Dr. Harun Din, the halal and haram status of a medicine is a primary concern. Therefore, any medication must be pure and halal, made from substances that do

not harm humans and do not leave negative effects on health (Mohamed Ramli, Yama, & Hashim, 2019).

Blood plasma is a major component of blood, contributing about 55% of the total volume of blood. Plasma can be obtained from two sources: whole blood donors (recovered plasma) and apheresis donors (source plasma) (Pusat Darah Negara, 2021). This statement is also supported by an official website (Maktabah al-Bakri, 2023), which mentions that around 55% of blood consists of plasma, while the remainder is red blood cells, white blood cells, and platelets mixed in the plasma.

Blood plasma functions as a commons in the body, circulating through every cell. As it moves, plasma transports nutrients, waste products, heat, and regulatory molecules. It delivers essential substances like sugars, lipids, and amino acids to cells while carrying cellular waste to the kidneys, liver, and lungs for elimination. The endocrine glands secrete hormones into the plasma to regulate body organs. Plasma also contains important inorganic ions such as sodium and calcium along with many proteins. These proteins include fibrinogen, produced by the liver for blood clotting, and albumin, also produced by the liver, which maintains osmotic balance and antibodies produced by lymphocytes for immunity (Johnson, 2018).

In summary, the major components of blood plasma and its medical applications are as follows:

a. Components of Blood Plasma

1. Water: The main component of blood plasma.
2. Proteins: Albumin, globulin, and fibrinogen, essential for blood pressure regulation, immune defense, and blood clotting.
3. Electrolytes: Sodium, potassium, and calcium.
4. Nutrients and hormones: Needed for healthy body function.

b. Medical Applications of Blood Plasma

1. Plasma Transfusion: Used to treat patients with blood clotting disorders like haemophilia or liver disease.
2. Plasma Replacement: Plasma needs to be replaced due to diseases or injuries that affect its composition.
3. Immunotherapy: Blood plasma is used to collect antibodies used in immune therapy.
4. Research and Development: Plasma is used in various medical studies to understand diseases and find new treatments.

The Concept of Necessity (Ḍarūrah) in Islamic Law

The Concept of Necessity (Ḍarūrah)

Definitions and *Dalil*

In the book named *Durus Fiqhiyyah* (al-Luhaimid, 2022), according to Ibnu Manzbur, *ḍarūrah* refers to a situation where a person needs something due to urgent circumstances. Necessity or *al-ḍarūrah* in Arabic comes from the word *al-darar*, meaning an unavoidable calamity (al-Jurjani, 2012).

In an article on *The Implementation of Fiqh Principles Related to Darurat In Medicine*, Siti Khatijah explains that classical scholars like Imam al-Nawawi and contemporary scholars like Dr. Wahbah al-Zuhayli highlight the concept of *darūrah* in contexts where life is at risk if there is no alternative but to resort to something prohibited. In such situations, the threat refers to danger to life or severe injury. She also emphasizes the importance of the fiqh principle of *darūrah* in medicine stating that it is crucial to avoid harm (Mokhtar & Samuri, 2023).

In the context of *shariah*, Ibnu Manzhur (al-Luhaimid, 2022) mentions several similar definitions among scholars, such as:

1. *Darūrah* refers to a situation where a person must consume something prohibited or face death, thus making it permissible to consume the haram.
2. Another interpretation is the fear of danger to oneself or part of the body if one does not eat, and the meaning is similar.

Dr. Wahbah al-Zuhaili defines *darūrah* as a situation where someone faces severe danger or difficulty, to the point where harm to oneself, a body part, honor, intellect, or property is feared. In such a case, it becomes obligatory or permissible to commit a prohibited (*haram*) act, delay an obligation, or forgot it altogether to prevent the potential harm based on the most likely probability with conditions set by *shariah* (Az-Zuhayli, 1984).

According to Imam Al-Ghazali in his book *Al-Mustasfa* (al-Ghazali, 1993), the concept of *darūrah* is based on five essential needs and two important principles:

الضَّرُورَاتُ تُبِيحُ الْمَحْظُورَاتِ

Meanings: Necessity permits the forbidden.

الضَّرُورَةُ تُنَزِّلُ مَنَزِلَةَ الْحَاجَةِ عَامَّةً كَانَتْ أَوْ خَاصَّةً.

Meanings: Necessity is considered equivalent to general or specific need.

