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An Analysis of Shariah Law and Legal Perspectives on Cosmetic Product Regulations

ABSTRACT

Cosmetics and beauty products are used all around the world in every nation, whether developed, developing, or underdeveloped. In addition to their benefits, cosmetics use is growing throughout the Muslim world, but they also have numerous hidden drawbacks. The major drawbacks of using haram chemicals in cosmetics, such as alcohol, are that most Muslims are unaware of them even though halal elements are widely used in cosmetics around the globe. Allah (swt) has prioritized Islam over other faiths since it touches on every facet of human existence. Islamic philosophy provides guidance in every area. Before the door of Ijtihad and Qiyas was opened, the guidance of the Qur'an and Hadith were given to the Ummah. This allowed the ulema of the Ummah to meet the intellectual and scientific needs of people throughout history and guide them till the Day of Resurrection. This is analogous to how the cosmetics industry finds detailed guidance in the Qur'an and Sunnah. What are the boundaries and bounds for this industry? How can we make the most of this to improve our lives? Perfumes, lipsticks, containers, mouthwashes, and anything else that can be applied to the body is considered a cosmetic. Cosmetics, refer to anything that may be applied to the skin to enhance its inherent beauty, create a specific look, or change its color or style. Keeping in mind the ideas of Tahir and Najis, the Shari'ah Standards of the Semitic Industry were registered, and these standards have been adopted by both Islamic and non-Islamic nations. The "Shari'ah Standards of the Semitic Industry" are a set of guidelines derived from the fatwas of the four major faiths and their respective Imams." This article provides short data and clarifies important Islamic and legal norms and restrictions regarding cosmetic items.

Keywords: Shariah law; Cosmetic product regulations; Halal cosmetics; Shariah compliance; Islamic legal rulings; Cosmetics industry; Halal certification.

AUTHORS

QuratulAin Farman*

MPhil Research Scholar,
Department of Islamic Studies,
Fatima Jinnah Women's
University, Rawalpindi:
quratulainainee786@gmail.com

Dr. Shahzadi Pakeeza**

Chairperson, Department of
Islamic Studies, Fatima Jinnah
Women University, Rawalpindi.
dr.pakeeza@fjwu.edu.pk

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e-mail: editor@al-qudwah.com

***Correspondence Author:**

Dr. Shahzadi Pakeeza** Chairperson, Department of Islamic Studies, Fatima Jinnah Women University, Rawalpindi.

Overview of the Cosmetics Industry

Beauty is becoming an element of culture and fashion. Muslim consumers are increasingly demanding halal cosmetics. Despite the importance of halal cosmetics, several studies on halal cosmetics products were undertaken by professionals from a variety of sectors, enabling the market and production of halal cosmetics.¹ The cosmetic industry is a vast and dynamic sector that encompasses a wide range of products designed to enhance or alter a person's appearance. These products are used for personal grooming, beautification, and self-expression. The industry includes everything from skincare and makeup products to fragrances, hair care items, and even personal care devices.

Historical Context

The use of cosmetics dates back thousands of years, with evidence of their use in ancient civilizations like Egypt, Greece, and Rome. Throughout history, cosmetics have been used for various purposes, including religious rituals, social status, and simply enhancing one's appearance. Food and pharmaceuticals (medicines, cosmetics, and personal care goods) have been the most basic human requirements from the beginning of civilization.² But when it comes to intake and use, Muslims adhere to rigorous religious rules. For instance, Allah forbids Muslims from eating anything other than Halal, or good, according to Quran; *كُلُوا مِنْ الطَّيِّبَاتِ*; *"enjoy (all) things good and pure"*.⁴ Muslims are required to only use and consume halal products.⁵

Cosmetics Definition

Cosmetics are described as follows by the National Pharmaceutical Regulatory Agency: "Anything that is meant to be applied to the outside of the human body, such as the skin, hair, nails, lips, and external genital organs, as well as the inside of the mouth, teeth, and gums, with the express purpose of cleaning, perfuming, altering their look, eliminating body odors, protecting them, or maintaining their quality,".⁶

Diverse Product Categories

The cosmetic industry is characterized by its diverse product categories:

1. Skincare: This includes products such as cleansers, moisturizers, serums, and sunscreens designed to maintain and improve the health and appearance of the skin.

