

NEGOTIATING BETWEEN SHARIA AND MEDICAL PRACTICE

An maqashid Analysis of Khashyat al-Imlāq as a Motive for Misoprostol Use in Indonesian Muslim Households

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ARTICLE INFO	ABSTRACT
<p><i>Article History</i> <i>Recieved Sept 2025</i> <i>Accepted Okt 2025</i> <i>Available Nov 2025</i></p>	<p>The use of misoprostol (miso) as an abortion drug has sparked ethical, medical, and legal debates. On the one hand, this drug has important medical functions, such as treating miscarriages, postpartum hemorrhages, and life-threatening emergencies in mothers. However, on the other hand, miso is often misused for illegal abortions. This article aims to examine the position of miso in the perspective of contemporary Islamic law through the maqāsid al-syarī'ah approach. The research was conducted using a qualitative method based on a literature study, with primary sources from the Qur'an, hadith, classical fiqh books, and contemporary fatwas from Majma' al-Fiqh al-Islami and the Indonesian Ulema Council (MUI). The results of the study show that the use of miso is permissible if there are sharia and medical reasons of emergency, such as saving the life of the mother or a fetus that is already dead, provided that the pregnancy is less than 120 days old. Conversely, the use of miso for illegal abortion without an emergency reason is considered haram, as it contradicts the principles of ḥifz al-nafs and ḥifz al-nasl. In conclusion, contemporary Islamic law affirms that the use of misoprostol must be subject to maqāsid al-syarī'ah, with strict medical supervision and regulation, in order to protect life and preserve offspring.</p>
<p><i>Keywords:</i> <i>misoprostol, abortion,</i> <i>Muslim family,</i> <i>Maqashid Syari'ah</i></p>	

Introduction

The use of misoprostol is legally protected by medical laws such as Law No. 36 of 2009 concerning health, then the regulation of the minister of health of the Republic of Indonesia Number 97 of 2014 concerning pharmaceutical service standards in puskesmas and regulation of the minister of health number 21 of 2013. The law regulates the use of misoprostol for the induction of labor, for the control of postpartum hemorrhage (PPH) and for the treatment of gastric ulcers, but based on observations there are those who use misoprostol to abort the content with the reason that the mother is not economically ready, the question is what about this, of course legally it violates the rules.¹

In the classical fiqh tradition, terminating a pregnancy is seen as a prohibited act especially after the fetus is blessed with the spirit (*nafkh al-rūh*) at 120 days of gestation. However, debate arises when abortion is performed before this stage, especially when there are medical reasons such as a serious threat to the mother's safety, failure of contraception, or indications of severe genetic defects. The differing views of the fuqahā' indicate that there is room for ijtihad, especially when this issue is linked to the complex contemporary social reality.²

Some research on the use of pregnancy terminating drugs, first from the point of Islamic law, an article written by zahratul³. Furthermore, rizki adhelia⁴ next article written by Riska Shafira and Salman⁵ and Suryati Regen, Tuty Ya nuarti⁶. from several existing articles, what distinguishes this article from the theme that the author wrote with the theme of the use of misoprostol whose purpose is used to abort the womb studied according to contemporary Islamic law and maqashid sharia.

The purpose of this research discusses the first 2 things how the practice of using misoprostol according to contemporary Islamic law in Indonesia and how the maqashid sharia views on the misuse of misoprostol to terminate the pregnancy. in this article it is important to approach contemporary Islamic law and maqashid sharia to

¹ Merlin Cahyaningtias, Abshoril Fithry, and Universitas Wiraraja, "PENGEQUALIAN LARANGAN ABORSI SEBAGAI BENTUK PERLINDUNGAN PEREMPUAN," no. 36 (2023): 5–6.

² Maria F. Gallo et al., "Passage of Abortion Ban and Women's Accurate Understanding of Abortion Legality," *American Journal of Obstetrics and Gynecology* 225, no. 1 (2021): 63.e1-63.e8, <https://doi.org/10.1016/j.ajog.2021.02.009>.

³ Zahratul Aini and Fatimah Zahara, "Hukum Penjualan Obat Cytotec Secara Bebas Menurut Perspektif Dzari'ah Dan Kesehatan (Studi Kasus Market Place Shopee).," *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial* 10, no. 1 (2022): 133–46.

⁴ Rizqi Adhelia, "Maternal Mortality Due To Misoprostol Toxicity: A Case Study," *Jurnal Anestesi Obstetri Indonesia* 2, no. 6 (2023): 108–12.

