



INTEGRATION OF MAQASID AL-SHARIA AND HEALTH LAW IN GUARANTEEING THE RIGHTS OF HOSPITAL EMERGENCY PATIENTS

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ABSTRACT

This study examines the integration of *Maqasid al-Sharia* principles and health law in safeguarding the rights of emergency patients in hospitals. Employing a qualitative design with a normative–empirical approach, the research investigates three central issues: (1) the relevance of *Maqasid al-Sharia* in protecting emergency patients' rights, especially the preservation of life (*hifz al-nafs*), dignity (*hifz al-'irdh*), and intellect (*hifz al-'aql*); (2) the implementation of patient protection under existing health law frameworks, including hospital obligations, emergency care standards, and the prohibition of discriminatory treatment; and (3) the formulation of an ideal model for patient protection through the integration of *Maqasid al-Sharia* and positive health law. The findings reveal that *Maqasid al-Sharia* aligns with legal health frameworks by emphasizing the preservation of life as a fundamental duty. However, hospital implementation remains hindered by administrative constraints, insurance limitations, and institutional policies that may compromise patients' rights to emergency care. The study proposes an integrative legal protection model that harmonizes the universal values of *Maqasid al-Sharia* with national health law, ensuring accessible, equitable, and life-saving emergency services for all. Strengthening legal enforcement, hospital accountability, and medical ethics is crucial for realizing an ideal system of patient protection.

Keywords: *Maqasid al-sharia; emergency patient rights; health law*

1. INTRODUCTION

Islam promotes comprehensive principles of health, emphasizing the purity and cleanliness of both body and mind. Physical and spiritual health form an integrated system, as both are essential to achieving prosperity in this world and happiness in the hereafter. The Islamic health system, reflected in *Sharia* teachings, commands acts of purification from physical and spiritual impurities—such as ablution, bathing, and prayer—all serving as holistic expressions of worship.

Cleanliness, as an act of self-preservation, protects individuals and communities from impurities and harm, contributing to a healthy and comfortable life. As stated in the Qur'an (Surah al-Baqarah 2:222):

وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذًى فَأَعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ وَلَا تَقْرَبُوهُنَّ حَتَّى يَطْهُرْنَ فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ

"They ask you, 'O Prophet', about menstruation. Say, 'Beware of its harm! So keep away, and do not have intercourse with your wives during their monthly cycles until they are purified. When they purify themselves, then you may approach them in the manner specified by Allah. Surely Allah loves those who always turn to Him in repentance and those who purify themselves."

Furthermore, Allah commands His servants to maintain health, as affirmed in Surah al-Ma'idah (5:88):

وَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا وَاتَّقُوا اللَّهَ الَّذِي أَنْتُمْ بِهِ مُؤْمِنُونَ

"Eat of the good, lawful things provided to you by Allah. And be mindful of Allah in Whom you believe."

These verses emphasize that health is a divine obligation and a fundamental human need. Therefore, ensuring public access to health care constitutes not only a legal right but also a moral and religious responsibility of the state (Yunita, 2025). Islam stipulates that this health insurance should be provided free of charge, at no cost. The health insurance is not only a right regulated by law, but is also part of a broader social responsibility, which can be seen from the perspective of Islamic ethics and law.

Illness, though often perceived as suffering, can serve as a means of spiritual purification. As narrated in the *Hadith* by al-Bukhari and Muslim:

مَا مِنْ مُسْلِمٍ يُصِيبُهُ أَذًى مِنْ مَرَضٍ فَمَا سِوَاهُ إِلَّا حَطَّ اللَّهُ بِهِ سَيِّئَاتِهِ كَمَا تَحْطُ

Means:

"There is no Muslim who is afflicted with any harm, whether illness or anything else, except that Allah will remove some of his sins because of it, just as a tree sheds its leaves." (HR Bukhari Muslim).

Health services are thus recognized as basic human rights to be guaranteed by the state through various legal instruments. In hospital settings, especially during emergencies, patients are entitled to immediate and nondiscriminatory care. However, practical challenges—legal, ethical, and administrative—often hinder this fulfillment.

Efforts to achieve legal harmony are also reflected in the application of *Maqasid al-Sharia*, where the implementation of law is guided by the primary objectives of *Sharia*—namely, the preservation of religion, life, intellect, lineage, and property (Siti Rohmah, 2021). Accordingly, Islamic law is not merely a set of normative rules but also serves as an instrument for realizing broader social objectives within the framework of Indonesia's legal development (Ja'far Baehaqi, 2021).