¹Shamilatul Shamimi Abdullah, Mohd Dasuqkhi Mohd Sirajuddin, and Abdul Razak Abdul Kadir.

"Ablution – Friendly Cosmetics: Analysis From Fiqh Perspective." *al-Qanatir: International Journal of Islamic Studies* 28, no. 2 (2022): 72 – 82.

²Achmad Mursyidi. "The role of chemical analysis in the halal authentication of food and pharmaceutical products." *Journal of Food and Pharmaceutical Sciences* 1, no. 1 (2013): 1.

³Al-Qura'n. 23; 51.

⁴Abdullah Yusuf Ali. "The Holy Quran: translation and commentary". Islamic Propagation Centre International, 1946: 883.

⁵Bagus Adi Luthfi, and Imam Salehudin. "Marketing impact of halal labeling toward Indonesian Muslim consumer's behavioral intention based on Ajzen's Planned Behavior Theory: Policy capturing studies on five different product categories." *ASEAN Marketing Journal* 3, no. 1 (2011): 35.

⁶Department of Standard Malaysia, *Halal Cosmetics – General Requirements* (1st Revision). In *Malaysian Standard*, (2019), 20.

2. Makeup: Makeup products include items like foundation, lipstick, eyeshadow, and mascara, which are used to enhance or alter facial features and create artistic looks.⁷

3. Fragrances: Perfumes and colognes are created to provide pleasing scents for both personal use and ambiance.

4. Hair Care: Products like shampoos, conditioners, styling gels, and hair dyes cater to maintaining and styling hair.

5. Personal Care: This category includes products like deodorants, body lotions, and oral care items that contribute to personal hygiene and well-being.

6. Specialty Products: The industry also includes specialized products such as anti-aging creams, acne treatments, and products targeted at specific skin or hair concerns.

7. Cosmetic Procedures: In addition to products, the industry encompasses cosmetic procedures such as botox, fillers, and various surgical interventions aimed at altering one's appearance.⁸

Key Players and Market Trends

The cosmetic industry is dominated by a few major multinational companies, often referred to as "beauty giants," which produce and market a wide range of cosmetic products. However, in recent years, there has been a growing trend of smaller, indie brands focusing on unique and innovative products, often with an emphasis on natural and organic ingredients. Moreover, the industry has been influenced by changing consumer preferences, such as a demand for cruelty-free products, sustainable packaging, and inclusive representation in marketing campaigns.⁹

Challenges and Regulation

The cosmetic industry faces challenges related to safety and efficacy, as products come into direct contact with the body. Regulatory bodies, such as the U.S. Food and Drug Administration (FDA) and the European Union Cosmetics Regulation, enforce guidelines and standards to ensure the safety of cosmetic products and their ingredients.¹⁰

Halal Cosmetics

Halal cosmetics are cosmetic products that are manufactured and formulated in accordance with Islamic principles and guidelines, making them permissible and in compliance with Islamic law (Shariah). These products are intended to cater to the needs of Muslim consumers who seek cosmetic and personal care items that align with their religious beliefs and practices. Halal cosmetics adhere to specific criteria to ensure they are free from ingredients and practices that are considered haram (forbidden) in Islam.¹¹

⁷Takeo Mitsui. ed. *New cosmetic science*. Elsevier, 1997. 4.

⁸Takeo Mitsui. ed. *New cosmetic science*. Elsevier, 1997. 4.

⁹C Leonard. *State of industry. Global Cosmetics Industry* (2010). 1081

¹⁰Aleksandra Lopaciuk, and Mirosław Łoboda. "Global beauty industry trends in the 21st century." In *Management, knowledge and learning international conference*, pp. 19 – 21. 2013: 1081.

¹¹Kenji Sugibayashi, Eddy Yusuf, Hiroaki Todo, Sabrina Dahlizar, Pajaree Sakdiset, Florencio Jr Arce, and Gerard Lee See.

