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## ANALYZE ROLE OF STATE THE PROVISION OF DRUG – HALAL MEDICINES BASED ON ISLAMIC LAW PERSPECTIVE

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### ABSTRACT.

In this time medicine products are produced through the mixing of active and complex ingredient, naturally or synthetically; and involve extensive use of prohibited animal products. This paper described the challenges faced from fiqh perspective in the production of halal pharmaceutical products which frequently contain impure elements or prohibited animal derivatives according to Islamic law. This study is qualitative which adopts library research as well as field research by conducting series of interviews with the several related parties. The gathered data is analyzed from Sharia perspective by using some instruments especially the principle of Maqasid of Sharia. This study shows that the halal status of pharmaceutical products depends on the three basic elements: the sources of the basic ingredient; the processes involved in three phases of production, i.e., before, during and after; and the possible effects of the products. Various fiqh challenges need to be traversed in producing halal pharmaceutical products including the sources of the ingredients, the logistic process, the tools used, and the procedures of productions. Thus, the whole supply chain of production of pharmaceutical products must be well managed in accordance to the halal standard.

**Keywords:** halal medicine, islamic law, analyze product

### I. INTRODUCTION.

Halal is something that is permissible, which is free from binding restrictions, and has been permitted by the Shari'a to do so. And halal products are products that meet the halal sharia according to Islamic law, which does not contain pork and ingredients derived from pigs. In addition, all materials come from halal animals that are slaughtered according to Islamic law. Product storage, sales, processing and transportation are never used for non-halal goods. Halal products also do not contain khamar and prohibited ingredients (human organs, blood, impurities, etc.).

The law of consuming drugs and vaccines is the same as the law of consuming



food products which must be halal. Among other things that underlies it is in the hadith of the Prophet Muhammad SAW which was narrated by Abu Daud from Abu Darda which read: "Allah has reduced disease and medicine and made medicine for every disease; then seek treatment and don't seek treatment with illicit objects. Most people, still consider drugs as products that are only used in emergencies, so that the halal nature of the material and the manufacturing process is not considered a problem, drugs for deadly diseases can be treated as such for emergency reasons, but for other diseases that can actually be treated with drugs made from halal processes and still can be overcome with the composition of halal medicinal ingredients.

As a Muslim-majority country, halal certification can certainly be a necessity for ensuring the safety of Muslims in consuming food or medicine, the government has launched halal certification since 2014 by formulating the Halal Product Guarantee Act (JPH Law). In addition, the government is also drafting a Government Regulation on Halal Product Guarantee (RPP JPH), by mobilizing parties from the Indonesian Ulema Council, the Ministry of Religion, and the Ministry of Health. medicines are strictly regulated products and must meet high standards such as safety, quality and benefit criteria.

The use of halal products is not limited to the substance, but also to the process of its production. The lawful thing, if manufactured by means of improper means, such as using raw materials or illegal substances / impurities, the law remains illegal as long as it has not been purified properly. This is common, whether it be for food, drinks, or medicines that are of any importance for consumption. On halal in this regard (Assembly of Indonesian Scholars) MUI on July 1, 1980 set a fatwa on food and beverages mixed with illegal / impure items, with the following dictation:

1. Any food and drink that is clearly mixed with illegal substances / impurities is illegal.
2. Any suspicious food and drink mixed with illegal substances / impurities should be discarded.
3. The availability of food and beverages that are mixed with illegal substances / impurities should be requested by the Indonesian Scholars Council to the relevant agencies to examine them in the laboratory for legal verification.



## **II. LITERATURE REVIEW.**

### **2.1. Hadist.**

If anyone says that allowing the people of 'Uruguay to drink the camel shows the purity of the urine, as the Hanabilah scholars suggest, the Shaykh scholars have the answer. The Madzhab Shafi'i held that urine and animal dung were legally eaten, the law was defiled. They reinforced his opinion with some hadiths from the Prophet sallallaahu 'alaihi wa sallam, such as hadiths of al-Bukhari's history of Arabs urinating in the mosque of Nabawi, and hadiths of al-Bukhari and Muslim about two tortured men in his tomb, one of which was the result. don't protect yourself from urine. According to them, urine that is considered unclean is common, not just for human urine.

As for animal uncleanness, they documented in the hadith of al-Bukhari, that one time the Prophet would alayhi wa sallam want to throw a wish, then he ordered Ibn Mas'ud to find three stones for him to dress. Apparently, Ibn Mas'ud found only two stones, and then he brought the two stones with rags (dried animal dung) to the Prophet, then he took the two stones, and threw them away and said, 'haadzaa riksun'. And the Shaykh scholars understood the meaning of the rites to be defiled, as exemplified by al-Hafizh Ibn Hajar in Fathul Bari. it is unclean, and it cannot be used to get rid of other impurities.