Through a holistic approach, the concept of *Maqasid al-Sharia* (the higher objectives of Islamic law) can be integrated with health law to reinforce the framework for protecting patients' rights. In Islamic jurisprudence, *Maqasid al-Sharia* originates from divine revelation and forms part of the comprehensive solution provided by Allah SWT for the benefit of humankind, as every legal stipulation in Islam must be divinely guided (Kartini, 2022). It should be emphasized that Allah SWT, as the Lawgiver (*al-Shari*), does not establish laws arbitrarily. The essence of *Maqasid al-Sharia* lies in promoting good and preventing harm—seeking

benefits (*maslahah*) and averting detriments (*mafsadah*). The *maslahah* approach in Islamic law highlights that every legal rule must lead to human welfare and avoid harm, while reflecting the extent to which the legal system embodies these beneficial values (Heriana, 2025).

Maqasid al-Sharia further underscores the importance of safeguarding human life, intellect, and dignity, in alignment with ethical principles in health law. In this regard, hospitals as health service institutions are obligated to ensure that every patient—especially those in emergency situations—receives timely and appropriate medical care (Silvester AP Timur, 2023).

From the discussion above, it is evident that the issues concern (1) the principles of *Maqasid al-Sharia* in protecting the rights of hospital emergency patients, (2) the implementation of patient protection under the existing health law framework applied by hospitals, and (3) the ideal model of legal protection for emergency patients based on the integration of *Maqasid al-Sharia* principles with positive health law.

2. METHOD

The research employed an empirical juridical approach, which examines legal problems through the perspectives of both *Maqasid al-Sharia* and health law. This approach is grounded in applicable legal regulations and connected to real-life phenomena that occur in society (Ronny Hanijio, 2008). Empirical juridical research integrates normative legal aspects with empirical realities, aiming to investigate and analyze how legal norms are implemented and function in actual practice. In this context, researchers do not merely examine legal theory but also collect data and information from the field to gain a deeper understanding of how laws are applied in real-world settings.

This research was conducted in North Luwu Regency. The selection of North Luwu Regency was based on the religious character of the community, which is relevant to *Maqasid al-Syariah* (the principles of Sharia), the diversity of hospital facilities, and the high need for emergency services due to its geographical location. The population in this study consists of medical personnel (doctors, nurses, emergency room staff), hospital management, such as the head of the emergency installation, director, or head of the service department and local religious figures and clerics, especially those who understand the concept of *Maqasid al-Syariah*.

This study adopts a qualitative research approach, which enables an in-depth exploration of complex issues related to ethical, social, and legal norms governing patients' rights, as well as the application of *Maqasid al-Sharia* values in the health context. The study employs purposive sampling, a technique used to select informants who possess relevant experience, knowledge, or authority concerning the issues under investigation. Data collection in this study was carried out through stages, namely in-depth interviews involving patients, patient families, doctors, and health workers and local government representatives to obtain diverse perspectives on their experiences with patient rights in emergency situations and the application of the principles of *Maqasid al-Syariah*. Observation, namely observing practices in hospitals related to the handling of emergency patients, which allows researchers to see directly how sharia values are applied in the context of health services, as well as with documentation.

The qualitative approach focuses on achieving a profound understanding of social phenomena and the nature of human experience. Within this study, it allows the researcher to explore the experiences, perspectives, and attitudes of patients, medical personnel, and other stakeholders regarding the implementation of *Maqasid al-Sharia* principles in protecting patients' rights within hospital settings.

3. RESULTS & DISCUSSION

Maqasid Al-Syariah emphasizes the importance of protecting fundamental aspects of human life. Abu Ishaq al-Shatibi formulated these five primary objectives of Islamic law (Yumbi Auffah, 2021):

1. *Hifdz Ad-Din* (Preservation of Religion)
2. *Hifdz An-Nafs* (Preservation of Life)
3. *Hifdz Al'Aql* (Preservation of Intellect)
4. *Hifdz An-Nasb* (Preservation of Lineage)
5. *Hifdz Al-Maal* (Preservation of Property)

In the literature, these five objectives are collectively known as *al-Maqasid al-Khamsah* or *al-Maqasid al-Shariah*. The concept of benefit (*maslahah*) lies at the core of all *Shariah* injunctions, including acts of worship. The essence of *Maqasid al-Shariah* is to realize goodness and prevent harm, or to promote welfare (*jalb al-maslahah*) and avert detriment (*dar' al-mafsadah*). The *maslahah* approach in Islamic jurisprudence underscores that every legal ruling must lead to human welfare and prevent harm, reflecting the extent to which the legal system embodies beneficial values (Heriana, 2025). The term *maslahah* itself represents the essence of *Maqasid al-Shariah*, as Islamic law is designed to achieve public benefit (Ghohar Shidiq, 2009). In the context of health services, the preservation of life becomes the central focus. This integration provides a comprehensive legal and ethical framework from both religious and positive law perspectives for safeguarding the rights of emergency patients.

