

Health Ethics in the Perspective of Islamic Law Towards the Practice of Modern Medicine and Medicine

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Abstract

This research aims to analyze health ethics in the perspective of Islamic Law and its application to modern medical and medical practices. Health ethics is a very important aspect in any medical practice, both in traditional and modern contexts. However, in the increasingly advanced development of modern medicine, various challenging ethical issues have emerged, such as the use of medical technology, euthanasia, and alternative medicine. Within the framework of Islamic Law, medical ethics requires that every medical action pay attention to the physical and spiritual well-being of the patient, emphasizing principles such as safeguarding life, avoiding bodily harm, and fairness in the provision of medical services. This research focuses on the understanding and implementation of these principles in the contemporary medical world, as well as how they can be harmonized to address existing ethical challenges. Through a normative and comparative approach, this study examines the comparison between the ethical principles of Islamic Law and modern medical practice, as well as the challenges that arise in the application of both. The findings of this study are expected to provide new insights into how medical ethics in Islam can be used as a guide in overcoming ethical problems faced in modern medicine, as well as providing recommendations on medical policies that prioritize moral and religious values. Thus, this research aims to enrich the ethical perspective in the practice of medicine as well as contribute to a broader understanding of medicine based on Islamic principles.

Keywords: Health ethics, Islamic Law, Modern Medicine, and Medical Ethics.

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Introduction

1.1 The importance of ethics in health practice.

Ethics serve as unwritten norms that guide the professional behavior of medical personnel, while health law provides a written regulatory framework that affirms the obligations and rights of both parties. Both play an important role in creating trust between patients and medical personnel, as well as ensuring that health services are provided with high standards and in accordance with the principles of justice. Health ethics play a very vital role in maintaining the integrity and quality of medical services. In health practice, medical professionals are faced not only with technical and scientific challenges, but also with decisions involving moral values and humanitarian principles. This ethics serves as a guideline to ensure that every medical action taken prioritizes the patient's welfare, justice, and respect for individual rights. In this case, health ethics aims to guide medical practitioners to always act responsibly, honestly, and openly, both in treating patients and in making complex medical decisions. Mistakes in making ethical decisions can have serious impacts, both on patients and society, such as violating patients' privacy rights or providing care that is inconsistent with human values. The importance of ethics in health practice is also in the spotlight as medical technology and medical procedures develop that are increasingly sophisticated.

Although technological advances can improve efficiency and accuracy in treatment, it also presents new ethical challenges. Issues such as euthanasia, genetic testing, and the use of technology to prolong life raise ethical dilemmas that require deep consideration. Therefore, a deep understanding of medical ethics is indispensable to balance the progress of science with morality and humanity. As stated by Beauchamp and Childress in their book "Principles of Biomedical Ethics," health ethics play an important role in maintaining a balance between technology and the moral values that underlie every medical interaction (Beauchamp & Childress, 2019). Medical practice based on strong ethics will create trust between patients and medical personnel and maintain professionalism in the face of increasingly complex health issues.

1.2 The relevance of Islamic Law in the ethics of medicine and modern medicine.

Islamic law has a fundamental role in shaping medical ethics that not only focuses on the physical aspects of the patient, but also includes the spiritual and moral dimensions. Principles such as preserving life (hifz al-nafs), justice (al-'adl), and prohibition of harm (la darar wa la dirar) are the cornerstones of medical decision-making. For example, the concept of informed consent in Islamic Law emphasizes the importance of transparency and consent of patients before medical procedures are performed, which is in line with the principle of patient autonomy in modern medical ethics. In addition, Islamic Law also regulates the relationship between patients and medical personnel by emphasizing justice, responsibility, and respect for individual rights. This is reflected in the obligation of medical personnel to provide clear and complete information to patients, maintain medical confidentiality, and act with professionalism. The application of these principles in modern medical practice can help create a more equitable and ethical healthcare system, which respects the rights of all parties involved.

