

CONTRACEPTIVE IMPLANT FROM THE EYES OF SYARIAH

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ABSTRACT

The global development of Islam covers all aspects of life, including medical issues. All sorts of new discoveries and technologies are being introduced. 100 years ago, mankind only relied on traditional methods to prevent pregnancy. But recently, a new method known as the 'contraceptive implant' started to come to the picture after years of research. This method is claimed to successfully prevent pregnancies up to 99.9%. Nevertheless, confusion aroused among Muslims when some equalized it with the traditional use of *susuk* which is clearly *haram* for Muslims. This paper focuses on the concept of contraceptive implants in comparison to the use of *susuk*. The paper also investigates the use of these implants from the eyes of Syariah, including its benefits and effects to the society at large.

ABSTRAK

Islam terus berkembang saban hari selari dengan perkembangan dunia yang global dan membangun. Pembangunan dan kemajuan yang dirasakan meliputi pelbagai aspek kehidupan. Dunia perubatan juga tidak ketinggalan diwarnai dengan pelbagai penemuan dan kaedah-kaedah perubatan terkini dan canggih. 100 tahun lalu, manusia merancang

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kehamilan menggunakan pelbagai teknik tradisional. Namun baru-baru ini, satu penemuan baru yang dikenali “Kontraseptif Implan” muncul hasil kajian berpuluh tahun lamanya. Kaedah ini dipercayai boleh mencegah kehamilan sehingga 99.9%. Namun masyarakat Islam agak keliru untuk mengguna pakai kaedah canggih ini. Sesetengah pihak menyamakan penggunaannya dengan pemakaian susuk kecantikan yang nyata haram hukumnya. Justeru, kertas kerja ini akan mengkaji konsep sebenar pemakaian implan dalam konteks perbandingannya dengan pemakaian susuk kecantikan. Ia juga mengkaji sejauh mana keharusan penggunaan kaedah implan ini daripada perspektif Syariah, serta kesan dan faedah penggunaannya terhadap kemajuan masyarakat Islam sejagat.

INTRODUCTION

Salma sat quietly at the corner of her room motionless. Her mind was running fast, fishing for answers to solve her dilemma. She was still young and at her reproductive age, however after fighting to survive during her pregnancy and healing up after her second caesarean section operation, she had no choice but to immediately opt to a suitable, safe and effective family planning method. Her doctors had warned her of all the risks and danger that would materialize if she ended being pregnant again too soon.

Luckily Salma had some information and understanding about the various contraceptives available. She was also aware of all its pros and cons. In the beginning, she was thinking of taking the oral pills daily but unfortunately, the pills were not guaranteed to be 100% effective. What made it worse, Salma knew that it would be twice as hard for her to maintain well disciplined and punctual, as the pills must be taken at the same time every single day, without any exceptions. Her nightmare would be even worst if she forgot to bring the pills during overnight stays if she went for out stations.

Another alternative was to rely on hormone injections. Nevertheless, that was not a good idea for Salma as shrines and injections had never been her best friends since she was a little girl. She could already imagine the pain and all the hassle it would cause her, having to go to the clinics every three months.

Then, what about the IUCD? A lot of her friends are using this method. Unfortunately for Salma, to even spell out its full name “Intra Uterine Contraceptive Device”, chill and shivers started to run down her spine. Moreover, it’s too embarrassing especially when the female doctors are not around to insert it. The risk of having infections caused by IUCD is also quite high.

So, this leads Salma to her last solution, the contraceptive implant. This method has been introduced in Malaysia for quite some time, and seems to be the most suitable method available for her. Not only that it is almost 100% effective, but it is also claimed to be safe and practical to be used. Suddenly Salma remembered her friends questioning on the permissibility of inserting the implant, as it looks very similar to the wearing of *susuk* which is definitely *haram* and prohibited for Muslims. As she was thinking, slowly Salma drifted to sleep, yet her doubts on the contraceptive Implant remained unsolved.

