

Synthesizing The Dimensions of Maqasid Daruriyyah in Facing The Challenges of Contemporary Halal Food Product Innovation

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Abstract

The halal industry sector, particularly the food industry, is a significant factor in boosting the economic power of a country. This is because the demand for food characterized as '*halal* and *tayyib*' has been increasing over time. The rapid development of biotechnology and nanotechnology, along with the production of various innovations in the food industry today, is aimed at meeting the demand for food while simultaneously achieving the Sustainable Development Goal 2, which is zero hunger. What is concerning is that issues related to halal and *tayyib* have not been fully resolved and remain a topic of debate among the Islamic community. In the context of Shariah Maqasid, the emphasis is placed on innovative food products that guarantee halal, cleanliness, and safety, without being taken lightly. The presence of newly innovated and technological food ingredients, which are rapidly produced, should not be accepted or rejected without considering their production aspects and usefulness, whether they are halal in accordance with Shariah or otherwise. The term "emergency" to legalize a product identified to use forbidden or prohibited items in Shariah needs to be studied and refined to ensure it does not deviate from the true foundations of Shariah. This study employs content analysis to synthesize the dimensions of Maqasid Daruriyyah for the purpose of establishing a parameter for *halal* and *tayyib* innovations in food products based on Maqasid Daruriyyah. The study findings indicate that Maqasid Daruriyyah is authoritative as a parameter and foundation for determining legal rulings and fatwas regarding the issues of halal and safety in the production of contemporary food products. Maqasid Daruriyyah establishes the principle that measuring an urgent benefit is not solely guided by rational considerations but must also be guided by in-depth knowledge and mastery of the collection of Shariah evidence.

Keywords: Maqasid Daruriyyah, Food Products, Benefits, Emergency, Shariah.

Introduction

The current development of the halal food industry is very promising and has the potential to boost the country's economy due to high demand. According to a study, it is estimated that by the year 2010, the Muslim population will increase to three billion people. By the year 2025, it is expected to account for 30 percent of the world's total population. The halal product market is not limited to Muslims and Islamic countries alone. Countries such as Australia, New Zealand, and South Africa, despite having a low Muslim population, still have the potential to contribute to the global halal trade. The demand for the halal market is expected to significantly increase, driven by the growing global Muslim population and the current trend among Muslims who are increasingly conscious of halal food and products due to higher levels of education. Additionally, non-Muslim communities are also realizing that halal is a symbol or benchmark of the quality and standards of a product produced by a company.

However, contemporary food issues are often discussed today, arising from the passage of time, technological advancements, and human ingenuity in creating something new. This occurs due to specific factors that require the use of biotechnological engineering in food to meet human needs. Among the main factors are producing more nutritious, high-quality, durable, and cost-effective food in large quantities. Disputes and debates arise concerning the halal status of these products when they are found to contain forbidden elements and do not meet the halal and tayyiban criteria outlined by Islam. In Islamic law, the authority to declare something halal or haram lies solely with Allah. Islam restricts this authority to maintain the sanctity of the religion. Therefore, what is declared halal by Sharia is halal, and what is declared haram by Sharia is haram, even if it appears good according to desires. When Allah does not specify the halal or haram status of something, it is considered halal if it brings benefit and does not cause harm to humans.

Every Muslim must ensure that all products consumed are halal in terms of ingredients, sources, and methods of obtaining them. This obligation involves not only individual interests but also all parties involved in the production chain of food products marketed for the benefit of the Muslim community, in particular. The presence of halal products in the market must comply with Islamic Sharia requirements. New issues regarding the halal status of certain foods arise through the production of innovative products from technologies such as genetic engineering, food irradiation, atmospheric packaging, and others. Recognizing this reality, a study needs to be conducted to establish policies and guidelines for the production of food resulting from new technologies and assess the impact of new technologies on the halal and tayyiban status of food. Therefore, this discussion in this writing will focus on the requirements to ensure that a food product is truly accepted as halal based on the principles of Maqasid Daruriyyah in urgent and necessary situations. The Maqasid Shariah, which serves as the umbrella for Maqasid Daruriyyah, is a discourse that has undergone development, much like other disciplines in Islamic jurisprudence (*Usul al-Fiqh*). It serves as the foundation for all actions of the accountable individual (*mukallaf*) and acts as the engine driving human activities in realizing the common good, which is to provide benefit and prevent harm to achieve the pleasure of Allah. This is because the nature of Islamic Shariah is divine in origin but human-oriented (Muhammad, 2003). Maqasid Daruriyyah stands on behalf of *maslahah* (interest). The expression *maslahah* aims to seek something beneficial (*Jalb al Masalih*) or to reject something harmful (*Dar'u al Mafasid*). In other words, *maslahah* is meant to preserve

