

## ISTIHALAH ISSUE OF HALAL FOOD, MEDICINE, AND COSMETICS

Ratna Wijyant<sup>1</sup>  
M. Elfan Kaukab<sup>2</sup>

<sup>1</sup>Faculty of Economics Universitas Sains Al-Qur'an Jawa Tengah in Wonosobo Indonesia  
(Email:ratnawijayanti@unsiq.ac.id)

<sup>2</sup>Faculty of Economics Universitas Sains Al-Qur'an Jawa Tengah in Wonosobo Indonesia  
(Email:elfan@unsiq.ac.id)

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**Abstract:** *Debates over halal and haram status of food, beverages, medicines, and cosmetics have heated recently. In the eye of Islamic law, something that is originally pure but is stained can be purified back by washing away the stain. One of the ways to do this is Istihalah (change of form). Istihalah can be defined as the change of form by mixing the matter with other substance to create a new product that has different form and content. The first to extend its usage is Hanafi Maliki Ibn al-'Arabi madhab, Ibn Taymiyyah madhab, Ibn al-Qayyim, al-Syawkani, and Ibn Hazm al-Zahiri madhab. They put into practice istihalah theory in more general scope. Both Al-Hanafiyah and Al-Malikiyah madhab state that istihalah changes impure matter into pure matter. This is the more appropriate notion related to present era. On the other hand, both Asy-Syafi'iyah and Al-Hanabilah madhab insist that najis 'ain, such as pig, cannot be eradicated even after undergoing total changes, unless when there are three exceptions. Hambali madhab hold the notion that one impure matter cannot be changed into pure one by istihalah process, except arrack that changes into vinegar by itself. Changes by means of burning, tanning, and mixing with other substances are not purifying. Based on the opinions given by Islamic scholars in extending or narrowing the istihalah concept, it is deduced that Hanafi madhab scholars' notion is more relevant in being applied as it is in accordance with the reality. This notion is rational and harmoniously conforming to science and technology rapid development. A number of research and finding have been conducted, and new issues have developed in producing food.*

**Keywords:** *Istihalah, Food, Medicines, Cosmetics*

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### Introduction

Fiqh scholars hold that halal criterion, whether something is halal or not, is the most fundamental thing in Islamic law. They argue that the postulates related to halal is a knowledge of faith, that Allah is the only one to determine whether something is halal or haram. Theologically, the regulation that something is haram/halal beyond Allah's authority is a

mingling that can be categorized as shirk. Everything created by Allah on this earth is originally halal and mubah. None is haram, unless a firm and legitimate nash of the sharia exists (the one that makes the law itself), derives from Allah and His Apostle. When there is no firm (shahih) nash defining that something is haram, then it returns to its original state, mubah. Yusuf Qardhawi explains several Islamic principles on halal and haram.

Those are as follows:

- 1) Everything is originally mubah.
- 2) Determining whether something is halal or haram is only Allah's right.
- 3) Establishing the haram into halal and halal into haram is equal to shirk.
- 4) Establishing something haram into halal will result in danger and badness.
- 5) What is halal does not require what is haram.
- 6) What leads something to haram is haram.
- 7) Scheming something haram is haram.
- 8) Good intentions do not make something haram becomes halal.
- 9) It is good to stay away from shubhat things for fear of becoming haram.
- 10) Something haram is applied to everyone.
- 11) Forced states allow something forbidden to be undertaken.

Nowadays, there have been debates over the halal/haram status of foods, beverages medicines or cosmetics consumed on daily basis. Every year various issues emerge related to food whose production cannot escape science and technology development. The issues are also associated to the food source, how they are produced, and how they are processed. Emulsifier enzyme, biotechnology, and synthetic ingredients are among the basic materials added to products. Some factors causing product quality change are change of time, change of society's sociocultural, and science and technology development.

According to sharia law, to purify something that is originally pure but has *najis* (ritually unclean thing) on it, one just has to clean the *najis* away. It can be done by flushing the stain with water, dry it under the sun, peel it off, and such ways. The point is that the *najis* is gone. However, different treatment applies for things ritually impure/*najis*. They are things like liquor/*khamr* (for 4 madhabs that categorize it as *najis*), carcasses, and human and another animals waste. They can be purified by tanning and *istihalah* (change of form).