This is actually a real conflict experienced by many Muslim women including in Malaysia. Many are required to resort to family planning methods due to all sorts of reasons. Some are at high risk from being pregnant too often especially after undergoing Caesarean operations or are suffering from conditions including pregnancy induced hypertension, diabetes mellitus and others. According to statistics, 120-150 million women want to resort to family planning contraceptives but are ignorant of the suitable methods available for them². This then contributes to the fact that 45 million pregnancies end up by illegal abortion causing 70,000 deaths to the mothers³. Another alarming fact states that every minute 350,000 women die caused by their ignorance and negligence in handling reproductive matters⁴, including family planning, pregnancy personal hygiene and others. The figures laid down are very alarming and definitely shows how important this problem needs to be tackled and dealt with. So without doubt, these women need a reliable contraceptive method that can really protect them from the harm of unplanned pregnancies which would surely harm and affect their health and risk their lives.

² Suriya Osman. 18 August 2004. “Wadah Wanita Islam: Wanita Bersuami Berhak Tentukan Perkara Seksual”. <http://www.BeritaHarian.com.my>

³ Ibid

⁴ Ibid.

FAMILY PLANNING

Children are valuable gifts from Allah SWT. Having them is one of the purposes of marriage. As Allah SWT said:

“And Allah has made for you mates of your own nature, and made for you, out of them sons and daughters”⁵.

However, this does not mean that any practice of family planning is prohibited in Islam. By resorting to family planning, it means that one is taking non permanent precautions by using contraceptives and barriers in order to prevent pregnancy from occurring. Indeed there is no certain Quranic verse, which directly and clearly mentions about it but it has been practiced even during Prophet Muhamad’s time. At that time, a few companions practiced “*azl*” to prevent pregnancy from occurring and the holy Prophet who was aware of this did not prohibit their act nor ordered them to stop from practicing it⁶. Indirectly this indicates that, this practice was approved and is not against any principles of Islam.

However, Islam has not laid down specific methods to practice family planning⁷. The only principle that must be abided is that the practice must be safe and does not involve any procedures that would cause death to any existing fetus in the mother’s womb⁸. This is inline with Allah’s command in the Holy Qur’an:

“Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin”⁹.

In another verse Allah said:

“Kill not your children on the plea of want. We provide sustenance for you and for them”¹⁰.

⁵ Al-Quran. Al Nahl : 72

⁶ Abul Fadl Mohsin Ebrahim. 1988. Biomedical Issues Islamic Perspective. Malaysia: A. S Noodeen. p.38

⁷ Ibid

⁸ Jamal Zarabozoo. 8 June 2004. “Is Family Planning Allowed In Islam”. <http://www.jannah.org/sisters/famplan.html>.

⁹ Al-Qur’an. Al-Isra’. 17:31.

¹⁰ Al-Qur’an. Al-An’aam. 6:151.

The National Fatwa Committee in their 8th sitting on 22nd November 1973 had confirmed that generally, family planning is *haram* (prohibited), unless there is a need for certain individuals to resort to it, then only it becomes *harus* (permissible)¹¹. On the 20th February 1977, the National Fatwa Committee further extended their rulling that stated, family planning is *harus* if it is needed due to health reasons, the couple are still studying or is opted to ensure happiness and harmony of the family¹².

THE CONTRACEPTIVE IMPLANT

Among the latest method to practice family planning is the contraceptive Implant. This new method is very popular among the westerners, but for Asians especially the Malaysians, this is still something very new to try. According to research, this method is proven scientifically safe, easy to use and most important of all it is 99.9% effective to prevent unwanted pregnancies¹³. A lot of women from all over the world have tried this new alternative to birth control and indeed it is another successful contribution from the world of health and medicine. Nevertheless, is it possible for Muslim women to enjoy the benefits of this alternative? Perhaps, the fact that the Implant similarly resembles the old Malay practice of *susuk*, might cause them to feel reluctant, as it creates feelings of doubt and suspicion towards it. Though, would it be fair for Muslims to jump to such conclusions just because old traditional believes makes us confused about it?