1.3 The development of medical practice and the application of health ethics with Islamic principles.

The development of medical practice today is characterized by rapid advances in medical technology, such as the use of telemedicine, genetic engineering, and artificial intelligence in diagnosis. However, this progress poses challenges in the application of health ethics that are in line with Islamic principles. Islam emphasizes the importance of preserving life (hifz al-nafs), justice (adl), and non-harm (la dharar wa la dirar) in every aspect of life, including in medical practice. Therefore, it is important to ensure that medical innovations do not conflict

with Islamic sharia values. One of the main challenges is the application of the principle of patient autonomy in an Islamic context. Although autonomy is valued, medical decisions must consider *maslahat* (goodness) and *mafsadah* (damage) and not contradict religious teachings. For example, the practice of euthanasia is considered a patient's right to autonomy, but in Islam, such an act is prohibited because it is contrary to the principle of preserving life. In addition, medical technologies such as genetic engineering and the use of assisted reproductive technology also raise ethical questions related to the status of embryos and the potential misuse of such technology.

To address these challenges, it is important to develop a medical ethical framework that integrates Islamic principles. This approach may include the establishment of ethics committees involving scholars, medical practitioners, and Islamic legal experts to provide guidance in medical decision-making. In addition, medical education that integrates Islamic values can help prospective medical personnel understand and apply medical ethics in accordance with religious teachings. Thus, it is hoped that the practice of medicine can develop along with technological advances without neglecting the fundamental principles of Islamic ethics.

Literature Review

2.1 Health Ethics and Basic Concepts and Principles

Health ethics is a branch of general ethics applied in the field of health services. According to Leenen, health ethics is the application of moral values to the practice of health care and services. Meanwhile, Soerjono Soekanto emphasized that health ethics includes the assessment of approved health symptoms and recommendations for appropriate attitudes in the health sector. In general, health ethics serves as a moral guideline for medical personnel in carrying out their profession, ensuring that the actions taken are not only clinically effective but also moral and civilized.

In modern medical practice, there are four basic principles of medical ethics that are a reference in clinical decision-making. The first principle is autonomy, which respects the patient's right to make decisions regarding medical care. Second, the principle of beneficence, which requires medical personnel to act for the good of the patient and ensure that the actions taken are beneficial to the patient. Third, the principle of non-maleficence, which emphasizes the obligation not to take actions that can harm the patient. Fourth, the principle of justice, which focuses on justice in distributing health resources and services to patients. These four principles form the basis of ethical medical decision-making, ensuring that every action taken by medical personnel is based not only on scientific but also moral considerations. The application of these principles assists medical personnel in dealing with ethical dilemmas that may arise in daily practice, such as in cases involving patient autonomy, limited resource allocation, or the handling of patients with terminal conditions. By understanding and applying these principles of medical ethics, medical personnel can provide services that are not only clinically effective but also moral and civilized.

2.2 Islamic Law in Health

In Islam, health is seen as a mandate from Allah that must be well maintained. The concept of health in Islam includes a balance between body and soul, as well as the application of a healthy lifestyle in accordance with religious teachings. Islam emphasizes the importance of maintaining cleanliness, a healthy diet, exercising, getting enough sleep, and maintaining mental and emotional health. This is in line with the principles of *maqasid sharia* which aims to maintain human welfare, including in the health aspect. The Islamic view of medicine and medicine is very positive. Islam encourages its people to seek knowledge, including in the field of medicine, as an effort to maintain and restore health. In the history of Islam, many Muslim

scientists have made great contributions in the medical field, such as Ibn Sina and Al-Razi. Islam also teaches that treatment should be done with good intentions, follow scientific principles, and not contradict religious principles.

The principles of Islamic Law in maintaining the health of the body and soul include safeguarding the soul (hifz al-nafs), safeguarding the intellect (hifz al-aql), safeguarding religion (hifz al-din), safeguarding offspring (hifz al-nasl), and safeguarding property (hifz al-mal). These principles are the basis for medical decision-making that takes into account not only the scientific, but also moral and spiritual aspects. In addition, Islam also teaches the importance of maintaining cleanliness, consuming halal and good food, and maintaining mental health through worship and dhikr

2.3 Latest Developments in the World of Medicine and Medical Technology

Modern medical practice has undergone significant transformation thanks to advances in medical technology. Technologies such as artificial intelligence (AI), robotics, and advanced medical imaging are now an integral part of patient diagnosis and treatment. For example, AI is used to analyze large medical data, aid in the diagnosis of diseases, and design personalized treatment plans. In addition, the latest imaging technology enables early detection of diseases with high accuracy, while robotics support minimally invasive surgical procedures that accelerate patient recovery.