⁵ Shafira and Salman, "Efektivitas Pemberian Misoprostol Dengan Oksitoksin Terhadap Kemajuan Persalinan Pada Ibu Bersalin Di Rumah Sakit."

⁶ Frinda Suryatini Firdaus, Nontje Rimbing, and Anna S. Wahongan, "Tinjauan Yuridis Tindakan Aborsi Berdasarkan KUHP Dan Undang-Undang Nomor 36 Tahun 2009 Tentang Kesehatan," *Lex Crimen X*, no. 2 (2021): 45–55.

find a balance point between text, context, *maslahat*, and human reality.⁷ The *maqāsid al-syarī'ah* approach provides a more comprehensive perspective on this issue. The concept of protection of the five basic principles (religion, soul, mind, offspring, and property) can be used as a framework in considering the permissibility or prohibition of medical abortion. The key question is does the use of misoprostol to terminate a pregnancy lead to greater benefit or *mafsadat*?

On the other hand, the social context of Indonesian Muslim society shows new challenges such as the increasing number of unwanted pregnancies, limited access to reproductive health services, and different positive legal regulations in Muslim countries. This calls for a reassessment that is more critical and responsive to the needs of the times, without neglecting the principles of Sharia, especially the phenomenon of using misoprostol for line 2 abortions on the grounds of the family's economic weakness.

Methods

This type of research is a qualitative research with normative theological and socio legal approaches.⁸ The normative approach is used to examine classical and contemporary Islamic legal texts related to terminating pregnancy while the socio-legal approach is used to see the implementation and social impact of terminating medical pregnancy with misoprostol in Muslim communities in Indonesia with primary data sources Al-Qur'an, Hadith, as well as the works of classical scholars (*fiqh books*) and contemporary (fatwa, *ijtihad* results, decisions of religious institutions).⁹ Secondary data is medical literature on the use of misoprostol, positive legal regulations (laws, regulations, and reproductive health regulations in Indonesia and other Muslim countries), as well as relevant previous academic research. with data collection methods, observation, interviews and Library Research by reviewing books, journals, scientific articles, and legal regulations and documentation, then the data is analyzed using descriptive analysis through several stages, namely normative analysis, contextual analysis and analysis.¹⁰

The Practice of Using Misoprostol According to Contemporary Islamic Law in Indonesia

In Indonesia regulates the use of misoprostol, which is a synthetic drug belonging to the prostaglandin E1 analog class. Misoprostol was originally developed and used for the prevention and treatment of gastric ulcers due to the use of non-steroidal

⁷ Rofi Ummah, "Hukum Aborsi Akibat Pemerkosaan," *Pagaruyuang Law Journal* 7, no. 2 (2024): 402-13.

⁸ Busriyanti, "Marriage Law Reform in Indonesia A Maqasid Al-Usrah Perspective on Legal Adaptation."

⁹ Cahyaningtias, Fithry, and Wiraraja, "PENGEQUALIAN LARANGAN ABORSI SEBAGAI BENTUK PERLINDUNGAN PEREMPUAN."

¹⁰ Shafira and Salman, "Efektivitas Pemberian Misoprostol Dengan Oksitoksin Terhadap Kemajuan Persalinan Pada Ibu Bersalin Di Rumah Sakit."

anti-inflammatory drugs (NSAIDs). However, in medical development, this drug has also proven effective in the field of obstetrics and gynecology, especially for: first, Induction of labor (stimulation of uterine contractions). second Treatment of incomplete abortion. third, Medical abortion in early pregnancy. and fourth Prevention and treatment of postpartum hemorrhage.¹¹

In the context of medical abortion, misoprostol works by stimulating uterine contractions, causing the expulsion of uterine contents. It is often used alone or in combination with mifepristone to increase effectiveness. The WHO has included misoprostol in its List of Essential Medicines due to its effectiveness, safety, and relative low cost. However, its use remains ethically, legally and religiously controversial, especially in countries with strict regulations against termination of pregnancy.¹²

Furthermore, the relationship between misoprostol and medical abortion Medical abortion is the termination of pregnancy using certain drugs, without going through a surgical procedure. This method is generally done in early pregnancy (usually up to 12 weeks) by utilizing drugs that can trigger uterine contractions so that the fetus and pregnancy tissue are expelled naturally. The most commonly used drugs are a combination of mifepristone (an antiprogesterone drug that stops the pregnancy from progressing) and misoprostol (a prostaglandin drug that stimulates uterine contractions). Under certain conditions, misoprostol may also be used alone.