So, what is actually the contraceptive Implant? The contraceptive Implant is actually a plastic rod with the size of 1.5 inch (40 mm) in length x 0.08 inch (2mm) width¹⁴. To be simple, its size is just like a matchstick, which is inserted underneath the skin of the woman's upper arm through a simple surgery by any authorized medical practitioner. This painless process will only take about 5-10 minutes. The rod functions by releasing progesterone hormones in the women's

¹¹ fatwa.gov.my, accessed on 24 October 2015

¹² fatwa.gov.my, accessed on 24 October 2015

¹³ n.a. 14 June 2004. "New Contraception:Implanon?". File://A:\Go Alice! New Contraception Implanon.htm and n.a. April 2003. "Contraceptive Implants~Implanon". File://A:Implanon.htm.

¹⁴ n.a. 14 June 2004. "New Contraception:Implanon?". File://A:\Go Ask Alice! New Contraception Implanon.htm.

body system consistently. Each Implant has a life span of three years, however it may be removed at any time before that duration expires if the woman feels uncomfortable with it or wishes to get pregnant again sooner. Once inserted the Implant will immediately start functioning even only after a few hours inserted. However, if the woman wishes to benefit from it for more than three years, the expired implant should first be removed before a new one is immediately inserted. Another advantage of relying to this method is that the woman need not resort to any other contraceptive methods like pills, hormone injections and other contraceptive devices while having the implant within them. In other words, once a woman chooses to insert the implant, she will be free from the doubts and worries of any risky, unplanned pregnancies.

WHY IS CONTRACEPTIVE IMPLANT RELEVANT?

This new discovery is blessed with benefits to fit women all over the world especially to cater those who are obliged to avoid high-risk pregnancies within a stipulated time frame. This means that this method is not permanent, and is removable. Imagine a young lady, still at her reproductive age but is advised by the medical practitioners to avoid pregnancies for a certain period of time. For example maybe she has undergone a few caesarean section operations. Or maybe during her last pregnancy she suffered from diseases like pregnancy induced hypertension or diabetes mellitus. Surely she must avoid from being involved in any pregnancies within a short period of time and her doctor would definitely advise her to stabilize her health condition first before thinking of being pregnant again. So, surely any unplanned pregnancies would be very risky and life threatening for her.

There are actually so many methods available to practice family planning. However, not all are guaranteed in effectiveness like the Implant. For example to ensure the hormone pills effectiveness it must be taken as a daily routine preferably at the same hour. Women consuming these pills must be very consistent and punctual in timing. Any delay or failure in taking the pills will surely inflict unnecessary risks. Moreover, its effectiveness can be affected if the woman suffers from diarrhea or vomits.

The hormone injections are also popular but it has its own disadvantages too. Usually most women find it difficult to visit the clinics exactly every three months. So, the risks of accidentally missing the scheduled appointments or having slight delays are always the big problem for this method. For some, having the injections is an awful nightmare.

As for other methods like inserting the intra Uterine Contraceptive Device (IUCD), some are reluctant to use this method because to insert it is quite painful. Others claim that it causes uneasiness and makes one feel uncomfortable. Having infections is another risk that it might cause. So, despite all the disadvantages highlighted above, personally it seems that the Contraceptive Implant would be the the best alternative or solution available. Not only that it is safe, but its effectiveness has also been proven. This method is also very easy to use, comfortable and very practical.