To give assurance to the Muslim community in Indonesia, the Indonesian Ulama Council on July 20, 2013 adopted a ruling on Medicine and Medicine. The fatwa contains six rulings and four recommendations. The full fatwa is as follows:

1. Islam requires treatment because it is part of protection and health care which is part of keeping Al-Dharuriyat Al-Khams.
2. In the search for healing it is compulsory to use a method of treatment that does not violate Shari'ah.
3. Medicines used for medicinal purposes are obliged to use sacred and halal ingredients.
4. The use of impurities or illegal substances in their legal remedies is illegal.
5. Use of illegal or illegal drugs for legal treatment is illegal unless they meet the following requirements:
  - a. used in conditions of compulsion (al-duratura), that is, the condition of compulsion which, if not done, can threaten the human soul, or a condition of equality with the state of emergency (al-intent allatitanzilu manzilah al-durat), which is a condition of decency that if not performed then can threaten the



- existence of the human soul in the future;
  - b. no pure and pure ingredients have been found; and
  - c. a competent and trusted paramedic recommendation that there is no lawful remedy.
6. Use of illegal or illegal drugs for illegal treatment may be subject to purification.

In the fatwa, it is generally described that there are two conditions that give birth to different laws. The second condition is the special and abnormal condition (fiat al-idhtirar). The provisions of the fifth constitution provide this explanation. The use of illegal or illicit drugs for treatment is essentially illegal. However, the prohibition is excluded in two conditions, first in the condition of coercion (al-duraturat), that is, the condition of coercion which, if not done, could endanger the human soul. Second, the condition of the ambition is equivalent to the state of emergency (al-intent allatitanzilu manzilah al-dlarurat), which is the condition of deception which, if not done, can threaten the existence of the human soul in the future. Neither of these conditions is sufficient to allow the consumption of illegal or unclean drugs.

Law No. 33 of 2014 concerning Halal Product Guarantees mandates that circulating products must be halal. What is meant by a product is "goods and / or services related to food, beverages, medicines, cosmetics, chemical products, biological products, genetic engineering products, as well as used goods that are used, used, or utilized by the community". Article 4 of the Law stipulates that "Products that enter, circulate and trade within the territory of Indonesia must be halal-certified". Normatively, from both articles it is clearly stipulated that drugs that are imported, circulating and traded in Indonesian territory must be guaranteed halal status. It's just that the provisions on the matter of exceptions related to the use of non-halal drugs in certain conditions are not sufficiently regulated in this Act. For this reason, at the operational level, the Government needs to stipulate more detailed and operational rules regarding the provisions regarding drugs and treatment to remain in accordance with the provisions of Islamic law, and not to complicate the community, but the reality that occurs in the community is that products containing ingredients that are still found dangerous that will have an impact on health, this is certainly inseparable from the authority of the government in the spread of this product community for the Muslim community, especially inwardly consuming products that are not halal cause some things that are very disturbing both physically and mentally.



In the Technical Guidelines for Halal Production System Guidelines, the Ministry of Religion explained that the halal label is the inclusion of written or halal statements on the product packaging to show that the product in question is a halal product. Halal label is obtained after obtaining halal certificate. Halal certificate is a certificate issued by the Central or Provincial MUI regarding halal of a food product, Muslim consumer and consuming food, medicines and cosmetics produced by a company after being examined and declared halal by an institution authorized to issue halal product certification. , ordered to consume food and medicine that is lawful and good. Halal in terms of religion, both in terms of eligibility and health standards. The concept of health in Islam does not only prioritize physical health but also psychological. In terms of maintaining health, in Islamic teachings also emphasizes the concept of better prevent than cure because it will thus close the opportunity for bad consequences or preventive measures for the effects caused. Thus, in an Islamic perspective, prevention of legal ailments is obliged to realize a greater goal, namely health and health. Early prevention of the possibility of disease attacks one of which is done is to consume drugs both for prevention and for the healing process. As a majority Muslim country, halal certification on food products and medicines is a necessity to ensure that it does not consume anything that is unlawful. The legal basis for consuming halal food comes from the Koran. Likewise, getting halal food, drink and medicines according to Islamic law is a right for every Muslim everywhere.