Tanning is a way to purify animal carcass skin. *Istihalah* is a term that etymologically means change. In several books, fiqh scholars define *istihalah* as the change of form of one matter into another with different characteristics. An example provided would be grapes – that are pure – which are changed into *khamr*, then they become *najis*. The majority of madhab (except Imam Syafi'i madhab) consider semen as *najis*, but the status alter into pure when the semen has changed formed into fetus. The food we consume, into our mouth and digestive system, will change from pure into impure (*najis*) when they leave our body be it through our mouth (vomit) or anus (defecate). They have undergone changes in characteristics and forms and can no longer considered as food.

New food and beverage products in society will have their halal/haram questioned. Current development in technology has enabled haram substance to be altered into halal. They are carried out through research by adding certain amount of certain substances that yield correctly-engineered results. The previously mentioned background has revealed that there are some alternatives in Islam to overcome such problem. One of which is *istihalah* method. This study

discusses and analyzes the scope of istihalah and how to solve halal problem of food, beverage medicine and cosmetics through istihalah.

## Discussion

### Definition

Prof Dr Wahbah az-Zuhaili (المعاصرة والقضايا الإسلامية الفقه موسوعة) *Ensiklopedia Feqh Islami dan Masalah-masalah Semasa* first edition stated that istihalah is alteration or exchange of something *najis* by itself or through intercession. Cases of points are deer blood exchange into kasturi (deer musk), arrack (wine) turn into vinegar. They can change by themselves or via a medium. Another example is if dog carcass fell into salt and turn into salt.

Etymologically, istihalah is a term derived from Arabic word (حال) ح و ل which means to change. Istihalah is a word originated from استحال, يستحل, استحالة. It has the similar meaning to the word (حال) which means 'to bring change' (القلب) and 'exchange' (تبادل). There are several concepts in science with similar connotations to istihalah, namely transformation and decomposition. Miranda Steel stated that transformation means switching the whole appearance or characteristics of a thing. Chemical decomposition refers to disintegration, such as the disintegration of water into hydrogen and oxygen.

In terms of terminology, istihalah is defined as the alteration and exchange of one substance into another along with the alteration its appearance and characteristics. According to *Qal'ahji* in *Mu'jam Lughot Al-Fuqaha*, the change involves the irreversible alteration of one matter into another. This view is similar to that of Sa'di Abu Jayb who elaborated that istihalah is something undergone change from its original state and characteristics.

The word istihalah is an Arabic word which etymologically rooted from word ح و ل which means 'to change'. Islamic scholars define istihalah differently. Some of them are as the following:

- 1) Sa'di Abu Jayb define istihalah as تغير عن طبيعه ووصفه : everything that has undergone changes from their original state and characteristics.
- 2) In *Mausuah Fiqh Ibadah* book, istihalah is: تغير الشيء عن طبيعه ووصفه : the alteration of something from its original state and characteristics.
- 3) In *raddul al muhtar* book, istihalah : انقلاب حقيقة إلى حقيقة أخرى : the movement (change) of a substance into another substance.

It can be concluded that istihalah can be defined as the change of a matter by mixing it with other substance that results in a new product with completely different appearance and content. An example is seeds that grow into trees. Similar to it is changing that can remove najis. It also involves the alteration of the physical appearance by perpetuating its content, such as frozen ice that turns into water.

Something is categorized as istihalah concept when what is najis or haram has undergone alteration in the concept, substance form, and characteristics into another substance whose form and characteristics are halal, in terms of etymology, criteria, and characteristics.

### ***Istihalah Form***

Based on the above-mentioned definitions, it is obvious that there are three forms of istihalah, namely:

The change of physical appearance and content

The examples of this kind of change are when deer blood turns into kasturi (deer musk), carcasses turn into salt because they fall in sea salt, and animal najis turn into ash due to incineration. Those deer blood, carcasses and animal najis have changed in form physically and in their content.