and protect the five essential objectives of Maqasid Daruriyyah, namely religion, life, intellect, progeny, and wealth. Failure to safeguard and protect these five matters is considered *mafsadat* (harm), and eliminating them (*mafsadat*) is deemed necessary to fulfill the interest (*maslahah*).

Research Background

Maqasid Shariah is a term that has its own history of development, much like other disciplines in Islamic knowledge, such as *fiqh* and *usul al-fiqh*. The term has evolved from one phase to another, where initially, it did not stand out as a distinct field until its peak during the era of al-Shatibi. Even during this time, the concept of Maqasid Shariah had not been fully conceived. However, contemporary scholars dared to conceptualize Maqasid Shari'ah and elaborate on it extensively, establishing it as a structured discipline. This definition is crucial to prevent misunderstanding among the general public (Rahman, 2016).

Maqasid al-Shari'ah is the philosophy of Islamic legislation itself, created by Allah SWT for the purpose of the well-being and prosperity of humanity. Therefore, some jurists use *masalih* (common good) as an alternative expression for Maqasid. For example, Al-Juwayni interchangeably uses the terms maqasid and masalih in his book (Yunos, 2016). Examining the analyses of Islamic jurists, the interests of individuals and society guaranteed by Islamic law are driven by four main principles

1. *Jalb al-Masalih*: seeking benefits in life.
2. *Dar al-Mafasid*: preventing potential harm in society.
3. *Sadd al-Dharar*: blocking harm from occurring.
4. *Taghayyur al-Zaman*: adapting to the changing times.

Maslahah or the human interest that is the objective of Shariah is divided into three types:

1. *Maslahah Daruriyyat*: essential needs of human life that must be fulfilled.
2. *Maslahah Hajiyyat*: needs that make people's lives run smoothly without difficulty.
3. *Maslahah Tahsiniyyat*: secondary and complementary needs that make human life more orderly and comfortable.

An illustration of the management of human interests or *maslahah* is depicted in Figure 1.

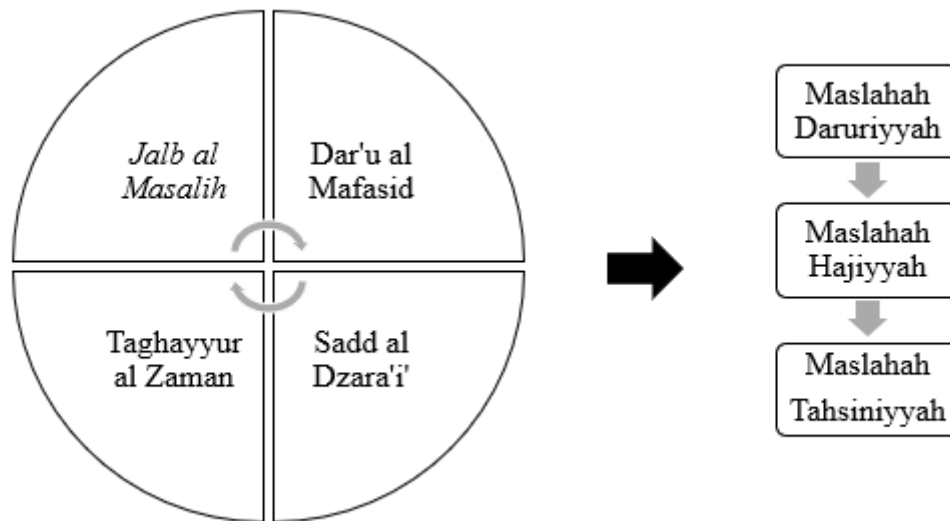


Figure 1: The management of human interests

Problem Statement

One of the hotly debated innovations in the food and medical industries is the use of alcohol as an additive in foods such as cakes and dishes to produce products with long shelf life and high quality (Latifah, 2018). Additionally, transglutaminase enzyme and plasma powder are used as food additives derived from blood. Both of these sources are found to have high solubility and emulsification, low viscosity, and the ability to form strong gels. Furthermore, these materials are easily flexible and can retain these characteristics. Transglutaminase enzyme and plasma powder are also identified to enhance the texture in processed food products such as meat and fish (CAP, 2006).