2.4 Ethical Issues in Modern Medicine

Along with technological advancements, various ethical challenges have arisen in the practice of medicine. Issues such as euthanasia, abortion, and the use of assisted reproductive technology give rise to moral and legal debates. For example, euthanasia and abortion often conflict with religious principles and human values, raising a dilemma between individual rights and the protection of life. In addition, the use of technology in reproduction, such as in vitro fertilization (IVF) and genetic engineering, raises questions about the limits of human intervention to natural processes and the potential misuse of technology.

2.5 Integration of Technology and Ethics in Medical Practice

To meet these challenges, it is important to develop an ethical framework that integrates medical technology with human values. This approach involves collaboration between medical professionals, ethicists, and policymakers to establish guidelines that ensure that technological innovation does not compromise basic principles of humanity. In addition, medical education that emphasizes an understanding of ethics and technology can assist aspiring medical professionals in making wise and responsible decisions, maintaining a balance between scientific progress and moral values.

2.6 Comparison Between Health Ethics in the Perspective of Islamic Law & Modern Medicine

A comparison between health ethics in the perspective of Islamic Law and modern medicine shows significant similarities and differences in the context of medical ethics. Both emphasize the importance of basic principles such as patient autonomy, beneficence, non-maleficence, and justice. However, the application is different; Modern medical ethics is more secular and focuses on individual rights and evidence-based medical decisions, while Islamic Law integrates spiritual and moral values derived from the Qur'an and Hadith, with the primary goal of safeguarding the welfare of humanity. In the face of modern medical issues, Islamic Law offers the application of its principles through the approach of maqasid sharia, which aims to achieve benefits and avoid harm. For example, in the case of euthanasia, Islamic law emphasizes the importance of preserving life (hifz al-nafs) and prohibits actions that can end life intentionally, in line with the principle of non-maleficence in modern medical ethics. In

addition, in the context of digital healthcare services such as telemedicine, Islamic Law emphasizes the importance of maintaining patient privacy and ensuring that the services do not conflict with sharia principles.

Despite differences in approach and philosophical foundation, Islamic law and modern medicine share the same goal, which is to improve the quality of human life through ethical and moral health services. The integration of the principles of Islamic Law in modern medical practice can provide a more holistic and equitable perspective, which considers not only the physical, but also the spiritual and moral aspects of the patient. Therefore, it is important to continue to study and develop synergies between the two so that health services can be more comprehensive and in accordance with universal human values.

Research Methodology

This study uses a qualitative method with a descriptive approach to describe the application of health ethics in modern medical practice. The approach used is normative and comparative, which aims to analyze and compare the principles of health ethics in the perspective of Islamic Law and modern medicine. The main sources of data come from relevant literature, such as books, journals, articles, as well as Islamic legal sources related to this topic. The data collection technique is carried out through an in-depth literature study of various references, as well as the analysis of related legal documents to gain a comprehensive understanding of the issue being studied.

Results

4.1 Health Ethics in the Perspective of Islamic Law

In the perspective of Islamic Law, health ethics is rooted in the principles of maqasid sharia, which emphasizes the protection of five main aspects: religion, soul, intellect, heredity, and property. The principle of "hifz al-nafs" (safeguarding the soul) is a key cornerstone in Islamic medical ethics, which places the safety and health of the individual as the highest priority. This is in line with the teachings of the Qur'an and Hadith which encourage Muslims to take care of the body as a mandate from Allah SWT. As mentioned in QS. Al-Baqarah: 195, "And do not throw yourselves into destruction," which affirms the prohibition against actions that can damage the body. The principles of health ethics in Islam also include the importance of intention in every medical action. A Muslim medical worker is expected to carry out his profession for the sake of Allah SWT, with full sincerity and dedication. For example, in Islamic medical ethics, it is stated that a doctor must believe in himself as the caliph of Allah in the field of health and medicine, and carry out his profession with faith so as not to lose money.