#### 1) Physical change.

An example of outer aspect change is animal skin other than dog's skin. Swine's skin is also an exception. Those skins/hides become ritually pure through tanning process. Untanned animal hides are najis. Animal hides are halal to be used after they have gone through tanning process. The same proposition also applies for the change of oil and fat derived from various sources such as palm oil, vegetable fat, and animal fat into soap.

#### 2) Content change

A case of point content change is when arrack (wine) turns into vinegar. Physically, both are liquid. However, they have different content. Arrack is haram liquor while vinegar is halal.

### ***Istihalah Law:***

The followings are istihalah law stipulations:

- 1) Istihalah process does not change things that are impure/najis into pure, unless when they change by themselves (istihalah bi nafsihā) and they are not 'ain impure (najis 'ain). When khamr turns into vinegar, whether by itself or by engineering, it is considered pure.
- 2) All processes involving najis growth media, although when the ingredients processed are halal, will make those ingredients mutanajjanis. Therefore, purification/sanctification is required.
- 3) Every ingredient derived from swine or its derivatives are haram for food, beverage, cosmetics, and goods productions, either as raw material, additional substances, or assisting material.

These are based on Allah SWT words in QS. Al-A'raf verse 157

الَّذِينَ يَتَّبِعُونَ الرَّسُولَ النَّبِيَّ الْأُمِّيَّ الَّذِي يَجِدُونَهُ مَكْتُوبًا عِنْدَهُمْ فِي التَّوْرَةِ  
وَإِلَّا نَجِيلٍ يَأْمُرُهُمْ بِالْمَعْرُوفِ وَيَنْهَاهُمْ عَنِ الْمُنْكَرِ وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ  
عَلَيْهِمُ الْخَبَائِثَ وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ ۗ فَاَلَّذِينَ  
آمَنُوا بِهِ وَعَزَّرُوهُ وَنَصَرُوهُ وَاتَّبَعُوا النُّورَ الَّذِي أُنزِلَ مَعَهُ ۗ أُولَٰئِكَ هُمُ  
الْمُفْلِحُونَ

Translation: "... and makes lawful for them the good things and prohibits for them the evil..."  
(QS. Al-A'raf: 157)

The explanation infers that istihalah is the changing of a matter by mixing it with other substance in a mingling process that creates a new product with different physical appearance and content. An example would be seeds that grow and turn into trees. Other are changes that can remove najis element. Besides, istihalah also involves physical appearance change by perpetuating its content, like frozen water into water. Something is categorized as istihalah concept when what is najis or haram has undergone alteration in the concept, substance form, and characteristics into another substance whose form and characteristics are halal, in terms of etymology, criteria, and characteristics.

### ***Underlying Propositions***

Generally, the concept of istihalah emanates from Islamic laws, be it Al Qur'an, As-Sunnah or ijma' of the sahaba. These are as follows:

Allah SWT say in surah An-Nahl verse 16:

وَإِنَّ لَكُمْ فِي الْأَنْعَامِ لَعِبْرَةً نُسْقِيكُمْ مِمَّا فِي بُطُونِهِ مِنْ بَيْنِ فَرْثٍ وَدَمٍ لَبْنَا خَالِصًا سَائِغًا لِلشَّارِبِينَ

*“And indeed, for you in grazing livestock is a lesson. We give you drink from what is in their bellies – between excretion and blood – pure milk, palatable to drinkers.”* (QS. An-Nahl 16:66)

There is a concept of istihalah in the above-mentioned verse. The concept lies in the aspect that the milk produced by grazing livestock is halal although it lies between najis, the animal blood. Milk is produced from the foods eaten by the animal which are then digested in its stomach where some will be transformed into blood, some into flesh, and some into milk or excretion.