According to WHO, medical termination of pregnancy is categorized as a relatively safe, effective, and non-invasive method when performed according to medical standards and under the supervision of health workers. However, from a legal and religious perspective, the practice of medical termination is contentious because it involves the protection of life, women's reproductive rights, and social moral values. So it can be understood that misoprostol can be said to be similar to medical abortion. what are the similarities between misoprostol and medical abortion?

First, the use of misoprostol is used for termination of pregnancy while medical abortion uses a drug called misoprostol. then the similarity between misoprostol and medical abortion is that in principle it works the same through the mechanism of uterine contraction. in principle, medical abortion uses drugs that stimulate uterine contractions so that the fetus and pregnancy tissue come out. while Misoprostol functions precisely with this mechanism, namely as a prostaglandin E1 analog that induces uterine contraction.¹³

Then, in the work model of abortion Medical abortion is generally performed in the first trimester (≤ 12 weeks). and the use of misoprostol is effective in this period,

¹¹ Aini and Zahara, "Hukum Penjualan Obat Cytotec Secara Bebas Menurut Perspektif Dzari'ah Dan Kesehatan (Studi Kasus Market Place Shopee)."

¹² Umi Kalsum Hehanussa, "Analysis of Non-Halal Drug Use in the Perspective of Maqashid Syariah," *Jurnal Ilmiah Ekonomi Islam* 8, no. 1 (2022): 437, <https://doi.org/10.29040/jiei.v8i1.4602>.

¹³ Herdiansa Herdiansa, "Penggunaan Kontrasepsi Darurat Berdasarkan Permenkes No. 97 Tahun 2014 Perspektif Maqāshid Al-Syarī'ah," *BUSTANUL FUQAHA: Jurnal Bidang Hukum Islam* 5, no. 1 (2024): 121–32, <https://doi.org/10.36701/bustanul.v5i1.1139>.

whether used alone or together with mifepristone. then technically between medical abortion and the use of misoprostol is considered to have a non-invasive method as shown in the table below:

Tabel 1
Regulations on the use of misoprostol in some countries

Country	Misoprostol Status	Medical Abortion Status	Special Regulations
Indonesia	Legal limited (hard drugs, indications: gastric ulcer, induction of labor), incomplete miscarriage, postpartum hemorrhage)	Illegal, except: medical emergency (mother/fetus life threatened) & pregnancy due to rape (≤ 40 days)	Health Law No. 36/2009 & PP 61/2014 on Reproductive Health
Inggris	Legal & highly regulated	Legal until 24 weeks of pregnancy (for certain reasons, e.g. maternal/fetal health)	Abortion Act 1967
Amerika Serikat	Legal (FDA approved Misoprostol + Mifepristone)	Legal in some states, banned in conservative states (post Roe v. Wade overturned 2022)	Regulation depends on state law
Prancis	Legal (authorized use in hospitals & clinics)	Legal up to 14 weeks, with official medical protocols	The French Ministry of Health regulates distribution
Arab Saudi	Limited legal (induction of labor & incomplete miscarriage)	Illegal abortion, except when the mother's life is in danger	Based on the fatwa of scholars & Sharia law
Maroko	Restricted legal (legally prescribed medication for non-abortive indications)	Illegal abortion, except in medical emergencies (still under legal debate)	Moroccan Criminal Code & fatwas of religious scholars
Tunisia	Legal & tersedia luas	Legal since 1973, medical abortions are permitted up to 12 weeks.	One of the most liberal Muslim countries regarding abortion

From several aspects, the use of misoprostol in Indonesia by law and Islamic law, it will be seen from various aspects including in terms of its purpose in Islamic law, misoprostol will protect the soul (hifz al-nafs) & offspring (hifz al-nasl) and in terms of Indonesian law to ensure the health of mothers, babies, & protect reproductive rights, some scholars allow it if there is an emergency (mother's life, fetal defects, rape)¹⁴. Furthermore, the age of the fetus, in Islamic law the use of misoprostol if the age of the fetus is under 120 days, some scholars allow it if there is an emergency (mother's life, fetal defects, rape) then in Indonesian law if the age of the fetus is under 120 days aborted with misoprostol it is allowed if it is a medical emergency & a victim of rape (\leq 40 days). then if the age of the fetus is more than 120 days then in Islamic law for misoprostol users to abort the pregnancy it is Haram, unless the mother's life is threatened and in Indonesian law the same: only allowed for medical emergencies.¹⁵