Genetically Modified Organisms (GMOs) are among the new products created through genetic engineering. GMO foods produce plants and animals with genetically modified structures edited in laboratories to incorporate genes from other organisms. This advanced technology is capable of occurring within the same species and even crossing species between animals and plants (Hashim, 2019). Today, the production of cultured meat is a significant topic of discussion, particularly from the perspective of its halal status. This meat is produced using tissue culture or stem cells taken from the body of an animal placed in a suitable medium to allow it to multiply and develop into meat (Ramli, 2018).

The rapid pace of innovative and technological products in the food industry today demands thorough research to measure their halal foundations. The use of instruments under the discipline of *Maqasid Shariah*, such as evaluating the interests of humans, emergency levels, and alternative purification methods such as *istihalah* and *istihlak*, are among the things that will be scrutinized in establishing halal and *tayyib* parameters for the halal food industry (Aziz, 2019). The dimensions of *Maqasid Daruriyyah* proposed by the *usuliyyin* scholars are studied to present a comprehensive and practical halal and *tayyib* parameter.

Research Methodology

This research employs a library research methodology with a qualitative approach that combines both exploratory and descriptive methods. The exploratory research aspect utilizes an investigative focus formula to provide initial insights and identify relevant results (Marican, 2005). The research applies content analysis as the technique to examine the data, which includes Islamic sources such as Al-Quran and Hadith, as well as relevant journals, seminar proceedings, and scientific books that directly or indirectly relate to the study. The collected data is then processed, organized, and analyzed to draw conclusions.

Findings and Research Discussion

1. *Halal and Tayyib* Food as a Sharia Requirement

Prophet Muhammad (SAW) has emphasized the significant connection between one's faith and their choice of food. Precision in choosing and consuming halal (permissible) food is highly emphasized in Islamic law. Al-Ghazali (1987) asserts that an increase in faith and the acceptance of prayers are influenced by consuming halal food. Consuming haram (forbidden) food leads to darkness of the heart. Halal, in its literal sense, is derived from the Arabic word *halla*, meaning permissible (Ibn Manzur, 2003). Abu Zuhrah (1987) defines halal as something permitted or authorized by Shariah, implying that prohibitions are lifted from it. On the other hand, *tayyib* refers to qualities accepted by instinct, cleanliness, usefulness, free from doubtful elements, and causing no harm (al-Zuhaili, 2002b; Ibn Kathir, 1999; Ibn Ashur, 1984).

The halal status of food can be evaluated from four aspects (Faidah, 2017)

- i. **Source:** Whether the food is obtained from a halal or non-halal source.
- ii. **Legal Aspect:** The legal status of the ingredients or substances according to Shariah. Shariah provides evidence for the permissibility or prohibition of certain substances, such as the prohibition of alcohol, pork, and blood.
- iii. **Production Process:** The halal status of the production or innovation process. Processes like mixing, preserving, pasteurizing, freezing, and modification should not involve any forbidden substances according to Shariah.
- iv. **Product Maintenance Process:** This includes packaging and storage processes that must adhere to quality standards set by Sharia, ensuring that the product remains halal. The *tayyib* criteria should also consider quality to avoid harm.

It is evident that the term *halalan tayyiban* has been widely used beyond the management and supply sectors of a product, extending to various fields and perspectives (Omar, et al., 2012). This invites diverse interpretations of the term based on different fields and perspectives (Seng, 2013). Therefore, there is a concern about the possibility of misinterpretation not aligned with the views of respected scholars and the tendency to interpret *halalan tayyiban* for specific interests.