Allah SWT has made nectar, which are excreted from bees' stomach, halal/lawful. Bees themselves are not supposed to be eaten since they are included in forbidden-to-be-killed animals by Rasulullah SAW and are considered as repulsive food:

ثُمَّ كُلِي مِنْ كُلِّ الثَّمَرَاتِ فَاسْلُكِي سُبُلَ رَبِّكِ ذُلًّا يَخْرُجُ مِنْ بُطُونِهَا شَرَابٌ مُخْتَلِفٌ أَلْوَانُهُ فِيهِ شِفَاءٌ لِلنَّاسِ إِنَّ فِي ذَلِكَ لَآيَةً لِقَوْمٍ يَتَفَكَّرُونَ

*“Then eat from all the fruits and follow the ways of your Lord laid down (for you). There emerges from their bellies a drink, varying in colors, in which there is healing for people. Indeed, in that is a sign for a people who give thought”* (QS. An-Nahl 16:69)

As-Sunnah, based on Rasulullah SAW words, hold that it is halal to consume the liver and spleen of grazing livestock although they come from blood:

أَحَلَّتْ لَكُمْ مَيِّتَتَانِ وَدَمَانِ ، فَأَمَّا الْمَيِّتَتَانِ فَالْحَوْتُ وَالْحَرَادُ وَأَمَّا الدَّمَانِ فَالْكَبِدُ وَالطَّحَالُ

*“It is lawful for you to consume two kinds of carcasses (of animals who do not required to be ritually slaughtered) and two kinds of blood. They are dead fish (and other water animals) and grasshopper, while the two kinds of blood are liver and spleen”* (HR. Ibnu Majah and Darul Qudni )

Rasulullah SAW words also forbid consuming al-jallalah animals, even though they are originally halal after ritually slaughtered. The haram jallalah animals can be eaten and become

halal when the animals have been quarantined and fed with descent food so that their physical conditions return to the condition of normal livestock.

As narrated by Abdullah bin Umar Ra, Rasulullah said:

نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ أَكْلِ الْجَلَالَةِ وَالْبَانِيهَا : عَنِ ابْنِ عُمَرَ ، قَالَ

*Rasulullah Saw has prohibited (proscribed) consuming the meat of jallalah animals as well as their milk. (HR Tirmidzi)*

### ***Islamic Scholars Opinions on Istihalah***

The first viewpoint that extends the practice is the one coming from Hanafi madhab Maliki Ibn al-‘Arabi, Ibn Taymiyyah, Ibn al- Qayyim, al-Syawkani and Ibn Hazm al-Zahiri. They put the istihalah theory in a more general scope. This is due to that they accept this theory as one of the processes which can alter something impure (najis) into something ritually pure, such as the process of ripening of arrack into vinegar. Al-Hanafiyah and Al-Malikiyah madhabs declare that istihalah changes the state of najis law into halal. Their statement, which hold that something ritually unclean (najis) and changes into something new (by means of istihalah) is lawfully pure, is considered as a rojih (strong) one. Among their reason is because the law revolves around its ‘illah (cause or reason). When the ‘illah exists, the law exists. When the impure characteristics have gone, so has the law. That is what is elaborated by *ushuliyah*,

الْحُكْمُ يَدُورُ مَعَ عِلَّتِهِ تُبُونًا وَعَدَمًا

Translation: “*The law revolves around its ‘illah. When the ‘illah exists, so does the law. On the contrary, when the ‘illah does not present, neither does the law*”

This is the more appropriate notion to be applied nowadays. We should remember that crude oil come from carcasses of animals which had been buried for thousands of years. Animal carcasses are obviously impure. Crude oil is regarded as impure based on Syafi’iyah and Hambali notion, and that becomes a problem in the present era.

Both Asy-Syafi’iyah and Al-Hanabilah madhab persist that najis ‘ain like swine cannot be purified although it has undergone total alteration, unless three conditions are met. First, wine that turns into vinegar by itself. Second, dead animal hides other than those of dog and swine can be purified by tanning. Third, something that turns into animal like carcasses turn into maggots, for new life has begun.

Based on that notion, something experiencing change of form is still consider impure as it comes from impure source, unless there are three conditions met. Najis from animal being burned into ash stays impure because it derives from najis source. However, if that najis turns (istihalah) completely into something new, it is pure. An example is when wine turns into vinegar.