Then from the use of misoprostol according to Islamic law is allowed for non-abortive medical indications (induction of labor, miscarriage, PPH) and according to Indonesian law Legal limited to non-abortive indications; aborting a pregnancy with Misoprostol outside the criminal rules and approaches in Islamic law based on shar'i arguments & maqāsid al-syarī'ah and according to Indonesian law based on the Health Law & PP Reproductive Health.¹⁶ As for the motives of Indonesian Muslim families using misoprostol Medically, the use of misoprostol as a medical permissibility contained in several points such as : First, overcoming pregnancy complications: for example for postpartum hemorrhage, which is one of the leading causes of maternal death in the world. Second, labor induction: assisting the birth process when there are medical indications (fetal death in the womb, overdue pregnancy, or emergency maternal conditions). Third, Medical termination of pregnancy: used for termination of unwanted or problematic pregnancies, especially in the early trimester. Affordability: relatively cheap and easy to distribute, especially in developing countries.¹⁷

Motivation for misoprostol use is also influenced by social factors, such as: unintended pregnancy: for example, due to extramarital affairs or contraceptive failure. Social stigma: some women choose misoprostol for medical termination because it is more private than surgical termination. Limited access to health services: in many areas, medical termination with misoprostol is easier than seeking formal health facilities.

¹⁴ Fauziyyah Hanin Tsaqifah, Putu Ajeng Agustini, and Sonny Kristianto, "Paradoks Misoprostol: Aksesibilitas, Risiko Kesehatan, Dan Implikasi Terhadap Keamanan Aborsi – Article Review," *Jurnal Bioshell* 14, no. 1 (2025): 83–93, <https://doi.org/10.56013/bio.v14i1.3868>.

¹⁵ Evi Yanti, "Kajian Yuridis Legalisasi Aborsi Bagi Korban Tindak Pidana Pemerkosaan Dalam Perspektif Hukum Positif," *Jurnal Lex Renaissance* 5, no. 4 (2020): 831–44, <https://doi.org/10.20885/jlr.vol5.iss4.art6>.

¹⁶ Nurul Fauziah, Ni Nyoman S M H, and J M Weking, "Kajian Penggunaan Misoprostol Dan Oksitosin Sebagai Penginduksi Persalinan Di RSUD Kota Bandung Ni Nyoman SMH *, J . M Weking , Nurul Fauziah Sekolah Tinggi Farmasi Bandung , Study The Use Of Misoprostol," *Kesehatan Bakti Tunas Husada* 17 (2017): 253–60.

¹⁷ Elizabeth Sully et al., "Playing It Safe: Legal and Clandestine Abortions Among Adolescents in Ethiopia," *Journal of Adolescent Health* 62, no. 6 (2018): 729–36, <https://doi.org/10.1016/j.jadohealth.2017.12.015>.

Economic Motivation, Lower cost: compared to curettage or vacuum aspiration methods in the clinic. Availability: easily obtained on the black market or via the internet without a prescription, although this is risky.¹⁸

Motivation to use misoprostol for Muslim families in Indonesia

Aspect	Misoprostol
for termination of pregnancy	The use of misoprostol as a medical abortion drug is indicated in several cases, such as: First, to treat pregnancy complications: for example, postpartum hemorrhage (bleeding after childbirth), which is one of the leading causes of maternal mortality worldwide. Second, to induce labor: to assist in the delivery process when there are medical indications (fetal death in utero, post-term pregnancy, or emergency conditions affecting the mother). Third, medical abortion: used to terminate unwanted or problematic pregnancies, especially in the first trimester. Affordability: relatively inexpensive and easy to distribute, especially in developing countries.
in principle, it works through the mechanism of uterine contraction	in principle, it works through the mechanism of uterine contraction
stimulates uterine contractions so that the fetus and pregnancy tissue are expelled	stimulates uterine contractions so that the fetus and pregnancy tissue are expelled
Abortion Medical abortion is generally performed during the first trimester (≤ 12 weeks).	Terminate a pregnancy <ul style="list-style-type: none"> - 1 month (4 weeks) gestation - 2 Month (8 weeks) gestation - 3 Month (12 weeks) gestation - 4 Month (16 weeks) gestation - 5 month (20 weeks) gestation
Metode non-invasif	Metode non-invasif