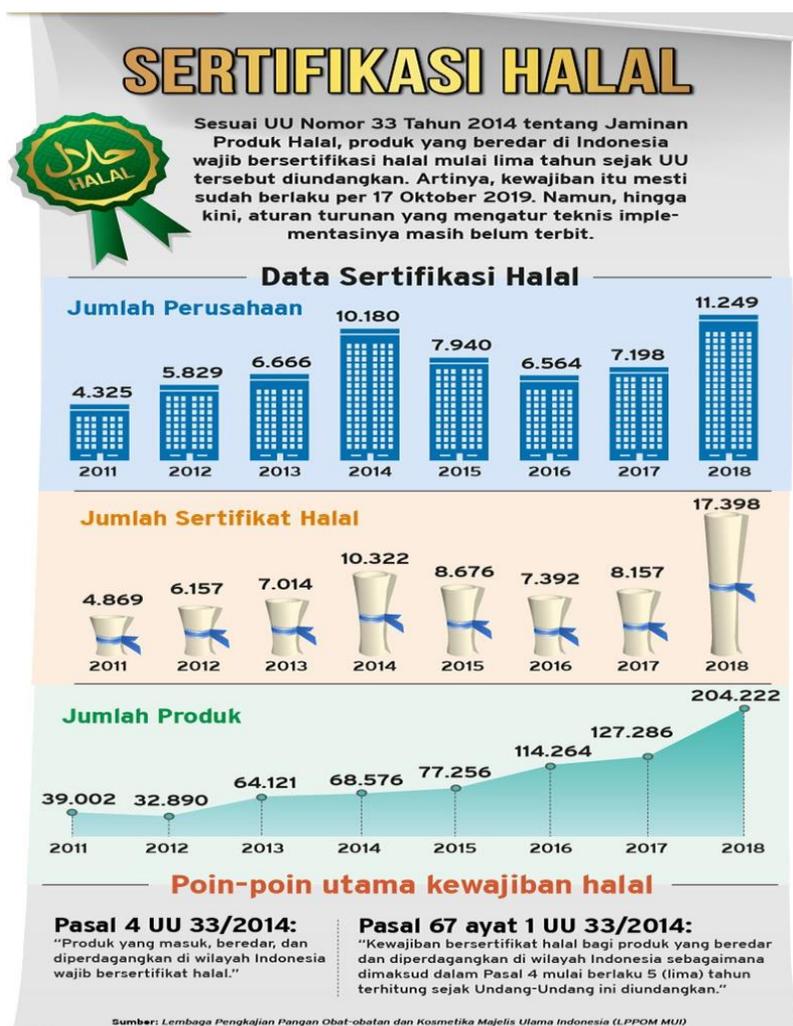


Figure 1. Data Sertifikasi halal sampai dengan 2018 Sumber LPPOM MUI.

### III. METHOD OF RESEARCH.

This research is a deep descriptive qualitative research collecting data from informants. Qualitative research is a research method Holistic intends to understand the phenomena about which the subject experiences research, be it behavior, perception, motivation, and actions, and in a manner descriptive in the form of words and language, in a specific context which is naturally by utilizing various scientific methods.

This research uses descriptive qualitative in expressing the Review Juridical Against the Application of Halal Certification of a Product in Indonesia (Study in Institute for Food, Drug, and Cosmetics Study of the Indonesian Ulema Council North Sumatra Province).

According to Suharsimi Arikunto, research instruments are aids in collecting data.



Data collection in principle is a operational activities so that their actions are in accordance with the understanding actual research. Data is an embodiment of some information which deliberately studied and collected in order to describe an event or other activities. Data obtained through research will be processed into a information referred to later research results. Therefore deep

Data collection requires several instruments as a means to obtain enough valid and accurate data. Benchmarks of research success also depend on the instrument used. Therefore field research (field research) includes observation and interview with the list of questions provided, it takes a camera, and writing instruments in the form of notebooks and pens.

#### **IV. ANALYZE AND RESULTS**

Improvement science now body organ called the placenta is trending to be used in certain medicinal products. The placenta, also called the placenta, is the tissue that grows in a woman's uterus during pregnancy, which is the link between the fetus that is conceived and the pregnant women that contain it. This placenta functions to channel food substances, water, oxygen, and other substances from the blood of pregnant women to fetal blood. Conversely, the placenta also functions to remove carbon dioxide, metabolic waste or debris, as well as other substances from the fetus to the body of the pregnant woman.