This expression refers to the principle that *darūrah* can be regarded as equivalent to need, whether that need is general or specific (al-Suyuti, 2013)

The Principle of *Darūrah* and its Limits

According to Ibnu Qudamah, scholars agree that consuming carrion is prohibited in a voluntary situation, but they also agree that it is permissible in cases of *darūrah*. The extent of the *darūrah* is based on the combination of the following verses of the Quran:

وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلَّا مَا اضْطُرِرْتُمْ إِلَيْهِ ۗ ۱۱۹

Meanings:

And He has explained to you in detail what is forbidden to you, except under compulsion of necessity.

(al-An'am 6 : 119)

This verse indicates that permission is granted when the need arises. Allah also says in Qur'an:

فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ ۗ ۱۷۳

Meanings:

But whoever is forced by necessity, neither desiring (it) nor transgressing (its limits) - there is no sin upon him.

(al-Baqarah 1: 173)

The sentence above establishes permission on the condition that a person in a state of *ḍarūrah* does not exceed the limits and does not clarify the cause of the emergency, as well as the meaning of 'exceeding the limits' and 'exceeding one's right.' As previously explained, the method used in various *fiqh* situations to provide leniency in necessary circumstances is:

الصَّرُورَةُ تُنْزِلُ مُنْزِلَةَ الْحَاجَةِ عَامَّةً كَانَتْ أَوْ خَاصَّةً.

Meanings

Necessity is considered equivalent to a general or specific need.

This statement refers to the principle that *ḍarūrah* (urgent circumstances) can be regarded as equivalent to a need whether that need is general or specific (al-Suyuti, 2013). According to Dr. Wahbah al-Zuhayli, necessity refers to an urgent situation that compels an individual to engage in actions prohibited by Islamic law.

Dr. Wahbah al-Zuhayli also concludes that necessity is an unavoidable circumstance and can serve as a valid justification for performing actions that are normally forbidden. However, in terms of the definition of the term, obligation does not fall within the concept of necessity, as obligation requires capability and strength; if an individual is unable to fulfill it, the obligation is lifted (Ibrahim, 2020).

Application of the Concept of Necessity (Ḍarūrah) in the Use of Blood Plasma

Among the medical issues utilizing the principles of *fiqh ḍarūrah* (necessity) is the use of Maggot Debridement Therapy (Larva Therapy) for patients with chronic wounds. A fatwa was issued by the Jabatan Mufti Negeri Selangor Darul Ehsan on October 7th in the year of 2013, stating that it is permissible (*mubah*) in Islam. Jabatan Mufti Kebangsaan also supports this principle, emphasizing that Islam encourages efforts to seek remedies for illnesses. The committee referenced the *fiqh* principle that “*harm must be removed*” and the notion that everything is pure except for those that are clearly haram, such as pigs and dogs. In the context of Islamic medicine, practitioners are required to make every effort to provide the most appropriate treatment to alleviate the harm experienced by patients, including providing them with suitable consultations and medications (Mokhtar & Samuri, 2023).

In the context of plasma in medicine, Jabatan Mufti Negeri Selangor also clarified on its official website that the use of blood plasma, whether from humans or animals, as a medication in tablet form is not permitted except in emergency (*ḍarūrah*) situations (Jabatan Mufti Selangor, 2024). In Islam, the concept of necessity allows for certain prohibitions to be relaxed when there is an urgent need to save a life. Necessity arises from desperate situations due to undesirable circumstances. Risks, expectations, possibilities, and implications have led to actions that were originally haram being granted certain relaxations (Mokhtar & Samuri, 2023). In the context of using blood plasma, such as fresh frozen plasma products and plasmapheresis treatments, these situations often occur in emergencies. Blood plasma treatment is used in life-threatening bleeding situations or in treating certain autoimmune diseases, where the principle of *ḍarūrah* is applied. For example, immunoglobulin is used to treat hepatitis A and hepatitis B (Hehsan, 2015).

According to an article published (*Medicine Of Me*, 2023), this medication is used to produce antibodies against viral infections such as hepatitis A, measles, chickenpox, and rubella. Thus, it serves as an antibody for individuals who have never been infected or who have not been previously infected. It is also used to strengthen the body's natural immune system to reduce the risk of infection in individuals with immunoglobulin deficiency.

This aligns with the fiqh principle stated in the book *Qawaaid Al-Fiqh*:

الصَّرُّ يَزَالُ

Meaning: Harm must be removed.

This fiqh principle permits the use of substances that are typically considered impure in emergency situations for a greater purpose, namely saving lives (al-Barakati, 1986).