The relationship between family harmony and abortion can be seen from several sides, both psychologically, sociologically, and religiously. couples who have abortions will more or less affect family harmony and can even be a deterrent factor for abortion, open communication between husband and wife can reduce pressure when facing an

¹⁸ Nur Anisafauziah Ilham and Sri Aryati Artha, "Gambaran Pemberian Induksi Misoprostol Dan Oksitosin Pada Persalinan Pervaginam Di RSUD Muhammadiyah Bantul" 8, no. 2 (2025): 224-34.

unplanned pregnancy. Emotional support from partners and family makes women feel less alone in dealing with pregnancy, so the tendency to choose abortion is reduced. The balance of economic roles is also important. Harmonious families are usually better able to find joint solutions to financial burdens rather than choosing abortion shortcuts.¹⁹

Family disharmony as a trigger for domestic conflict, infidelity, or domestic violence can encourage women to have abortions because they feel unsafe to continue the pregnancy. Lack of support from a partner or extended family (e.g. parents not accepting a pregnancy outside of marriage) often makes women feel pressured into making the decision to have an abortion. Economically unharmonious families tend to find it difficult to work together to deal with the additional costs of pregnancy and children. The Impact of Abortion on Family Harmony Psychological trauma: abortion often causes guilt, sadness, or stress that can affect the relationship between husband and wife. Relationship strain: if the abortion is performed without the knowledge of the partner or family, it can undermine trust and exacerbate conflict. Religious perspectives: in religious families, abortion is considered a grave sin (except for medical emergencies). This can be a source of regret and spiritual conflict that disrupts family harmony.²⁰

Furthermore, the solution approach of harmonious family education, strengthening communication, family planning, and shared responsibility can reduce the risk of abortion. Psychological assistance: harmonious families tend to be more ready to seek counseling rather than choosing abortion as a way out. The role of religion and moral values Harmonious families usually place religious teachings as guidelines, so they are more careful in making decisions related to abortion. Family harmony acts as a bulwark against abortion, providing emotional, economic and spiritual support. Conversely, family disharmony can be a triggering factor for abortion. Abortion itself can have a detrimental effect on family harmony, especially in terms of psychological and spiritual aspects.²¹

Post-abortion, usually married couples will certainly disrupt the harmony of the couple as in the psychological condition, where couples who perform abortions both medically and non-medically then in the psychological condition of guilt and trauma. After an abortion, women (and their partners) often experience guilt, loss, or trauma. This can disrupt family harmony if not properly managed by support needs: Harmony can be maintained if couples support each other, do not blame each other, and seek

¹⁹ Ani Anggriani, Ida Lisni, and Wildan Muttaqien, "Kajian Penggunaan Obat Misoprostol Sebagai Off-Label Pada Pelaksanaan Persalinan Di Klinik Utama Al-Islam Bandung," *Kartika : Jurnal Ilmiah Farmasi* 7, no. 2 (2020): 53–57, <https://doi.org/10.26874/kjif.v7i2.161>.

²⁰ Ahdiana Yuni Lestari et al., "Abortion in the Perspective of Islamic Law and Health Law," *Kosmik Hukum* 24, no. 3 (2024): 166, <https://doi.org/10.30595/kosmikhukum.v24i3.22798>.

²¹ Nur Azizah, Mhd. Syahnan, and Budi Sastra Panjaitan, "The Legality of Abortion by Medical Personnel for Rape Victims in Indonesia: A Perspective from Maqashid Sharia by Al-Syatibi and Al-Tufi," *Madania: Jurnal Kajian Keislaman* 28, no. 1 (2024): 35, <https://doi.org/10.29300/madania.v28i1.3847>.

healing together. Risk of conflict: If abortion is done unilaterally without your partner's consent, trust can be broken, leading to arguments and even separation.²²

Couples who have had medical or non-medical abortions are usually socially stigmatized as couples who are known to have had abortions (especially in religious societies) may face social pressure. Family harmony can be shaken if this stigma is not faced together. Extended family support The role of parents or extended family can be influential post-abortion. If the extended family rejects or judges, household conflicts are heightened. Religious and Moral Aspects In religious families, abortion may be considered a grave sin. This sense of sin can lead to a spiritual crisis. However, a balance of values can maintain harmony: for example, by repenting, getting closer to God, and re-orienting life together.²³

