

A Jurisprudential Analysis of the Maqasid of Preserving Life and Its Impact on Formulating Health Policies in Islamic Countries

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ABSTRACT

The objective of preserving life is one of the most fundamental goals (maqasid) in Islamic law. Societal interests cannot be fulfilled nor can communal structures be stabilized without protecting human life. This maqasid has deeply influenced various areas of Islamic jurisprudence, especially those related to medicine, treatment, and health security. This study seeks to analyze the juristic foundations of this objective and its direct influence on public health policymaking in Islamic countries. It investigates how different Islamic schools of thought provide a sustainable legal basis for promoting the health of individuals and societies. The study employs an analytical and comparative methodology, integrating higher objectives of Shariah and encompassing economic, social, and medical dimensions.

1. INTRODUCTION

Islam places great importance on the sanctity of human life, regarding it as one of the five necessities (daruriyyat) that must be preserved. Islamic jurisprudence includes numerous rulings aimed at protecting life from destruction, including allowing treatment, establishing guarantees, and even permitting surgical interventions when necessary. In light of modern health challenges, there is a growing need to apply Maqasid-based jurisprudence to guide health policy and align medical regulations with Islamic principles. Therefore, this paper aims to explore the jurisprudential foundations of the objective of preserving life, and its impact on shaping national health systems.

2. THE OBJECTIVE OF PRESERVING LIFE IN THE CONTEXT OF EPIDEMICS

Epidemics pose one of the gravest threats to human life. Islamic jurists have extensively addressed this issue in light of the objectives of Shariah. They endorsed quarantine based on the Prophet Muhammad's statement: 'If you hear of an outbreak of plague in a land, do not enter it; and if it occurs in a land while you are in it, do not leave it' (Sahih al-Bukhari). This hadith established the jurisprudential principle: 'preventing harm takes precedence over procuring benefits,' which is a direct application of the objective to preserve life. Contemporary health policies in Islamic nations should adopt this principle in managing public health emergencies, including implementing isolation, limiting mobility, and providing vaccinations and preventive care. This aligns with the juristic vision of averting harm and preventing destruction (Ibn al-Qayyim, I'lam al-Muwaqqi'in; Al-Shatibi, Al-Muwafaqat).

3. ISLAMIC MEDICAL ETHICS IN LIGHT OF THE OBJECTIVE OF PRESERVING LIFE

The objective of preserving life is also evident in the ethical dimension of medical practice. Islam emphasizes bodily integrity and mandates its care. It regulates the doctor-patient relationship with clear Shariah-based principles. Among these are the necessity of patient consent, avoidance of unnecessary harm, respect for privacy, and upholding patient dignity. The four Sunni schools agree that if a treatment is reliable and failure to use it would likely result in death or severe harm, then it becomes a religious obligation (Al-Nawawi, Al-Majmu'; Ibn Qudamah, Al-Mughni). Moreover, state intervention to mandate treatment or vaccination during epidemics is a legitimate use of public policy (siyasah shar'iyyah), serving the common interest without infringing on individual rights. It is, rather, a collective protection.

4. CONTEMPORARY APPLICATIONS OF THE MAQASID OF PRESERVING LIFE IN HEALTH POLICIES

Many Islamic countries have adopted the objective of preserving life in their health policies, either explicitly in their constitutional frameworks or implicitly through preventive and treatment programs. In Saudi Arabia, Article 27 of the Basic

Law of Governance states that “The State shall guarantee the right of the citizen and his family in case of emergency, illness, disability, and old age.” This principle was clearly reflected during the COVID-19 pandemic, as the government implemented comprehensive precautionary measures, free vaccination programs, and allocated massive funding to the health sector (Saudi Ministry of Health, 2021). In Malaysia, the government has promoted Islamic social finance mechanisms in healthcare, including zakat and waqf, to ensure healthcare access for vulnerable populations. This model demonstrates a practical implementation of the Shariah objective to preserve life (Ismail, 2021). Meanwhile, Turkey has reactivated the health waqf system to provide free services to rural communities, particularly for the uninsured, as part of a national strategy rooted in social justice and solidarity (Mannan, 2020). These examples demonstrate that Islamic Shariah can function not only as a religious reference but also as a practical framework for shaping fair and inclusive health policies

5. FINDINGS AND RECOMMENDATIONS

The study concludes that the objective of preserving life is not a theoretical construct but a foundational component of Islamic legal thought with practical implications for public health governance.

Key findings:

- All four Sunni schools agree that medical treatment is permissible, and it becomes obligatory if avoiding it would lead to death or severe harm.
- Governments are allowed, through Shariah-based policy (siyasa shar’iyyah), to mandate treatment or vaccination in cases of public health threats.
- Islamic medical ethics rooted in the maqasid framework strike a balance between individual rights and collective welfare.
- Contemporary experiences in Islamic countries show that Maqasid al-Shariah can effectively guide modern health systems.

Recommendations

1. Integrate Shariah objectives into medical and public health curricula.
2. Issue institutional fatwas to support preventive health policies.
3. Activate zakat and waqf institutions to fund healthcare projects.
4. Encourage cooperation between Shariah scholars and medical professionals.

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