Hambali madhab consider that something impure cannot be purified through istihalah unless wine that turns into vinegar by itself. Transformation process through burning, tanning or mixing with other ingredients does not purify.

Based on the Islamic scholar notion in extending or narrowing the concept of istihalah, it is inferred that Hanafi madhab scholars' notion is more relevant to be applied and conforms the present world. This opinion complies with rapid science and technology development. Various findings and research have been conducted. But the phenomenon has led to the emergence of new issues especially in food production.

### ***Instances of Istihalah in Daily Life***

#### ***Khamr turns into vinegar***

Most scholars stipulate that khamr is najis. However, when it changes by itself into vinegar, it is no longer impure and has lost its najis characteristics. It was stated by Rasulullah SAW that vinegar is halal. He mentioned it at the time when he was about to have meal with vinegar, and he said that vinegar is the most delicious side dish.

عَمَ الْأُدْمُ الْخَلُّ نِعْمَ الْأُدْمُ الْخَلُّ

*“The best side dish is vinegar, the best side dish is vinegar.”* (HR. Muslim).

In the time of Rasulullah, khamr were made of grape and date juice. The juice then underwent several processes, from fermentation process to other processes that led to khamr production. When they are grapes and dates, they are pure. Al-Qur'an stipulates:

Translation: *“And from the fruit of the palm trees and grapevines you take intoxicant and good provision. Indeed, in that is a sign for a people who reason”* (QS. An-Nahl:67)

Nevertheless, when the grape juice or date juice turn into khamr, it becomes impure/najis. Khamr can at one time endure another change and become vinegar. Scholars agree that when khamr has transformed into vinegar by itself, it is pure. But when the transformation involves human intervention, such as purposively adding into it vinegar, garlic, or salt, it stays impure.

عَنْ أَبِي طَلْحَةَ : أَنَّهُ سَأَلَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ أَيِّتَامٍ وَرَثُوا خَمْرًا فَقَالَ : أَهْرِقُهَا  
قَالَ : أَفَلَا أَجْعَلُهَا خَلًّا ؟ قَالَ : لَا

Translation: *“Narrated by Abi Thalhah Ra. that he asked Rasulullah SAW about orphans inheriting khamr. Rasulullah SAW said, “Throw it away.” He asked another question, “Shouldn't we wait for it to change into vinegar?” He SAW said, “No.”* (HR. Abu Daud)

#### ***Semen turns into Human Being***

Syafi'iyah madhab does not state that semen is impure, but the majority of scholars stipulate it as impure. Nevertheless, all madhabs are unanimous that infants, which come from semen, are pure. How can that be? Because the impure semen has undergone significant change. The change in turns alters the law attached to it.

The impure semen goes through conception in a woman's womb and turns into 'alaqah, which is a clot of blood. This 'alaqah then changes form into mudhghah, which is a lump of flesh. The lump of flesh then turns into bone, which then is wrapped in flesh. Finally, Allah transform it into another of His creation, human baby.

Allah SWT say in Al Qur'an:

Translation: "Then We made the sperm-clot into a clinging clot, and We made the clot into a lump (of flesh), and We made (from) the lump, bones, and We covered the bones with flesh; then We develop him into another creation. So, blessed is Allah, the best of creators." (QS. Al-Mu'minun:14)

Human babies are unanimously stated as pure despite coming from impure semen. This phenomenon is one of the reinforcing propositions that when something has undergone utter change (istihalah), then no longer carries the previous law.

#### ***Swine turns into impurity (haram)***

Al-Hanafiyah and Al-Malikiyah madhabs state that swine impurity can be cleaned by undergoing total transformation that turns it into something else, which is completely different. Since it cannot be called swine anymore, there is no ground to call it impure. But, how can a swine turn into salt? This is a quite intriguing question.

Dead swine that has become a carcass is incinerated incessantly until it is burned and turned first into charcoal then ash. The characteristics that identify it as a swine are gone. In the past, people traditionally made salt from its charcoal and ash. Most scholars hold that when it turns into charcoal, a swine's impurity is gone. The charcoal is then further processed into salt raw material. Thus, Al-Hanafiyah and Al-Malikiyah believe the salt to be pure.