In addition, after abortion for couples who perform abortions medically and non-medically, especially using misoprostol, the condition of family harmony is like two winds can weaken harmony. if the harmony weakens, it is usually characterized by mutual blame, the couple feels a loss of trust and prolonged stress reduces emotional intimacy. On the contrary, for couples who perform medical abortions (using misoprostol), the family is even more harmonious and even stronger, characterized by conditions such as couples being able to understand each other that abortion is done because of emergency conditions (eg medical), then build a new commitment to plan healthy pregnancies in the future and face trauma together can strengthen emotional relationships if managed wisely.²⁴

Indirectly the use of misoprostol on the grounds of economic inability to give birth

is classified as a crime and falls under the category of illegal abortion which is synonymous with the crime as shown in the table below Illegal abortion is defined as an abortion that is not performed by a licensed medical practitioner.

Tabel

Analytical Statistics on Crimes Related to the Use of Misoprostol for Social Reasons

Aspects Assessed	Category	Legal Status	Types of Crime	Explanation
Reasons for use	Unable to give birth (social/psychological reasons)	Not permitted by the Health Law	Illegal abortion (Article 346 of the Criminal	The grounds do not include "medical emergencies" or "pregnancy resulting from rape."

²² Lestari et al., "Abortion in the Perspective of Islamic Law and Health Law."

²³ Adhelia, "Maternal Mortality Due To Misoprostol Toxicity : A Case Study."

²⁴ Cahyaningtias, Fithry, and Wiraraja, "PENGEQUALIAN LARANGAN ABORSI SEBAGAI BENTUK PERLINDUNGAN PEREMPUAN."

Aspects Assessed	Category	Legal Status	Types of Crime	Explanation
			Code)	
How to use	Using misoprostol on your own or without medical assistance	Prohibited	Criminal abortion and criminal health offenses	Only authorized medical personnel may perform the procedure.
Status of the act	Deliberately performing an abortion	Crime	Illegal abortion and drug abuse	The element of intent is fulfilled even though the motive was inability to give birth.

Contemporary Islamic Law Perspective on Medical Abortion with Misoprostol on the grounds of weak family economy

In Islamic law, the scholars' views on termination of pregnancy are divided into two: first, before 120 days of pregnancy (before the soul is blown): Some scholars absolutely forbid it, while others allow it on condition of emergency, such as threatening the mother's life. Secondly, after 120 days of pregnancy: The majority of scholars agree that it is prohibited, because the fetus is considered to have taken life. The only exception is if the mother's life is in serious danger. So the views of scholars & Contemporary Fatwas: including the MUI fatwa (2000): Aborting a pregnancy without a shar'i medical reason is haram. All parties (doctors, pharmacies, families) who help are sinful.²⁵

Furthermore, in the fatwa of the authority Majma' al-Fiqh al-Islami (OIC) of the Organization of the Islamic Conference: the misuse of drugs to terminate a pregnancy before/after 120 days without a shar'i reason is strictly prohibited.²⁶ Furthermore, Dar al-Ifta Egypt: any action that deliberately removes the fetus without a shar'i indication is considered jināyah 'alā al-janīn (crime against the fetus). In modern discourse, the issue of medical abortion with misoprostol is included in the discussion of fiqh al-ṭibb (fiqh of medicine) and fiqh al-maqāṣid. Some important points:²⁷

First, Medical Emergency (Ḍarūrah Ṭibbiyyah) abortion with misoprostol is allowed if: first, the mother's life is threatened, second, the fetus has a lethal anomaly

²⁵ Eka Srimulyani, "Indonesian Muslim Diaspora in Contemporary South Korea: Living as Religious Minority Group in Non-Muslim Country," *Samarah* 5, no. 2 (2021): 668-88, <https://doi.org/10.22373/sjhk.v5i2.9733>.

²⁶ Akhmadul Faruq, "Al-Pancasila Fi Al-Mandzûri Al-Maqâshidî Al-Syar'î: Dirâsah Tahlîliyah," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 16, no. 1 (2021): 207-29, <https://doi.org/10.19105/AL-LHKAM.V16I1.5027>.