2. Emergency from the Perspective of Islamic Scholars

In linguistic terms, *darar* means harm or emergency, signifying a necessity for something and depicting a narrow and critical situation (Al-Fairuzabadi, 2005). The term *darar* is the opposite of benefit and describes a severe situation (Ibn Manzur, n.d.). In terminology, scholars have different views on *darurah*, with most relating it to the urgent need to consume forbidden food or drink. Al-Sayuti (1983) states that *darurah* is reaching a critical level where not consuming something prohibited will lead to harm or imminent danger, justifying the

consumption of forbidden items. Al-Zarkasyi defines *darurah* when a person reaches a critical point, meaning that if one refuses to consume what is prohibited by Sharia, they will perish or come close to perishing. This includes someone forced to eat something prohibited to ensure survival because not doing so would result in death or the loss of body parts (An Nahl:115).

Abu Zuhrah (1985) explains the connection between *darurah* and the two main aspects of an individual's life: life and wealth. According to him, any situation that poses a threat or danger to these two aspects is considered an emergency. Additionally, *darurah* includes threats to mental, physical, dignity, intellect, and the wealth of the individual, encompassing fear and anxiety about a particular matter potentially causing harm. This has been explained by Al-Jassas (1992); Al-Zuhaili (1985) in the following expressions

Al-Jassas (1992) mentions *darurah* with the expression

"Darurah is the fear of harm befalling, or the destruction of oneself, or part of the body when hungry...".

Al-Zuhaili (1985) defines *darurah* as

"The state of emergency occurs to a person (where he is in) a dangerous situation or severe hardship, which is feared to cause harm or pain to the soul, body, dignity, mind, or property and everything related to it. At that time, it is allowed to do what is forbidden or leave what is obligatory or delay it, to prevent harm according to the considerations within the scope of the Sharia regulations".

In the discussion of *Usul al-Fiqh*, placing *darurah* under considerations related to *al-Istislah*, *Masalih al-Mursalah*, or *al-Maslahah* as a source of law (al-Ghazali, 1982) is essential. According to al-Syatibi (2004), *daruriyyat* is the implementation of things that benefit both religion and human life. If these things are not done, it will lead to the destruction of life in this world and loss in the hereafter. From the perspective of Maqasid knowledge, *daruriyyat* is understood as fundamental and essential aspects of life, such as religion, life, intellect, lineage, and wealth (Al-Yubi, 2008). Emergency exists when there is a threat to the destruction of these five aspects. Indirectly understood, the definition presented by these scholars also indicates that *darurah* means a crucial and critical condition that must be guarded and protected. As for Ya'kub Al-Bahithin, he has defined *darurah* as a situation that compels a person to do something forbidden by Shariah for fear of danger or approaching danger. (Al-Raysuni, 2010).

Based on the examination of the concept of *darurah* by Islamic Scholars, it can be concluded that *darurah* is a situation that possesses the following elements

- i. A critical and urgent situation threatening the basic interests of life.
- ii. Harm that impacts all aspects of life, including religion, life, intellect, lineage, emotions, and wealth.
- iii. Allowance for actions contrary to Sharia is given only when faced with it.

Principle of Concession in Facing Emergencies

Human life is not exempt from facing emergency situations that make it impossible for individuals to fully adhere to religious commandments. The principle of *al-rukhsah* (concession) in the discussion of Islamic law is closely related to Maqasid Daruriyyah (essential objectives). Basically, Muslims are obligated to adhere to the original rules known as *al-azimah* unless there is an emergency situation that allows concessions according to Islamic law, known as *al-rukhsah*. *Al-rukhsah* produces a Shariah law that is applicable only in limited circumstances, specifically during emergencies. This law contradicts the original law, which is *al-‘azimah* (Al-Amidi, 1985).

Al-Zuhaili also presents the theory of emergencies as a method of exception (*istisnaiyyah*) existing within the principles of Sharia. Therefore, this exception method due to emergencies provides an exit strategy and facilitates dealing with difficulties and hardships. According to him, various emergency situations need to be examined, including *Al-‘Usr wa ‘Umum Al-Balwa*, *Istihsan Al-Darurah*, *Maslahah*, *Mursalah li Al-Darurah*, and *Uruf* (Al-Zuhaili, 1982).