Key Features and Principles of Halal Cosmetics

These include;

- 1. Prohibited Ingredients:** Halal cosmetics avoid the use of ingredients derived from sources that are considered impure or prohibited in Islam. For example, ingredients derived from pigs, animals not slaughtered according to Islamic dietary laws, or any substances that are harmful or considered haram are excluded.
- 2. Absence of Alcohol:** Alcohol, especially ethyl alcohol, is commonly avoided in halal cosmetics. Alcohol is considered haram when ingested, and its presence in cosmetics may raise concerns for Muslim consumers.
- 3. Ethical Sourcing and Production:** Halal cosmetics emphasize ethical practices in sourcing ingredients, manufacturing, and handling. This includes ensuring that products are prepared and processed in a clean and pure environment, adhering to Islamic principles of hygiene and purity.
- 4. No Cross-Contamination:** Halal cosmetics are produced with care to avoid cross-contamination with non-halal products during manufacturing, packaging, and distribution processes.¹²
- 5. No Animal Testing:** Cruelty-free practices are often associated with halal cosmetics, aligning with the compassionate treatment of animals as advocated in Islamic teachings.
- 6. Compliance with Ablution (Wudu) Requirements:** Certain products, such as water-permeable nail polish and skincare products, are designed to allow Muslims to perform ablution (wudu) without hindrance, as ablution is an important ritual for daily prayers.
- 7. Transparency and Labeling:** Manufacturers of halal cosmetics provide clear and accurate labeling that informs consumers about the halal status of their products. This enables consumers to make informed choices in line with their religious beliefs. Halal cosmetics span a wide range of product categories, including skincare, makeup, hair care, fragrances, personal care, and more. As the demand for halal products continues to grow, many mainstream cosmetic brands are also introducing halal-certified or halal-compliant product lines to cater to this market segment.¹³

Halal certification organizations and religious scholars may be involved in evaluating and certifying products as halal to provide assurance to consumers that the products meet the required standards. However, it's important to note that interpretations of halal may vary among different Islamic scholars and communities, so individual preferences and beliefs may guide purchasing decisions.

"Halal cosmetics: A review on ingredients, production, and testing methods." *Cosmetics* 6, no. 3 (2019): 37.

¹² Nor Sara Nadia Muhamad Yunus, Wan Edura Wan Rashid, Norafifa Mohd Ariffin, and Norhidayah Mohd Rashid. "Muslim's purchase intention towards non – Muslim's Halal packaged food manufacturer." *Procedia – Social and Behavioral Sciences* 130 (2014): 145 – 154.

¹³ Kenji Sugibayashi, Eddy Yusuf, Hiroaki Todo, Sabrina Dahlizar, Pajaree Sakdiset, Florencio Jr Arce, and Gerard Lee See. "Halal cosmetics: A review on ingredients, production, and testing methods." *Cosmetics* 6, no. 3 (2019): 37.

Compliance with Halal in Cosmetics

These goods or services are absent from several halal industry areas. Halal cosmetics are produced by businesses that follow Islamic law and are, as a result, devoid of alcohol, pork, pork byproducts, pig-based gelatin, and other animal byproducts.¹⁴

According to Shariah Law (Fiqh), the law of origin is acceptable as long as there are no shariah laws that forbid it. Therefore, as long as no Islamic rule forbids it, the preparation and use of cosmetics, including ingredient choice, are acceptable.¹⁵ This demonstrates unequivocally that some of the product ingredients that are forbidden are listed in al-Baqarah [2]: 173 and al-Ma'idah [5]: 3, showing that:

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنزِيرِ وَمَا أُهِلَّ بِهِ لِغَيْرِ اللَّهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ.¹⁶

*“He hath only forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name hath been invoked besides that of Allah. But if one is forced by necessity, without willful disobedience, nor transgressing due limits, - then is he guiltless. For Allah is Oft-forgiving Most Merciful”.*¹⁷

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخِنزِيرِ وَمَا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلَامِ ذَلِكُمْ فِسْقٌ.¹⁸