#### ***Istihalah as a Solution for Halal Food***

- 1) Food containing swine fat without undergoing istihalah are completely impure (haram).
- 2) Insulin extracted from swine for medical purposes are lawful in forced state, but the conditions reinforced by syara' must be obeyed.

Based on QS. Al-Baqarah verse 173

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنْزِيرِ وَمَا أُهِلَّ بِهِ لِغَيْرِ اللَّهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

Translation: "He has only forbidden to you dead animal, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is forced (by necessity), neither desiring (it) nor transgressing (its limit), there is no sin upon him. Indeed, Allah is Forgiving and Merciful." (QS. Al-Baqarah:173)

- 3) Istihalah is the change of form of something impure (najis) into something else in which the impurity has turned to be pure, such as:
  - a. Gelatin created from istihalah product of impure (najis) animal bones, skins and veins are clean and halal to be consumed.
  - b. Soap made by istihalah process of swine fat or carcasses are pure and need istihalah.
  - c. Beauty make up containing swine fat is forbidden, except when the istihalah process presents and matter exchange has taken place.

#### ***Istihalah as a Solution for Halal Beverage***

Fundamentally all *fuqaha* (expert in Islamic law) across madhabs are unanimous in applying istihalah as a solution for recycling problem. In order to cleanse impure water or muthaghayyir,

which has had at least one of its characteristics changed (taste/color/smell), to make it thahir muthahhir so it can be reused, the *fuqaha* employ these 3 methods:

- 1) Thariqat An-Nazh: drain the impure water and leave clean water without any change. This is carried out as the following:
  - a. Closing the fountain.
  - b. Disposing the thing causing the water impure beforehand.
  - c. Eliminating the taste, color and smell that cause changes in the water
  - d. The water is at least 2 kullah.
- 2) Thariqah Al-Mukatsarah: add muthahhir water into the impure water to eliminate all that is najis and everything that makes the water undergo change.
- 3) Thariqah Tahgyir: change the impure water or water with different traits so that the characteristics of the water return to their original state. This qualified as istihalah.

#### ***Istihalah as a Solution for Halal Medicines***

It is important to consume halal labeled medicines. There are many varieties of medicines nowadays. Thus, muslims should have left all medicines derived from impure ingredients or intoxicating material (except for anesthetics). There is no excuse to consume medicines containing impure ingredients based on forced states so long as there are alternatives of halal medicines. It is now the time for the Indonesian Ministry of Religious Affairs, Ministry of Health, and MUI to discuss the halal status of medicines because there are medicines with questionable halal status or unguaranteed halal status. Moreover, new medicine brands come up each year as the pharmaceutical field develops more rapidly.

As the new medicines commonly produced abroad, the protection towards Muslims against consuming impure/haram products is more urgent. The question lies in the fact that food and beverages are given halal label, while medicines – which are also consumed – are not. Medicines are essentially food, and food are medicine. They are both inseparable.

#### ***Istihalah as a Solution of Halal Cosmetics***

Cosmetics containing swine fat is forbidden, unless when the istihalah process presents and matter exchange has taken place. Make up ingredients carrying parts of human organs are unlawful (haram). Again, they lost their haram status when the istihalah process presents. Al-Istihalah is change of form from one matter into another matter along with new different characteristics, and it gives new law: an impure thing or Mutannajis turns into pure thing, something haram turns into something lawful (mubah) or the transformation of matter into a new product, which is pure and halal, because the characteristics of najis in the original matter have disappeared.

#### **Conclusion**

Istihalah can be defined as the change of form by mixing the matter with other substance to create a new product that has different form and content. The inference drawn here is that istihalah means transformation of one matter into another new completely different one by means of mixing.