In the book "al-Halal Wa al-Haram Fil Islam" by al-Qaradawi (1985), emphasis is placed on the fact that Muslims should not easily take advantage of concessions granted by Sharia under the pretext of emergencies. Assessing emergencies should be done when facing a critical difficulty that potentially affects the *daruriyyat al-khamsah* (religion, life, lineage, intellect, and property) that must be preserved by every individual (Al-Amidi, 1985; Al Najjar, 1997). Without protection and care for these five elements, it will undoubtedly lead to damage and destruction in human life. Therefore, to preserve these elements, it becomes one of the legitimate reasons for granting concessions.

These concessions or *al-rukhsah* must be based on several verses from the Quran (Quran 2:173; 5:3; 6:119, 145; 16:115) and the Sunnah of the Prophet Muhammad (PBUH), which instruct Muslims to avoid various harms, including emergency threats to life and physical well-being (Mahaiyadin, 2017; Al-Iyadi, 1999). For example, concessions are granted to a sick person to consume forbidden substances due to the shortage of halal food during times of war and the necessity of medical treatment to protect their life. The determination of the law in the form of *al-rukhsah* clearly considers the existence of Maqasid Daruriyyah elements for the purpose of achieving Shariah objectives, taking into account the interests or benefits of the individuals involved.

Among the conditions set by scholars for determining emergencies are (Muda, 2011)

- i. The emergency must genuinely occur. In other words, a situation has arisen or exists that is known to cause harm involving the five basic elements: religion, life, intellect, lineage, and property. Destruction will occur either definitively or based on strong suspicions, guided by experience or knowledge.
- ii. When faced with an emergency, nothing halal can be done to eliminate harm except by avoiding prohibited actions.
- iii. No permissible alternative exists after making an effort, except choosing something forbidden to avoid harm.
- iv. The consumption of the forbidden or prohibited by Sharia is only allowed to the extent necessary.

- v. The consumption of substances such as medicine or food that are considered forbidden must be confirmed by an expert or specialist in the relevant field.

Main Elements in Maqasid Daruriyyah

Maqasid Daruriyyah is the essential and fundamental needs that must be fulfilled for human life to ensure stability and survival. Without preserving and protecting these requirements, human life will be enveloped in confusion, chaos, and destruction. The scholars of Islam have divided Maqasid Daruriyyah into five elements: (1) religion, (2) life, (3) intellect, (4) lineage, and (5) property (Al-Ghazali, 1983; Anwar et al., 2021).

The dimensions of Maqasid Daruriyyah in the classical scholars emphasize two aspects: (i) **Positive Aspect:** creating and completing it in the form of protection and preservation. (ii) **Negative Aspect:** Protecting its existence from non-existence or loss (Al-Yubi). Hence, the contemporary scholars' thinking, led by Jasser Awda, has shifted the paradigm of classical Maqasid Daruriyyah theory, adding dimensions such as protection and preservation to development and human rights. The difference between classical and contemporary Maqasid Daruriyyah theory is as shown in Table 1 below:

Table 1
Paradigm Shift in Contemporary Maqasid Theory

No.	Classical Maqasid Theory	Contemporary Maqasid Theory
	Dimension Goals	
	1. Protection 2. Preservation	1. Development) 2. Human right)
1.	Safeguarding Religion (<i>hifz al din</i>)	Safeguarding, protecting, and respecting freedom of religion or belief
2.	Safeguarding Life (<i>hifz al nafs</i>)	Safeguarding and protecting human rights
3.	Safeguarding Intellect (<i>hifz al aql</i>)	Enhancing critical thinking, scientific research, prioritizing the pursuit of knowledge
4.	Safeguarding Progeny (<i>hifz al nasl</i>)	Theory oriented towards protecting the family and showing greater concern for the family institution
	Safeguarding Honor (<i>hifz al ird</i>)	Protecting human dignity/basic human rights
5.	Safeguarding Wealth (<i>hifz al mal</i>)	Prioritizing social concern, paying attention to development and economic growth, promoting human well-being, and eliminating the gap between the rich and the poor

Assessment of Maslahah in Maqasid Daruriyyah

Generally, discussions regarding the position and level of *maslahah* (benefit or interest) in Maqasid Daruriyyah can be seen in five aspects

- i. **Highest Level Position:** The three Shariah objectives in the name of human welfare are not separate from each other, with each part complementing the others. Daruriyyat, for example, becomes complete with the existence of hajiyyat and tahsiniyyat matters. Similarly, hajiyyat becomes complete with tahsiniyyat matters. Based on the order presented in the *maslahah* categories, Islamic law

related to the preservation of *daruriyyat* is considered more important than *hajiyyat* and *tahsiniyyat*.