In terms of treatment, Islam allows the use of methods that are in accordance with the sharia and do not contradict religious principles. The treatment that is allowed is scientific and does not contain elements of shirk. For example, the use of ingredients that are halal and scientifically proven to cure diseases is allowed. However, the use of haram or unclean objects in medicine, such as blood or alcohol, is prohibited except in emergency situations where there is no other alternative. In addition, Islamic medical ethics emphasizes the importance of maintaining patient confidentiality, providing services with sincerity (professionalism), and acting fairly regardless of the patient's social status. Doctors are also expected to always improve their competence and establish good cooperation with their colleagues. This is in line with the principle of "la dharar wa la dirar" (not to harm oneself or others) which is a guideline in every medical procedure.

4.2 Modern Medical Practice and Ethical Issues

Modern medical practice faces various ethical challenges along with the rapid advancement of medical technology. One of the main issues is decision-making regarding life and death, especially in the context of palliative care and euthanasia. The decision to discontinue treatment in patients with terminal conditions often raises an ethical dilemma between respecting the patient's autonomy and the medical obligation to save lives. For example, in some cases, the patient requests a discontinuation of treatment to alleviate suffering, while on the other hand, the principle of non-maleficence requires the doctor not to cause harm to the patient. This creates a tension between the patient's right to make decisions and the responsibility of medical professionals to provide the best possible care.

In addition, the use of advanced technologies in medicine, such as artificial intelligence (AI) in diagnosis and treatment, also raises ethical questions. While AI can improve diagnosis accuracy and treatment efficiency, issues arise regarding liability in the event of medical errors. Questions like who is responsible—whether it's doctors, technology developers, or the systems themselves—don't have clear answers yet. In addition, the use of AI in medicine must consider the principle of fairness, ensuring that this technology is unbiased and accessible to all patients without discrimination. Fairness in the distribution of medical technology is essential to prevent inequality in health services. Another issue that arises along with the digitization of healthcare services is the privacy and security of patient data. With the advent of electronic medical records and telemedicine, patients' medical data is more vulnerable to hacking and misuse. Doctors and medical personnel must take care to maintain the confidentiality of patient information and ensure that it is used in accordance with medical ethical standards. In addition, the use of medical data for research must obtain the consent of the patient and be carried out with full transparency about how the data will be used.

To meet these ethical challenges, it is important for medical professionals to have a deep understanding of the ethical principles of medicine and how to apply them in daily practice. Bioethics education is very important in the medical curriculum to equip prospective doctors with the necessary ethical competencies. Additionally, hospitals and healthcare institutions need to have mechanisms such as ethics committees to help resolve difficult cases. Open discussion and consideration from multiple points of view are indispensable in the face of the ethical complexities of modern medical practice.

4.3 Comparison of Islamic Law and Modern Medical Ethics

A comparison between Islamic Law and modern medical ethics shows the compatibility and incompatibility in dealing with contemporary medical issues, such as organ transplantation, drug use, and controversial medical procedures. In the context of organ transplantation, there are differences of opinion among Islamic scholars. Some scholars consider it an action that is permissible based on the principle of "al-emergency tubih al-mahzurat" (the urgent need to allow what is forbidden), provided that there is no coercion and it is done with good intentions. However, there are also those who refuse for reasons of respect for the human body and uncertainty in determining brain death as a valid indicator of death according to sharia. For example, a fatwa from the Malaysian Fatwa Council states that organ transplantation is permissible if it is done with the intention of saving lives and does not involve commercial transactions. Regarding the use of illegal drugs, Islamic Law expressly prohibits the consumption of drugs because they can damage the mind and body, as well as cause harm. However, in emergency situations, such as palliative care in terminal patients, the use of drugs containing illicit substances can be justified to alleviate suffering, provided there are no other alternatives and are carried out with strict medical supervision.

As for controversial medical procedures, such as euthanasia, Islamic law generally prohibits actions that can end life intentionally. Islam emphasizes the importance of preserving life and leaving the affairs of life and death to Allah SWT. However, in certain cases, such as

patients who experience unbearable suffering and no hope of recovery, some scholars argue that stopping ineffective treatment is acceptable, provided there is no element of murder and is done with careful medical consideration. Overall, despite the differences in the application of ethical principles between Islamic Law and modern medicine, both have the same goal, which is to maintain and improve the quality of human life. Dialogue between the two is essential to find solutions that are not only scientific and professional, but also in accordance with the religious and moral values of society.