Furthermore, Abdullah and Ahmad (2023) emphasize the importance of *Maqasid al-Shariah* in regulating individual freedoms and social rights—a principle that remains highly relevant in contemporary discussions on patient rights. Health, as one of the essential dimensions of human existence, plays a critical role in achieving collective welfare. This aligns with the overarching goal of *Maqasid al-Shariah*, which seeks to enhance the quality of human life holistically through equitable and just health services.

Hospitals, as centers of medical care, bear responsibility not only for clinical services but also for upholding patients' right to life as an inherent component of human rights. Within the framework of *Maqasid al-Shariah*, hospitals are obliged to identify and mitigate risks as part of their duty to preserve life (*hifz al-nafs*). Potential risks that may emerge during the service process—such as treatment delays, procedural errors, or inadequate facilities—pose direct threats to patients' safety and must therefore be minimized. Implementing systematic risk identification and developing mitigation strategies are concrete manifestations of applying *Shariah* principles within the healthcare system.

The urgency of effective risk management in emergency care continues to increase. The critical condition of emergency patients demands hospitals to act swiftly, accurately, and in a coordinated manner. The principle of *hifz al-nafs* underscores that every second in emergency response carries profound moral and religious significance,

as it directly concerns the preservation of human life. Hospitals must therefore ensure the establishment of standardized emergency protocols, readiness of emergency rooms, availability of medical equipment, and deployment of qualified personnel competent in handling critical conditions. Identifying barriers such as referral delays or drug shortages is an integral part of mitigation efforts to ensure that emergency services comply with both *Shariah* principles and positive health regulations.

Recent developments also indicate that risk mitigation in hospital services is inseparable from technological advancement. The digitization of medical records, the adoption of Early Warning Systems, and the implementation of telemedicine represent innovative strategies that strengthen early risk detection and accelerate clinical decision-making. From the perspective of *Maqasid al-Shariah*, the utilization of technology aligns with the spirit of life preservation, as it enhances patient safety through information efficiency and rapid response. Therefore, strengthening digital systems and coordination mechanisms constitutes a modern yet value-based effort that fulfills both *Shariah* ethics and international health standards.

Beyond technological and procedural aspects, human resources remain a pivotal element in ensuring effective healthcare delivery. Hospitals must regularly conduct emergency response training, disaster management simulations, and professional ethics workshops. This commitment is closely tied to other *maqasids*, such as the preservation of intellect (*hifz al-'aql*)—through continuous knowledge development—and the preservation of lineage (*hifz al-nasl*)—through ensuring the safety of mothers and children in emergency situations. Thus, the enhancement of medical professionals' competence and ethical awareness is not only aligned with professional standards but also forms part of the *Shariah* responsibility to promote societal well-being.

Risk identification and mitigation in hospitals should therefore be understood as an integration of positive legal obligations and the values of *Maqasid al-Shariah*. The protection of life, emergency preparedness, technological utilization, and the continuous improvement of healthcare professionals are interrelated components of this integrative framework. In today's challenging context—characterized by pandemics, natural disasters, and mass emergencies—hospitals must maintain an adaptive, resilient, and welfare-oriented system. Consequently, the role of hospitals extends beyond their function as medical institutions to serve as a tangible embodiment of Islamic law, where the protection of human life stands as the highest priority.

4. CONCLUSION

The integration of *Maqasid al-Shariah* principles with health law provides a comprehensive and value-based framework for safeguarding patients' rights, particularly in emergency care. The five objectives of *Maqasid al-Shariah*—the preservation of religion, life, intellect, lineage, and property—serve as the moral foundation for a just and humane healthcare system. Among these, the preservation of life (*hifz al-nafs*) is central, emphasizing

that protecting human life is both a legal and religious obligation. Hospitals, as institutions entrusted with this mandate, must ensure effective risk identification, timely response, and equitable access to emergency treatment in accordance with both *Shariah* ethics and positive legal standards.

Technological innovation, human resource development, and adherence to ethical and procedural standards are indispensable in realizing this integration. The application of digital health systems, emergency preparedness protocols, and professional ethics training embodies the *Shariah* commitment to human welfare (*maslahah*). Therefore, harmonizing *Maqasid al-Shariah* with modern health law not only strengthens legal protection for patients but also upholds the spiritual and moral imperative of preserving life. Ultimately, hospitals function not merely as centers of medical service but as institutions that actualize Islamic values, ensuring that the sanctity of human life remains the highest priority in every aspect of healthcare delivery.

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