THE MISLEADING CONCEPTION

For the sake of all the benefits that it brings, it would be very unfair to automatically reject it due to the similarities that it has with the traditional use of *susuk*. *Susuk* is actually an old Malay belief whereby objects like iron, diamonds or pearls are inserted in different parts of the body to make the person more beautiful, attractive, and strong or even immune. The use of *susuk* is very much related to mystiques and other super powers other than Allah SWT and indeed, this is the reason why our Muslim religion considers it as haram¹⁵. The wearing of a *susuk* is not allowed to be done by Muslims because the effect of inserting it into ones body will change and modify ones look or physical attributes. For example, the object inserted is believed to be able to make someone achieve his or her dreams to become more beautiful, more attractive, stronger or even immune. Allah SWT said in the Holy Quran to the effect:

*“I will mislead them, and I will create in them false desires; I will order them to slit the ears of cattle and to deface the fair nature created”*¹⁶.

¹⁵ Amran Kasimin. 6 June 2004. “Amalan Susuk Melibatkan Syaitan”. *Mingguan Malaysia*. p.9.

¹⁶ Al-Qur’an. Al-Nisa’ 4:119

The above Quranic verse is also supported by a hadith which describes how Allah hates those who change His creations without any urgent reasons¹⁷.

So, it can be understood here that the insertion of any *susuk* is forbidden since it modifies and changes the original creation of Allah SWT. There are also elements of *Syirik*¹⁸ in the use of *susuk* which is clearly prohibited by Allah:

“Did I not forbid you that tree and tell you that Satan was an avowed enemy to you?”

So, as clear as crystal, the verses above shows that wearing any form of *susuk* is prohibited in Islam. Indirectly, we can imply that the contraceptive Implant is nothing similar to the *susuk*. It does not in any way change nor modify any creation of Allah SWT nor does it require any reliance on any super power . It is made from *halal* substance, and only functions to prevent pregnancies from occurring. In other words, logically, an analogy can be extracted from the practice of the companions resorting to *azl* with the use of the Implant¹⁹.

CONTRACEPTIVE IMPLANT: THE BEST SOLLUTION

The contraceptive Implant is the best alternative for women who want have a continues family planning method but at the same time does not want to end up with any sterilization operations. The Implant functions by allowing women to control birth continuously even without having to tie up or remove her ovaries. As clearly known, Islam prohibits Muslim women to undergo sterilization operations²⁰ unless in two critical situations only. That is:

- i. When any form of pregnancy occurred will definitely cause death to the mother; or

¹⁷ Hadith. Al-Bukhari and Muslim:10#372

¹⁸ Means to believe and have faith in other powers than Allah (SWT)

¹⁹ Basri Hashim. 1997. Himpunan Isu-Isu Fekah Terpilih. Malaysia. Darul Nukman. p.241

²⁰ Ibid

- ii. The woman suffers from a serious disease in her ovaries, which would definitely spread and become even worse if it is not removed immediately²¹.

Not only that it allows continuous protection from pregnancies, but best of all, this method is not permanent. So, whenever the woman wishes to remove it, she can do so any time. This unique feature caters for young reproductive women who only need to control birth within certain periods of time and plan to have more children when the right time comes.

The Implant can also benefit those women who want to practice family planning for the sake of their own health. A mother with a newly caesarean scar would want the scar to heal first before thinking of being pregnant again. A breastfeeding mother would prefer to avoid new pregnancies while busy concentrating to raise up her newborn baby together with her other children. All these demands a lot of her energy, time, attention and affection. By practicing family planning with the help of the contraceptive Implant, this can be made possible. The benefit of the mother especially her valuable health can really be ensured. Even Islam disallows its followers to burden and harm themselves. As Allah mentioned in Surah Al-Baqarah verse 195 to the effect:

“And spend of your substance in the cause of Allah, and make not your own hands contribute to (your) destruction”.

In another verse Allah SWT stated to the effect:

“Allah doth wish to turn to lighten your (burdens): for man was created weak”.