²⁷ Aini and Zahara, "Hukum Penjualan Obat Cytotec Secara Bebas Menurut Perspektif Dzari'ah Dan Kesehatan (Studi Kasus Market Place Shopee)."

that is unlikely to live using the argument: *al-ḍarūrāt tubīḥ al-maḥzūrāt* (emergencies allow the forbidden). second, victims of rape. Some contemporary fatwas (e.g. fatwas of Al-Azhar scholars and MUI) allow abortion before 120 days for rape victims, considering *hifz al-nafs* (protection of the soul) and *hifz al-'ird* (protection of honor). If it is related to the use of Misoprostol, the author provides an analysis that using misoprostol as an effective and safe medical drug is seen as a tool (*wasīlah*).²⁸ Its legal status follows the law of its purpose of use *al-wasā'il laḥā aḥkām al-maqāṣid* - the law of the means follows the law of the end. secondly, if it is for medical emergencies then the law is *mubāḥ* (permissible). then if it is for non-emergency reasons (for example for economic reasons or not ready to have children) it is *ḥarām*.²⁹

Analysis of Medical Abortion with Misoprostol in the Perspective of *Maqāṣid al-Sharī'ah*

The Principle of Maqāṣid	Medical Use (Emergency/Sharia)	Non-Medical Use (Misuse)
Hifz al-nafs (Life insurance)	Saving the mother's life if the pregnancy is dangerous → in accordance with maqāṣid	Endangering the mother (side effects, complications) & taking the life of the fetus → contradictory
Hifz al-nasl (Protection of offspring)	Preserving mothers' chances of survival and reproduction in the future → <i>maslahat</i>	Eliminating the potential for offspring without a valid reason → <i>mafsadah</i>
Hifz al-'aql (Protection of reason)	Rational decisions based on medical and emergency fiqh → in accordance with maqāṣid	Emotional/illegal decisions without scientific basis → contradictory
Hifz al-dīn (Religious protection)	According to the fatwa of the scholars: it is permissible before 120 days in certain conditions. emergency → does not violate Sharia law	Violating Sharia law (fetal murder) → <i>ḥarām</i>
Hifz al-māl (Protection of property)	Legitimate medical expenses are considered urgent & beneficial → tolerated	Illegal abortion costs + greater complications → losses

²⁸ Nasruddin Yusuf et al., "Mapalus Tradition: North Sulawesi Muslim Society in the Maqāṣid Syarī'ah Discourse," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 20, no. 1 (2025): 63–93, <https://doi.org/10.19105/al-lhkam.v20i1.14025>.

²⁹ Ramdani Wahyu Sururie, Mohammad Athoillah, and Muhammad Iqbal Zia Ulhaq, "Strategies to Prevent Increasing Divorce Rates for Muslim Families in Indonesia," *Samarah* 7, no. 2 (2023): 734–59, <https://doi.org/10.22373/sjhc.v7i2.14819>.

Regarding the nature of maqashid, maqashid can be absolute and muqayyad.³⁰ Maqāshid as absolute means that it is permanent and applicable throughout the ages, as it is “al-kulliyāt al-khams” (the five main objectives of Shariah): Ḥifẓ al-dīn (safeguarding religion), Ḥifẓ al-nafs (safeguarding the soul), Ḥifẓ al-'aql (safeguarding the intellect), Ḥifẓ al-nasl (safeguarding offspring) and Ḥifẓ al-māl (safeguarding property), which in this case is called maqāshid 'āmmah/kulliyah, and it is absolute, unchangeable³¹. In this case, the use of misoprostol to terminate pregnancy in the aspect of protecting the soul (ḥifẓ al-nafs) means that sometimes it can mean prohibiting abortion, sometimes it can mean allowing abortion if the mother's life is threatened. Furthermore, the aspect of preserving property (ḥifẓ al-māl) in classical times in the form of a prohibition on stealing camels, in the present can be in the form of digital copyright protection.³²

Objectives of Sharia	Principles of Protection	Implications of Medical Abortion with Misoprostol
Ḥifẓ al-dīn (preserving religion)	Maintaining obedience to Islamic law and the prohibition against killing without justification.	Aborting a pregnancy without a valid religious reason is a violation. It is only permissible in cases of emergency in accordance with Islamic law.
Ḥifẓ al-nafs (keeping the spirit alive)	Saving human lives from danger.	If the pregnancy threatens the mother's life, abortion with misoprostol may be permitted as an exception.
Ḥifẓ al-nasl (preserving the lineage)	Maintaining the continuity of generations and the dignity of the family.	Aborting a pregnancy without a valid medical reason can damage the family line.
Ḥifẓ al-'aql (keeping one's wits about oneself)	Decisions are made rationally and scientifically.	The use of misoprostol must be based on medical recommendations and religious rulings, not on sexual desire or social stigma.
Ḥifẓ al-māl	Protecting wealth so that	Abortion solely for economic

³⁰ Aam Slamet Rusydiana et al., “Waqf, Maqasid Al-Sharia, and SDG-5: A Model for Women's Empowerment,” *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022): 325–55, <https://doi.org/10.19105/al-Ihkam.v17i2.6572>.