Differences of Opinion in the Context of Necessity (Darūrah)

In the translated book *Al-Majmu' Syarah Al-Muhadzdzab*, it is stated that it is permissible to use impure substances for treatment when no other medicine is available as a substitute. This is the opinion of the Shafi'i scholars. If there is a pure medicine available, then it is forbidden to use a medicine containing impure elements, and this is the ruling of the scholars. Based on the information explained previously, it is clear that the original ruling for treating with impure substances is haram, regardless of whether it is alcohol or other materials. It only becomes a necessity when no halal medicine is available for emergency situations (an-Nawawi, 2009).

According to the majority opinion of scholars, all blood that flows from the human body is impure. As stated in the words of Allah SWT:

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالْدَّمَ وَلَحْمَ الْخِنزِيرِ وَمَا أُهْلِيَ بِهِ لِيُغَيَّرَ اللَّهُ فَمَنْ أَضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ عَفُورٌ رَحِيمٌ ١٧٣

Meanings:

Indeed, He has only forbidden to you dead animals, blood, the flesh of swine, and that over which has been invoked the name of other than Allah. But whoever is forced (by necessity) neither desiring (it) nor transgressing (its limit)] there is no sin upon him. Indeed, Allah is Forgiving and Merciful.

(al-Baqarah 1 : 173)

There is also a verse from Allah Ta'ala:

قُلْ لَا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُ رِجْسٌ ١٤٥

Meanings:

“Say, "I do not find within that which was revealed to me anything prohibited to one who would eat it, unless it be dead meat or blood poured forth or the flesh of swine, for indeed, it is unclean....”

(al-An'am 6: 145)

It is haram to use prohibited materials for treatment, as the Prophet Muhammad SAW said:

أَنَّ اللَّهَ أَنْزَلَ الدَّاءَ وَالِدَوَاءَ وَجَعَلَ لِكُلِّ دَاءٍ دَوَاءً فَتَتَدَاوَوْا، وَلَا تَتَدَاوَوْا بِمُحَرَّمَ

Meanings:

Indeed, Allah has sent down disease and remedy, and He has made for every disease a remedy. So seek treatment, but do not seek treatment with what is haram.

(Riwayat Abu Daud: 3874)

In another hadith narrated by Abu Hurairah (may Allah be pleased with him), he said that the Prophet Muhammad SAW said:

نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الدَّوَاءِ الخَبِيثِ

Meanings:

The Prophet Muhammad SAW prohibited treatment with impure medicine.

(Riwayat Abu Daud)

Allowances in Emergency Situations

Originally, blood is considered haram (*al-aslu fi al-dima' al-tahrim*), except in emergency situations, such as its use in a medical context. The basic principle in Islamic law states that something is considered pure or permissible (*al-aslu fi al-asyya' al-ibahah*), but there are exceptions set by scholars based on Sharia evidence. For example, flowing blood is originally considered haram, except in emergency situations such as medical use, where the ruling can be allowed in accordance with the principle of leniency in emergencies (Hasbullahi, Mamatii, & Zakaria, 2018). This shows the acceptance of the principle of allowances in Islamic law when faced with situations requiring practical solutions in the medical context.

Classical and contemporary scholars have provided various definitions regarding *maqasid al-syariah*. According to the author Yusrawati in her thesis, Al-Ghazali emphasizes that the main purpose of Sharia is to protect five fundamental components such as religion, life, intellect, lineage, and property. Al-Syatibi focuses on liberating humans from desires to become the servants of Allah voluntarily, while Ibn 'Asyur views the purpose of legislation as the preservation of order, equality, freedom, and human nature. Despite differing opinions, scholars agree that the primary goal of legislation is to achieve benefits (*maslahah*) and prevent harm (*mafsadah*) (Yusrawati, 2022).

Yusrawati further states that *maqasid al-syariah* serves as the foundation for legislation, is universal, meets all aspects of human life, and is sourced from various evidences. The classification of *maqasid* includes *daruriyyat* (essential needs), *hajiyyat* (additional needs), and *tahsiniyyat* (complementary needs), focusing on general, specific, and partial *maqasid*.