The contraceptive Implant can also contribute to promote better lives for the children. Indeed each child given by Allah SWT is a responsibility (*amanah*). Each one must be brought up as good as possible. Their health, needs and education must be the prime target

²¹ Fatawaa al-Mar’ah al-Muslimah(2/974); Fatawaa li’l-Shaikh Ibn ‘Uthaymenn(2/975); Fatawaa al-Syaykh Muhamad ibn Ibraheem, http://www.themodernreligion.com/misc/sex/sex_queries.htm, 16 June 2004.

to be provided and achieved by every parent²². That is why it is very important for parents to plan their family wisely and safely. This again could be done easily by resorting to the contraceptive Implant.

THE ISLAMIC JUSTIFICATION

Islam has never left its followers in darkness. It always encourages its followers to gain knowledge and achieve success in life. All the new technologies and advances achieved can be enjoyed by Muslims as long as it is still within the covenants of Syariah. The Muslim community should also be brave and enthusiastic to try new invention and technologies. As Allah SWT has reminded us in verse 157 of Surah Al-A'raf which means:

“For he commands them what is just and forbids them what is evil; he allows them as lawful what is good and prohibits them from what is bad”.

So, the same rule applies to the contraceptive Implant. It is a new advanced technology that could be resorted to, as an advanced method of contraceptive. Put aside all the traditional believes which relates it to the practice of *susuk* as this technology is practical and very promising. As long as it does not infringe with any Syariah rules as laid down in Islam, some room should be given to allow Muslim women to benefit from it. Moreover, Islam disallows us to claim something *halal* as *haram* until it is proven to be *haram* and prohibited²³.

In fact, everything created by Allah SWT that is *halal* should be benefited from, unless it is clearly prohibited by Allah SWT. Islam is a religion that promotes ease and is easy to follow and understand. The scope for *halal* things is also very wide. In the Holy Qur'an Allah SWT mentioned to the effect:

“And He has subjected to you as from Him all that is in the heavens and on earth: Behold in the signs indeed for those who reflect”²⁴.

²² n.a. 18 June 2004. <http://www.Islamonline.net>.

²³ Muhamad Yusuf Qardhawi. “Halal Dan Haram Dalam Islam”. ISNET Homepage.

²⁴ Al-Qur'an. Al-Jathiah 45:13.

The above verse discusses how Allah (SWT) made all things in nature available for the use of mankind. As humans, one should maximize his knowledge and abilities in order to get as much benefit possible in their lives.

The legal maxim "*Al-wiqayah khairun minal ilaj*" which means prevention is better than treating also fits in neatly to the use of this contraceptive implant. This implant is intended to effectively prevent unplanned pregnancies that could harm the woman's health and threaten her life. So, rather than having to bear the risk, it is always better to prevent any expected difficulties and danger even before it takes place. This situation is very much related to another legal maxim that mentions "*Al Dhurur yazalu*" which can be defined as ever harm must be avoided. Therefore, as the effect and danger following a high risk, unplanned pregnancy can be predicted, all necessary steps must be taken in order to avoid such occurrence from taking place.

A fatwa released by the National Fatwa Committee during their 28th sitting on 29 December 1991 related to the permissibility of using the contraceptive Norplant can also be used as an analogy. This norplant is similar to the implant, though it involves inserting six plastic rods into the woman's arm, compared to implants, where only one iron rod is sufficiently inserted. The purpose of these contraceptives are the same, that is to temporarily prevent pregnancy, particularly for weak and sick women who are unfit to become pregnant, with the intention of preserving the woman's health by avoiding her from being pregnant too soon or too frequent²⁵.

CONCLUSION

The contraceptive Implant should be benefited by all women regardless of religion. Traditional beliefs and superstitions should not stop Muslims from developing and enjoying a better life. As Muslims we should also take part and adopt new, advanced technology, in order to compete with others in the global world, as long as it remains within the realms of Syariah. Therefore, doubts on the permissibility of the use of the contraceptive Implant should be put aside as there is no strong, valid reasons available to deny its benefit and existence.

²⁵ e-fatwa.gov.my, accessed on 24 October 2015

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