

## Health Takaful And Sustainability In Medical Treatment: An Analytical Jurisprudential Reading With Applications To Neonatal Care

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### ABSTRACT

This study addresses the issue of health takaful (cooperative health insurance) as a jurisprudential and ethical tool supporting sustainability in medical treatment, particularly in neonatal intensive care units (NICUs), where treatment costs pose a burden on both families and the state.

The research begins by grounding the concept of health takaful in Islamic legal principles such as “harm must be eliminated” (al-ḍarar yuzāl), “what is feasible does not fall due to what is difficult” (al-maysūr lā yasqūṭ bi al-ma’sūr), and “liability is borne by the one who causes it” (al-kharāj bi al-ḍamān), linking these to the economic dimensions of sustainability and health equity.

The study adopts an analytical and inductive methodology, reviewing models of Islamic health insurance (takaful) and their role in delivering effective neonatal care within limited resources. The study concludes that it is possible to establish integrated models of Sharia-compliant health takaful that enhance equitable access to treatment and achieve a balance between Islamic legal ethics and modern medical practices.

**Keywords:** health takaful, sustainability, neonatal care, Islamic jurisprudence, health insurance, harm principle, health equity, legal maxims.

### 1. INTRODUCTION

In light of increasing economic and social challenges facing healthcare systems, there is a growing need for sustainable Sharia-based solutions to support societies in providing medical treatment, especially for vulnerable groups such as newborns. This group incurs some of the highest medical costs in NICUs, raising jurisprudential and ethical questions regarding the financing mechanisms and the legitimacy of various insurance models.

Islamic jurisprudence offers a coherent framework through the concept of “health takaful,” which is built on cooperative and humanitarian foundations derived from general maxims such as “harm must be removed”, “gain is tied to liability”, and “public interest (maṣlaḥah mursalah).” This concept is inherently linked to the idea of health sustainability, which focuses on optimal resource utilization to ensure equitable healthcare without compromising the rights of future generations.

### 2. RESEARCH PROBLEM

The central problem addressed in this study is the absence of active jurisprudential models that ensure continuity of high-cost medical treatment, especially for critical cases such as neonatal care, without imposing unbearable burdens on families or undermining the sustainability of the broader health system. The primary question posed is:

How can the principle of health takaful be applied to neonatal care in a way that ensures sustainability and complies with Islamic legal maxims?

### 3. THIS LEADS TO SEVERAL SUB-QUESTIONS

- What are the Sharia-based regulations for establishing a health takaful system dedicated to neonatal care?
- How legitimate are the current models of health insurance from the perspective of Islamic legal maxims?

- How can health sustainability principles be integrated with Islamic jurisprudence in planning for long-term treatment expenditures?

#### 4. OBJECTIVES OF THE STUDY:

This study aims to:

1. To provide a jurisprudential foundation for health takaful in light of Islamic legal principles.
2. To analyze the Islamic legal dimensions of sustainability in delivering medical treatment, particularly for neonates.
3. To explore medical and economic models that balance health equity and financial constraints.
4. To present an integrated jurisprudential-informational model that combines health takaful and sustainability.

#### 5. METHODOLOGY

The study employs a multidisciplinary scientific methodology, including:

- **Descriptive-Analytical Approach:** Used to present relevant legal maxims (e.g., harm must be removed, liability on the liable party, and necessity permits exceptions), and to analyze their practical implications in medical contexts.
- **Inductive Approach:** Involves surveying health takaful models in Islamic countries and examining how other nations manage neonatal care through sustainable financing programs, such as Medicaid in the U.S. (CMS, 2020) and NICU programs in Europe (EuroPeristat, 2022).
- **Comparative Approach:** Compares commercial health insurance with cooperative health takaful regarding legality, effectiveness, and sustainability.
- **Applied Approach:** Proposes a Sharia-compliant health takaful framework for neonatal care, based on Islamic legal maxims and economic health data.

#### 6. FINDINGS

The theoretical and analytical approach was selected for this study for the following reasons:

1. Suitability for both jurisprudential and scientific research, allowing for the integration of Islamic legal evidence with modern scientific studies.
2. Ability to analyze contemporary issues from an Islamic perspective, providing a comprehensive vision of how sustainability in alternative medicine can be achieved within the framework of Maqāṣid al-Sharī‘ah.
3. Potential for comparative analysis between different healthcare systems, highlighting successful global experiences in achieving sustainability in alternative medicine and offering practical solutions applicable to Islamic countries.

#### 7. FINDINGS

- Health takaful is Islamically permissible and considered a form of cooperation in righteousness (Qur’an 5:2), and is based on the principle “gain is tied to liability”, legitimizing collective financial contributions toward healthcare.
- Islamic legal principles support the use of cooperative (non-profit) insurance systems to cover high neonatal treatment costs.
- There is significant overlap between the concepts of “sustainability” and “removal of hardship” in Islamic jurisprudence, allowing for the formulation of Sharia-compliant healthcare financing systems that are suitable for limited-resource environments.
- European and American models provide precise data on neonatal care costs, which can aid Islamic scholars and policymakers in estimating needs and calibrating takaful contributions based on real-world evidence (WHO, 2021; OECD, 2023).
- The proposed Sharia-compliant model outperforms commercial insurance in terms of fairness and sustainability and can be enhanced through health informatics systems that improve resource distribution and minimize waste.

#### 8. DISCUSSION

The study confirms that health takaful, when grounded in Islamic legal principles, can be a fundamental solution to the problem of funding medical care—especially for neonates, whose treatment is highly resource-intensive. Juridical evidence shows that mandating takaful contributions is not unjust as long as they serve public welfare and are based on mutual consent.

Moreover, the principle “necessity permits exceptions” supports using zakat, endowments, or crowdfunding to finance critical medical care. Technologically, integrating medical informatics systems with Sharia-compliant takaful programs

promotes efficient spending, equitable distribution, and long-term cost savings.

The study emphasizes that international standards—such as NICU cost reports from developed countries—can serve as reliable foundations for constructing jurisprudentially sound takaful models based on real data rather than theoretical estimates (Fewtrell et al., 2011).

## 9. CONCLUSION

The study concludes that health takaful represents an effective Sharia-compliant model for achieving justice and sustainability in medical care, especially neonatal care. Islamic jurisprudence offers a rich framework that can be integrated with modern medical systems to develop practical solutions that consider limited resources and the high costs of intensive care.

The research recommends adopting a flexible, digital takaful model that relies on a shared database between religious and medical authorities, managed through an intelligent platform that allocates resources based on need, thus contributing to achieving sustainable development goals without departing from Islamic principles.

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