The first notion to extend its customary practice come from Hanafi Maliki Ibn al-‘Arabi, Ibn Taymiyyah, Ibn al-Qayyim, al-Syawkani and Ibn Hazm al-Zahiri. They put the theory of istihalah in a more general scope. This is due to that they accept this theory as one of the processes which can alter something impure (najis) into something ritually pure, such as the

process of ripening of arrack into vinegar. Al-Hanafiyah and Al-Malikiyah madhabs declare that istihalah changes the state of najis law into halal. Their statement, which hold that something ritually unclean (najis) and changes into something new (by means of istihalah) is lawfully pure, is considered as a rojih (strong) one. Among their reason is because the law revolves around its 'illah (cause or reason). When the 'illah exists, the law exists. When the impure characteristics have gone, so has the law. That is what is elaborated by *ushuliyah*,

الْحُكْمُ يَدُورُ مَعَ عِلَّتِهِ نُبُوتًا وَعَدَمًا

Translation: "The law revolves around its 'illah. When the 'illah exists, so does the law. On the contrary, when the 'illah does not present, neither does the law"

This is the more appropriate notion to be applied nowadays. We should remember that crude oil come from carcasses of animals which had been buried for thousands of years. Animal carcasses are obviously impure. Crude oil is regarded as impure based on Syafi'iyah and Hambali notion, and if we cling on that notion, that becomes a problem in our present era.

Both Asy-Syafi'iyah and Al-Hanabilah madhab persist that najis 'ain like swine cannot be purified although it has undergone total alteration, unless three conditions are met. First, wine that turns into vinegar by itself. Second, dead animal skins other than those of the dog and swine can be purified through tanning. Third, something that turns into animal like carcasses turn into maggots because a new form of life has begun. Based on that notion, something experiencing change of form is still consider impure if it comes from impure source, unless there are three conditions met. Najis from animal being burned into ash stays impure because it derives from najis source. However, if that najis turns (istihalah) completely into something new, it is pure. An example is when wine turns into vinegar. Hambali madhab hold the stance that something impure cannot be purified by means of istihalah except wine turning into vinegar by itself. Transformation process caused by burning, tanning or mixing with other ingredients does not ritually purify.

Based on the Islamic scholars' notion in extending or narrowing the concept of istihalah, it is inferred that Hanafi madhab scholars' notion is more relevant to be applied and conforms the present world. This opinion complies with rapid science and technology development. Various findings and research have been conducted, and the phenomenon has led to the emergence of new issues especially in food production.

## References

- 'Ala' al-Din Abi Bakr bin Mas'ud al-Kasani (t.t.), *Bada'i' al-Sana'i' fi Tartib al- Syara'i'*, Beirut: Dar al Kutub al-'Ilmiyyah, hlm. 442; Ibn Nujaym (t.t.), *Bahr al- Ra'iq Syarh Kanz al-Daqa'iq*, juz 2, h. 389; Ibn 'Abidin, *Hasyiyah Radd al-Mukhtar*, juz. 1, hlm. 353. 1966. (Jurnal teori *istihalah* menurut perspektif islam dan sains: aplikasi terhadap beberapa penghasilan produk makanan, mohammad aizat jamaludi dan Che wan jasimah wan mohamed radzi).
- Abu Ishaq Ibrahim bin 'Ali ibn Yusuf al-Fayruz Abadi al-Syirazi.1995. *al- Muhadhdhab fi Fiqh al Imam al-Syafi'i*, juz. 1, Beirut: Dar al-Kutub al-'Ilmiyyah, hh. 26-27; Abu Zakariya Mahy al-Din bin Syarf al-Nawawi (t.t.), *al-Majmu' Syarh al-Muhadhdhab li al-Syirazi*, juz. 1, Jeddah: Maktabah al-Irsyad, hlm. 267. (Jurnal teori *istihalah* menurut perspektif islam dan sains: aplikasi terhadap beberapa penghasilan produk makanan, mohammad aizat jamaludi dan Che wan jasimah wan mohamed radzi).