*“Forbidden to you (for food) are dead meat, blood, the flesh of swine, and that on which hath been invoked the name of other than Allah. That which hath been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); that which is sacrificed on stone (altars); (forbidden) also is the division (of meat) by raffling with arrows: that is impiety”.*¹⁹

Currently, there are many possibilities for buying cosmetics because they have evolved into one of the most important and necessary items that everyone should own. One of them is skin-whitening creams, which are highly sought-after for skin beautifying and lightening.²⁰ Cosmetics' natural, semi-synthetic, or synthetic ingredients can have an impact on a product's halal classification. The scarcity of scientific data pertaining to the hazards and safety of such chemicals worries a lot of people. For a number of advantageous features, natural oils or fats are employed as the major component in cosmetic products.²¹ Different

¹⁴Isabelle Aoun, and Laurent Tournois. "Building holistic brands: an exploratory study of Halal cosmetics." *Journal of Islamic Marketing* 6, no. 1 (2015): 109 – 132.

¹⁵Ernawati Ernawati. "The Global Competitiveness Study of Halal Pharmaceuticals and Cosmetics Industry." *Mega Aktiva: Jurnal Ekonomi dan Manajemen* 8, no. 1 (2019): 51 – 61.

¹⁶ Al-Qur'an. 2:173

¹⁷Abdullah Yusuf Ali. "The Holy Quran: translation and commentary". *Islamic Propagation Centre International*, 1946: 67-68.

¹⁸ Al-Qur'an. 5: 3

¹⁹Abdullah Yusuf Ali. "The Holy Quran: translation and commentary". *Islamic Propagation Centre International*, 1946: 239 – 240.

²⁰Céline Couteau, and Laurence Coiffard. "Overview of skin whitening agents: Drugs and cosmetic products." *Cosmetics* 3, no. 3 (2016): 27.

²¹Valeriy Mank, and Tatiana Polonskaya. "Use of natural oils as bioactive ingredients of cosmetic products." *Ukrainian Food Journal* 5, no. 2 (2016): 281– 289.

kinds of fatty acids with various compositions make up fats and oils. In order to authenticate cosmetic products, the fatty acid profile might be employed as a chemical fingerprint.²²

The general Islamic concepts of halal and haram have been formulated by **Yusuf al-Qaradawi**, a fiqh expert, and have come to serve as the cornerstone of knowledge that all Muslims and researchers must comprehend and be aware of in order to ensure that cosmetic items are compliant from a fiqh standpoint. The general principles of halal and haram are:

- (i) Everything that Allah SWT created is halal, with very few exceptions.
- (ii) Only Allah has the authority to declare something halal or haram.
- (iii) Making the halal into haram and the haram into halal is equivalent to shirk.
- (iv) Impurity and harm are the main causes of prohibition.
- (v) What is halal is sufficient, and what is haram is unnecessary.
- (vi) Anything that promotes haram is haram in and of itself.
- (vii) It's against the law to misrepresent something as Halal or Haram.
- (viii) The presence of goodwill does not transform something haram into halal.
- (ix) Everyone is subject to anything haram.
- (x) Dubious actions should be avoided.²³

In order to improve the information acquired, other references like as standards, acts, and the legislation are crucial in evaluating whether a cosmetic is halal. The significance of this allusion is due to the fact that halal cosmetics have their own guideline that must be complied with. This adheres to the Halal standard's requirements, helping to maintain and improve the product's quality.²⁴

The Fiqh Perspective on Halal Cosmetics

Muslims are constantly mindful of cleanliness, and Islam's emphasis on holiness cannot be emphasised. All Muslims must undertake self-purification rituals prior to praying or engaging in other forms of religion. Therefore, we also cannot dispute the fact that women are naturally endowed with ornamentation and beauty. These traits are initially regarded as good and have a basis in shariah (Islamic law), but they must not exceed what shariah clearly forbids in terms of female beautification.²⁵ One of a woman's rights is the freedom to adorn and beautify herself for her husband, and the Quran makes it clear that she is free to do so:

²²John Toedt, Darrell Koza, and Kathleen Van Cleef – Toedt. Chemical composition of everyday products. Greenwood Publishing Group, 2005: 9 – 10.