- ii. **Hierarchy of *Daruriyyah Khamsah***: The five categories placed under Maqasid Daruriyyah, namely preserving religion, life, intellect, lineage, and property, have different levels of importance. The order of precedence, starting with preserving religion, followed by preserving life, intellect, lineage, and ending with preserving property, is an obligatory sequence that must be prioritized according to their importance (Al-Amidi, 1985; Al Najjar, 1997). Most classical and contemporary scholars place the preservation of religion as the most significant objective surpassing others because it is the primary objective for which messengers were sent (Ghazali, 2012). This is also stated by Al-Ghazali (1982):

“The classical scholars divided the fundamental daruriyat (the five essentials) into five, namely religion, life, intellect, lineage, and property. The scholars have made a determination of the order among these five essential maslahah, where the importance of religion is placed in the first class and is superior to the importance of life. Meanwhile, the importance of life must be prioritized over the importance of intellect, the importance of intellect must be prioritized over the importance of lineage, and the importance of lineage must be prioritized over the importance of property”.

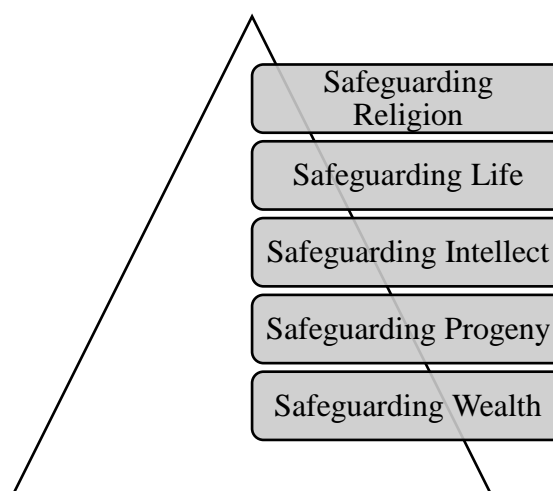


Figure 3: Hierarchy of Daruriyyah al-Khamsah

Conclusion

It is clear here that the objectives of Shariah, known as Maqasid Syariah, aim to preserve and protect human interests based on the five main elements of life under Maqasid Daruriyyah, namely religion, life, intellect, lineage, and property. At the same time, Shariah also aims to facilitate, alleviate burdens, and not burden individuals facing emergency situations, thus relaxing the original law to ensure the implementation of Sharia law is within the capacity and ability to fulfill such obligations. However, legal concessions based on the principle of *al-rukhsah* must adhere to the conditions and procedures established by Sharia.

Therefore, scholars have established considerations for assessing the status of *maslahah* based on Sharia sources by classifying them into three (3) types

- i. If *maslahah* is based on textual evidence taken from the Quran and Sunnah, then that *maslahah* is considered *mu'tabarat* (generally accepted) and is deemed absolute with no room for debate.
- ii. If the established *maslahah* clearly contradicts texts in the form of *qath'i nas* (definitive text), then that *maslahah* is called *mulgha*, meaning rejected and considered null.
- iii. If the *maslahah* is related to situations where there is no text (*nas*) from the Quran and Sunnah that prohibits or invalidates it, this *maslahah* is called *mursalat* (unrestricted). This is because this situation allows scholars to refer to their own analysis and reasoning. However, this *ijtihad* must adhere to strict conditions:
 - a. The analysis must be done very carefully to ensure that the determined *maslahah* is a genuine reality, not just following logic alone.
 - b. The *maslahah* must be general (*kulliyat*), benefiting everyone, not just a specific group, class, or individual.
 - c. The *maslahah* must not contradict or oppose the valid texts of the Quran or Sunnah.

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