4.4 Solutions and Recommendations

In order to harmonize modern medical practice with the ethical principles of Islamic Law, an integrative and contextual approach is essential. This can be achieved through medical education that combines medical science with a deep understanding of Islamic values. For example, the Kulliyyah of Medicine at the International Islamic University of Malaysia (IIUM) has successfully integrated the concept of Tawhid in its medical curriculum, emphasizing that every medical action must be grounded in an awareness of God's oneness and moral responsibility to His creation. Recommendations for the development of medical policies that are more in line with Islamic teachings cover several important aspects. First, the establishment of a medical ethics committee involving scholars and medical professionals to provide guidance in dealing with contemporary medical issues. Second, the development of clinical guidelines that accommodate Islamic principles, such as the prohibition of euthanasia and the importance of informed consent in accordance with religious teachings. Third, the importance of research and development in the field of Islamic bioethics to produce literature that can be used as a reference in medical practice. This includes the publication of scientific journals that discuss topics such as organ transplantation, the use of medicines, and medical technology from an Islamic perspective. Fourth, continuous training and education for medical personnel on Islamic medical ethics is urgently needed. These programs can be organized by higher education institutions, hospitals, and professional organizations to ensure that medical personnel have a good understanding of how to apply Islamic principles in daily practice. With these measures, it is hoped that modern medical practice can go hand in hand with Islamic teachings, creating a health system that is not only efficient and professional, but also ethical and moral.

Conclusion

The application of health ethics in Islamic law in the context of modern medicine shows that there is an alignment of principles between the two, although there are challenges in its implementation. The basic principles of Islamic medical ethics, such as safeguarding the soul (hifz al-nafs), the prohibition of damaging the body, the importance of intention, and the obligation to maintain medical confidentiality, are in line with universal values in modern medicine. However, in practice, there are differences in the interpretation and application of these principles, especially in contemporary issues such as organ transplantation, the use of advanced medical technology, and decisions regarding life and death. In the face of these challenges, it is important to develop an integrative approach between modern medical science and the principles of Islamic Law. This can be done through medical education that combines the scientific and ethical aspects of Islam, as well as through dialogue between scholars and medical professionals to produce fatwas relevant to the development of medical science. For example, in the case of organ transplantation, some scholars argue that the procedure is permissible if it meets certain conditions, such as not harming the body and is done with the intention of saving lives, in line with the principle of hifz al-nafs in Islam.

In addition, it is important to pay attention to the principle of maslaha (benefit) in medical decision-making. This principle emphasizes that medical measures must be carried out

taking into account the benefits to the individual and society, as well as avoiding harm (damage). In the context of modern medicine, the application of the principle of maslaha can help in determining medical policies that are in accordance with Islamic values and the needs of society. The application of health ethics in Islamic law in the context of modern medicine requires a holistic and contextual approach. Through the integration of medical science and Islamic principles, as well as the application of maslaha principles, it is hoped that a health service system can be created that is not only medically effective, but also ethical and in accordance with religious values.

Suggestion

For further research, it is recommended to develop a more applicative and contextual model of Islamic bioethics in dealing with contemporary medical issues. This can be done by conducting a comparative study between fatwas from different schools and countries, as well as analyzing their application in daily medical practice. In addition, it is important to examine the role of technology, such as artificial intelligence and electronic medical records, in influencing medical decisions from an Islamic ethical perspective. This kind of research will enrich the treasures of science and provide a clearer guide for Muslim medical personnel in dealing with ethical challenges in the modern era. In the development of medical policy, it is important to involve scholars, medical professionals, and academics in formulating guidelines that integrate the principles of Islamic Law. The application of the principles of maqasid al-shari'ah, which includes the protection of religion, soul, intellect, descent, and property—can be used as a basis for the evaluation of medical technology and clinical procedures. In addition, medical policy must take into account the diversity of interpretations in Islam, as well as ensure that medical decisions are not only based on scientific considerations, but also in accordance with the religious and cultural values of the Muslim community.

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