²³Yusuf Al – Qardawi.

The lawful and the prohibited in Islam. Al – Falah Publication & Distribution, 1999: 2-33.

²⁴Shamilatul Shamimi Abdullah, Mohd Dasuqkhi Mohd Sirajuddin, and Abdul Razak Abdul Kadir. "Ablution – Friendly Cosmetics: Analysis From Fiqh Perspective." *al-Qanatir: International Journal of Islamic Studies* 28, no. 2 (2022): 72 – 82.

²⁵Muhammad Razif Muhammad Fuad.

"Bayan linnas 82nd siri: Solat Prayer: Laws and How to Obtain It." (2017).

قُلْ مَنْ حَرَّمَ زِينَةَ اللَّهِ الَّتِي أَخْرَجَ لِعِبَادِهِ وَالطَّيِّبَاتِ مِنَ الرِّزْقِ.²⁶

"Say: Who hath forbidden the beautiful (gifts) of Allah, which He hath produced for His servants, and the things, clean and pure, (which He hath provided) for sustenance?"²⁷

Users must comprehend and acknowledge a vast body of knowledge, which is broken down into various sections, in order to fully comprehend all of the hukm of Islamic fiqh (jurisprudence): Ibadat (rituals) include, among other things, ritual purity (taharah), prayers (salat), fasting (sawm), alms (zakat), giving one-fifth (khums), and pilgrimage (hajj).²⁸ This is due to the possibility that it could undermine the legitimacy of Muslim worship, including salah, hajj, holding the Quran, ghusl, and other ibadah that call for both bodily and spiritual purification. Muslims must make sure that the cosmetics being used are halal and free of contaminants in this situation. In addition, ibadah is accepted by Muslims who do their worship by making sure that the water used for wudhu is Mutlaq water, which is defined as pure and clean water.²⁹

Al-Taharah and Al-Najrasah Concepts

In Islam, taharah has grown to be the subject that is taught and stressed to Muslims, and extensive literature has been created on the subject. Ibadah may become invalid due to improper handling and results. They therefore encourage their kids to study it and impart it upon others in their places of worship and schools. Literally translated taharaas "purity and cleanliness."³⁰ Additionally, it alludes to the cleansing of spiritual impurities. According to Islamic law, it is the eradication of impurities or an impure state utilising legal resources.³¹ According to the evidence found in the Qur'an, Sunnah, and Ijma' (scholarly consensus), it is obligatory to take this into consideration. The religion has placed priority to Taharah as the foundational knowledge that Muslims need to learn and implement in their daily lives, and all fiqh leaders view this as a necessary requirement for the validity of 'ibadah (worship).³²

There is a verse in the Qur'an that stresses the value of taharah and it is found here:

إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ.³³

"For Allah عزوجل loves those who turn to Him constantly and He loves those who keep themselves pure and clean."³⁴

²⁶ Al-Qur'an. 7: 32.

²⁷ Abdullah Yusuf Ali. "The Holy Quran: translation and commentary". Islamic Propagation Centre International, 1946: 348.

²⁸ Recep Dogan. *Islamic law with the Quran and Sunnah evidences (from a Hanafi perspective)*. FB Publishing, (2013) 12 – 15.

²⁹ Abdullah bin Hamid Ali. *Mālikī Fiqh: Introduction to Purification and Prayer*. University and State Library of Saxony – Anhalt, 2014: 2.

³⁰ Wahbah Zuhaili. "Al – Fiqhu As – Shafi' i Al – Muyassar." Translated by Muhammad Afifi and Abdul Hafiz. Jakarta: Almahira (2010).

³¹ Nor Kartina Tawang, and Basri Ibrahim. Permasalahan taharah: fiqhdarah-darahwanita masa kini. *International Conference on Empowering Islamic Civilization in the 21st Century*, (2015), 691–709.

³² Mohd Istajib Mokhtar, Raihanah Abdullah, and Azizan Baharuddin. "An Islamic perspective on water quality: a case of Malaysia." *Water Policy* 17, no. 3 (2015): 454 – 471.