³¹ A. Bahrudin, “Implementasi Maqasid Al-Shari'ah Sebagai Solusi Problematika Sosial Dan Kemasyarakatan Kontemporer,” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 17, no. 1 (2017): 1, <https://doi.org/10.18326/ijtihad.v17i1.1-18>.

³² Much Ilham Novalisa Aji Wibowo et al., “Penggunaan Off-Label Misoprostol Pada Pasien Obstetri-Ginekologi Di Rumah Sakit Swasta Kab. Banyumas,” *Jurnal Sains Farmasi & Klinis* 8, no. 1 (2021): 9, <https://doi.org/10.25077/jsfk.8.1.9-18.2021>.

Objectives of Sharia	Principles of Protection	Implications of Medical Abortion with Misoprostol
(protecting property)	it is not used in an unlawful manner.	reasons cannot be justified, as it does not fall under the category of emergency..

Then the use of misoprostol applies to whom and for what use is used as the rule of fiqh *al-umūru bi maqāṣidihā* everything depends on the intent and purpose.³³ A review of Islamic law on the use of misoprostol as an abortifacient due to economic weakness shows that this action is not justified by Shari'ah, because economic reasons do not fall under the category of *ḍarūrah* which permits violation of the law³⁴. Islamic Shari'ah considers the life of the fetus as a trust from Allah that must be safeguarded, as the *maqāṣid al-syarī'ah* principle of safeguarding the soul and offspring. Therefore, the use of misoprostol for abortion due to economic factors is haram and contrary to the values of humanity in Islam.³⁵

Conclusion

In this article there are 2 conclusions that the author gets first related to the view of aborting a medical pregnancy with misoprostol can only be justified in a shariah emergency condition in accordance with the provisions of the purpose of this drug made based on the regulation of the law, especially in Indonesia, (for example saving the life of the mother or special cases of the fetus cannot live). then in view of the study of contemporary scholarly opinions *Maqāṣid al-sharī'ah* rejects abuse, because it damages the five main principles of shariah (*nafs, nasl, dīn, 'aql, māl*). Thus, misoprostol is a neutral medical tool, the law of which depends on the purpose and manner of its use. Furthermore, in terms of *maqashid shariah*, the use of misoprostol for Muslim families in Indonesia using misoprostol as an effective and safe medical drug is seen as a tool (*wasīlah*). Its legal status follows the law of the purpose of its use *al-wasā'il lahā aḥkām al-maqāṣid* the law of the means follows the law of the purpose. secondly, if it is for medical emergencies then the law is *mubāḥ* (permissible). then if for non-emergency reasons (for example for economic reasons or not ready to have children) it is *ḥarām* as the fiqh rule says *al-umūru bi maqāṣidihā* everything depends on its intent and purpose.

³³ Muhammad Aziz et al., "Reconstruction of Maqashid Shari'ah Perspective Muhammad Thahir Ibn 'Ashur: Efforts to Re-Discuss Sharia with Reality Sholikah STIT Makhdum Ibrahim Tuban," *Jurnal Hukum Islam* 17, no. 2 (2019): 231-49, <https://e-journal.uingusdur.ac.id/jhi/article/view/6988>.

³⁴ Niken laras Agustina, "Implementation of Halal Supply Chain in the Cooperative of Islamic Boarding School: Maqashid Syariah Perspective," *ペインクリニック学会治療指針* 2, 2019, 1-9.

³⁵ A Sahidin and M A Rahmadi, "The Implementation of Maqāṣid Al-Sharī'Ah in Shaykh Yusuf Al-Qardhawi's Fiqh Al-Aqalliyat | Implementasi Maqāṣid Al-Sharī'ah Dalam Fikih Minoritas Syekh Yusuf Al-Qardhawi," *Jurnal Hukum Islam* 19, no. 2 (2021): 295-312.

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