- Abu Hasan 'Ali bin Muhammad bin 'Ali al-Husayni al-Jurjani .2000. *al-Ta'rifat*, Beirut: Dar al Nafa'is.
- Al- Hadrami:  
 Syaykh Salim ibn Samir al-Hadrami الذي يطهر من النجاسات ثالثة، الخمرة إذا تخللت بنفسها ووجد الميتة إذا دبع وما صار حيوان (t.t.), *Safinat al-Naja fi 'Ilmi al-Fiqh*, Pulau Pinang: Percetakan Almuarif, h. 8. Lihat juga terjemahannya Syeikh Salim Ibn Samir al-Hadrami, *Ilmu Fiqh (Safinatunnaja): Berikut Penjelasannya*, (terj.) K.H. Moch. Anwar dan H. Anwar Abu Bakar, L.C. 2005. cet. 11, Bandung: Sinar Baru Algensindo.
- Ahmad Sarwat. Halal atau Haram? 2017. Jakarta. Gramedia Pustaka Utama.
- Ahmad al-'Ayid *et al.* (t.t.), *Mu'jam al-'Arabi al-Asasi*, al-Munazzamah
- Ahmad ibn Muhammad al-Fayyumi. 1985. *al-Misbah al-Munir fi Gharib al- Syarh al-Kabir*, j. 1, Beirut: al-Maktabah al-'Ilmiyyah.
- Ahmad Nuryani dan Mohd Izhar Ariff Mohd Kashim, *Fikiran Masyarakat*, Vol. 1, No. 1, 2014 ISSN No. 2338-512X.
- Al-Zuhayli .1997., *op. cit.*
- Al-Syarbini hanya menyenaraikan dua sahaja dalam penerimaan konsep *istihalah* yaitu perubahan arak kepada cuka dan penyamakan kulit binatang. Lihat Syams al-Din Muhammad bin Muhammad al-Khatib al-Syarbini.1994. *al-Iqna' fi Halli Alfaz Abi Syuja'*, Beirut: Dar al-Kutub al-'Ilmiyyah, hlm. 108.
- Jayb, Sa'di Abu.1998. *Al-Qumus al-Fiqhi: Lughatan wa Istilahan*, cet. 2. Damsyik: Dar al-Fikri.
- Majlis al-A'la li al-Syu'un al-Islamiyyah.1309 H. *Mawsu'at Jamal 'Abd al-Nasir fi al-Fiqh al Islami*, jilid 5, (t.t.p.): (t.p.).
- Manzur, Muhammad bin Mukhrim Ibn. 1990. *Lisan al- 'Arab*. Dar Sadir.
- Muhammad bin Ahmad bin 'Arafah al-Dusuqi.1980. *Hasyiyat al-Dusuqi 'ala Syarh al-Kabir*, Kaherah: Dar Ihya' al-Kutub al-'Arabiyyah.
- Mushaf Al-Azzam. 2013. *Al-Qur'an dan terjemahnya* . Solo: Tiga Serangkai.
- Nazih Hammad .2004. *al-Mawad al-Muharramah wa al-Naiasah fi al-Ghiza' wa al-Dawa' bayna al Nazariyyah wa al-Tatbiq*, Damsyik: Dar al-Qalam.
- Norisca Aliz a Putriana. 2016. Departemen Farmas etika dan Teknologi Farmasi, *Majalah Farmasetika* Vol 1. No 4. 2016.
- Qal'ahji.1996. *op. cit.*.
- Qardhawi Yusuf, *Halal Haram*. 2007. Solo: Era Intermedia. Hlm 33.
- Raddul al muhtar : 1 / 291
- Sa'di Abu Jayb.1988. *al-Qamus al-Fiqhi: Lughatan wa Istilahan*, cet. 2, Damsyik: Dar al-Fikr, hlm. 105., *Mishbahul al munir* : 1/84
- Thabieb al-Asyhar.2003. *Bahaya Makanan Haram Bagi Kesehatan Jasmani Dan Kesucian Rohani*, Jakarta: Al-Mawardi Prima.
- <http://goo.gl/1IW4BM> diakses pada tanggal 15 Nopember 2017
- [http://www.halalmui.org/mui14/index.php/main/detil\\_page/8/22766/8/www.halalmui.or2/202](http://www.halalmui.org/mui14/index.php/main/detil_page/8/22766/8/www.halalmui.or2/202)