However, scholars also emphasize that the original haram ruling can become permissible in emergencies, as indicated by the legal maxim that states:

الصَّرْوَرَةُ تُبِيحُ المَخْطُورَاتِ

Meanings: Necessity makes the forbidden permissible

Problem Statement

*The use of blood plasma in medical treatments raises significant concerns within Islamic law especially regarding its permissibility under the principles of halal and haram (Yusrawati, 2022). Although classical scholars hold that impure substances including human blood and plasma are generally prohibited for medical use, modern advances in medicine have necessitated a reevaluation of these principles. A particular issue arises emergency situations where the principle of *darurah* (necessity) may justify the use of otherwise impermissible materials to save lives (Ridwan, 2020). The core problem addressed in this study is the tension*

between the traditional Islamic prohibition on the use of impure substances and the evolving medical need for blood plasma in life-saving treatments. This study seeks to explore how contemporary scholars utilize *ḍarūrah* to reconcile Islamic ethical standards with the realities of modern medical advancement.

Methodology

This research employs a library research methodology, analyzing classical Islamic legal texts, contemporary fatwas, and academic journals. The study conducts a comparative examination of classical and contemporary views on the permissibility of utilizing blood plasma derived from both human and animal sources focusing on how scholars apply the principle of *ḍarūrah* in medical contexts.

Literature Search

Data was collected from classical Islamic jurisprudence texts, contemporary fatwas, academic journals and reference books on both Islamic law and medical ethics.

Selection Criteria

The focus was on identifying classical and contemporary viewpoints regarding the permissibility of blood plasma usage, specifically analyzing the concept of *ḍarūrah* in Islamic law. Primary sources included fatwa from recognized Islamic scholars and councils as well as medical research papers related to plasma therapy.

Data Analysis

The research involved comparing classical jurisprudential stances with modern fatwas to understand how the concept of *ḍarūrah* has been applied. This comparative approach highlighted the evolution of Islamic legal reasoning in response to modern medical challenges.

Validity and Reliability

Information was cross-referenced across multiple sources including both classical fiqh references and modern fatwa collections, ensuring a balanced perspective and scholarly reliability.

Result

The findings show a divergence between classical and contemporary scholars regarding the use of blood plasma in medicine. Classical scholars generally adhered to a strict interpretation of the prohibition on using impure substances like blood citing the Quranic verse that blood is forbidden. However, contemporary scholars have become more flexible in their interpretations due to the critical life-saving potential of the plasma invoking the principle of *ḍarūrah* to justify its use in dire situations.

Classical Perspective

Classical jurists from the four major Islamic schools of thought (Hanafi, Maliki, Syafi'i and Hanbali) uniformly reject the use of blood or its derivatives for medical purposes except in extreme necessity where no alternative is available. Their rationale is rooted in the Quranic and Hadith-based prohibitions against consuming or utilizing impure substances

Contemporary Views

Modern scholars on the other hand argue that *ḍarūrah* can override the general prohibition particularly in medical emergencies where the only viable treatment involves the use of blood plasma. Fatwa issued by respected institution like Jabatan Mufti Negeri Selangor and Jabatan Mufti Negeri Sarawak about the use of plasma in life-threatening situations (Jabatan Mufti Sarawak, 2024; Jabatan Mufti Selangor, 2024). This shift represents an application of the maxim:

الضَّرُورَةُ تُبِيحُ الْمَحْظُورَاتِ

Meaning:

Necessity permit prohibitions

Discussion

The study demonstrates that Islamic law through the principle of *ḍarūrah* has the flexibility to accommodate new medical technologies like blood plasma therapy. By grounding their rulings in the principles of *maslahah* (public interest) and the preservation of life, contemporary scholars have allowed for the reconciliation between Islamic ethics and modern medical practices. However, continued dialogue is necessary to further address the ethical challenges posed by rapidly advancing medical technology.

Conclusion

In conclusion, the concept of *ḍarūrah* in Islamic law provides a critical framework for addressing situations where life or severe harm is at risk allowing for exceptions to certain prohibitions in dire circumstances. This principle is grounded in both classical and contemporary *fiqh* with scholars like Imam al-Ghazali, Dr. Wahbah Zuhayli and others agreeing that under necessity, certain forbidden acts may become permissible to protect essential human interests such as life, intellect and property (al-Ghazali, 1993; Az-Zuhayli, 1984). The application of *ḍarūrah* extends to medical practices, such as the use of impure substances or prohibited treatments in life-threatening conditions provided that no *halal* alternatives exist. This legal principle reinforced by Quranic verses and hadiths emphasizes the balance between adhering to *shariah* and accommodating urgent medical needs allowing for flexibility while maintaining respect for Islamic law's ethical boundaries.

This difference of opinion indicates that the issue of using blood plasma in medicine still requires careful consideration by legal practitioners based on specific situations, as well as adherence to *Sharia* principles that prioritize life and human welfare.

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