The placenta or placenta is always found in all living creatures of mammals who are pregnant, and will be discharged from the uterus when giving birth after the baby is released. The placenta that is often used for cosmetics or health products, can come from animal placenta or from the human placenta. How is it known that now on television screens often found advertisements of beauty products or products for health that we unknowingly use the placenta as one of its active ingredients . The placenta in the form of a cream that is applied to the surface of the skin or in the form of a swallowed pill, is believed to function to regenerate skin cells so that it can maintain the skin to stay healthy, fresh, young and beautiful. According to pharmacists, the most widely used by the pharmaceutical industry abroad, it is precisely the human placenta obtained from various maternity hospitals there. In the ingredients or composition list on the packaging of this placental medicine product, the origin of the placenta is usually not mentioned. Although most of the use of the human placenta is not for food products, but the use of organs or at least the use of parts of human life has led to pros and cons. Apart from the aspect of civilization,



what is actually more important for Muslims is whether or not it is permissible to use the placenta or other human body tissues when consumed for medicinal purposes. Similarly, traditional medicine by drinking urine (urine) that comes out of the genitals of people who drink it, remembering urine according to Islamic teachings, including unclean objects,

However, whatever properties that can be found in this urine, for Muslims not there is an emergency reason to take it as long as there are other drugs that can be used. Especially if drinking urine from his own body is just for trial and error, it must be avoided by Muslims. Actually the Indonesian Ulema Council (MUI) has long highlighted the problem of traditional medicine with urine as well as about the use of the human placenta in medicine and cosmetics. To provide clarity to the wider community and avoid misunderstandings, specifically the MUI in the 2000 National Conference discussed the issue of human placenta and urine therapy. In the MUI Fatwa Decree number: 2 / Munas / VI / MUI / 2000 stipulates that.

The existence of halal certification on food products that are consumed by the community is one of the efforts to protect the government of 90% of the Muslim community, but aside from the viewpoint of people's beliefs, labeling of food products and medicines circulating in the community can show that these foods and drugs are also feasible consumed both by Muslims and non-Muslims. in consuming drugs and food is very important. Ordinary people see halal only from its label, so there must be an institution that guarantees that halal-certified products are really always halal. So that a very strict supervision mechanism can oversee post-awarding. Without supervision, the subsequent halal meaning will develop according to the tastes of the producers. Whereas the halal-haram provision is a crucial issue for consumers, while the halal certificate that has been given is also never revoked, if the production system used is still the same, it might not be a problem but if it changes the overall system, it will have a good loss to the producer and consumers.

Labeling on products, especially drugs, is expected to reduce circulation of fake drugs and foods that are not suitable for consumption. Losses that can be caused by freedom in the circulation of products as stated above can be detrimental to both physical and moral values adhered to. Especially for Muslims, the labeling of these medicinal products is able to provide clear legal certainty and safety and to consume drugs that are circulating in the community. With the supervision of parties who have a delegation in this labeling, the producers will not behave arbitrarily, because every product result must be labeled by the authorities. In the Health Act, which is



Law No.36 of 2009, it is explained that some of the government's responsibilities in terms of health include:

Article 14 (1) The government is responsible for planning, organizing, organizing, fostering and overseeing the implementation of health efforts that are equitable and affordable to the community.

(2) Government responsibilities as referred to in paragraph (1) are specific to public services.

Article 15 The government is responsible for the availability of environment, order, health facilities both physical and social for the community to achieve the highest level of health.

Article 16 The government is responsible for the availability of resources in the health sector which are fair and equitable for the whole community to obtain the highest degree of health.

Article 17 The government is responsible for the availability of access to information, education and health service facilities to improve and maintain the highest health status.

Article 18 The government is responsible for empowering and encouraging the active role of the community in all forms of health efforts.

Article 19 The government is responsible for the availability of all forms of quality, safe, efficient and affordable health efforts.

## **V. CONCLUSIONS.**

the conclusion of this research is to maintain public order and safety so that every member of the community can feel happiness. Some of the objectives of government are as follows:

- a) Protect human rights, freedom, equality, peace and justice for all its people.
- b) Uphold and uphold the constitution so that every citizen is treated fairly.
- c) Maintaining peace and security in society by applying the law fairly.
- d) Protect the nation's sovereignty from various elements that threaten, both from within and from outside
- e) Establish and maintain a monetary system so as to enable domestic and international trade to run properly.
- f) Collect taxes and determine the state budget wisely so that state expenditure is on target.
- g) Open and create as many jobs as possible so that the welfare of the community is



better.

h) Maintaining diplomatic relations with other countries by building cooperation in various fields

Provision / Supply comes from the word *pemdyndi*. In the large Indonesian dictionary meaning manufacturing, providing the supply of exported goods is always sought. Whereas providing is preparing, procuring, and reserving for the necessities of life. Procurement / Provisioning is a procedure for selecting the suppliers of goods or services carried out by the Indonesian government. Based on the Regulations of the Government Goods / Services Procurement Policy Agency (LKPP) Number 2 of 2010 the Election Method can be implemented through the Electronic Procurement Service (LPSE) of Related Agencies.

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