³³ Al-Qur'an. 2: 222

As a result, *taharah* concerns are significant to Muslims because they form a crucial component of the duty that lays the groundwork for worships to be approved by Allah SWT.

According to Islamic law, any form of impureness (*najasa*) necessitates a Muslim to wash before beginning any form of worship, including prayer.³⁵ The polar opposite of *taharah* is *najasa*. There are seven categories of *najasa* in Islamic *fiqh* discourse, and they are as follows: (1) all forms of intoxicants, including alcohol, (2) pigs and dogs, (3) Carcasses; (4) Blood, including pus; (5) Human and animal urine and faeces; (6) Separated animal parts that included *najs* during his lifetime; (7) milk from non-halal animals.³⁶ In this situation, if the specified *najasa* are not removed and cleaned properly, *ibadah* may not be valid.

Forms of *Najasa*

The other three *najasa* forms, known as "Aini *Najs*" and "Hukmi *Najs*," were highlighted by **Madhhab** al-Shafi'i in the book *Al-Fiqh Al-Manhaji*. These require various cleaning techniques, and they are as follows:

- a) **Light *Najis* (*Mukhaffafah*):** The pee of boys who were exclusively breastfed and under the age of two. Removing pollutants and sprinkling water over the contaminated region is the cleansing technique.
- b) **Medium *Najis* (*Mutawassitah*):** Aside from extreme and light *najis*, vomit, pee, blood, and other bodily fluids. The cleaning procedure involves removing pollutants and washing with free-flowing clean water until the odour, appearance/color, and feel are gone.
- c) **Heavy *Najis* (*Mughallazah*):** Pigs (*khinzir*) and dogs, as well as any liquid or substance that is discharged from their orifices, as well as their offspring and derivatives. The cleaning procedure involves removing pollutants and rinsing seven times with clean water, one of which being water mixed with the soil or clay. *Sertu* is the name of this purifying practice.

Additionally, alcohol has developed into an ingredient that is present in all cosmetic items because it is a component of common household products like skin care and perfumes. Alcoholic beverages include *khamr*, which is considered to be a depressant in Islam. In Islam, alcohol is not always forbidden or prohibited (*haram*); some alcohols are allowed to be

³⁴Abdullah Yusuf Ali. "The Holy Quran: translation and commentary". Islamic Propagation Centre International, 1946: 88.

³⁵Mohd Istajib Mokhtar, Raihanah Abdullah, and Azizan Baharuddin. "An Islamic perspective on water quality: a case of Malaysia." *Water Policy* 17, no. 3 (2015): 454 – 471.

³⁶Mustofa Al – Khin, Mustofa Al – Bugho and Ali Asy – Syarbaji. *Kitab Fikah Mazhab Syafie: Jilid 2. Kuala Lumpur Salam Library Sdn. Ltd* (2011).

consumed.³⁷ In addition, the word "alcohol" is commonly used incorrectly to describe khamr, a drink that was invented during the lifetime of the Prophet Muhammad SAW.

Ibn Saiyidah claimed that khamr is manufactured from grapes and other intoxicating things, however the distinction between alcohol and khamr is everything that can make juice intoxicated. Imam Hanafi claims that only grape juice can make khamr drunk. The word "alcohol" in chemistry encompasses more than only ethanol. In addition, even though ethanol is the intoxicant in khamr, ethanol is not always khamr.³⁸

A cosmetic's halal status is determined by whether it contains any alcoholic beverages or their byproducts (khamr).³⁹ While alcohol, According to Mustafa Afifi, is a colourless liquid that can be made in two different methods. First, by fermentation, which is the main method for making alcoholic beverages, and second, by chemical means, which is a method for making alcohol from petroleum. Ethanol, commonly referred to as ethyl alcohol, is created by this process.⁴⁰ But the early scholars of the Madhhab of Hanafi, Maliki, Shafi'i, and Hambali all agreed that alcohol is a najis since it can make people intoxicated. The Department of Islamic Development Malaysia (JAKIM) consequently declared that alcohol is acceptable in colognes, cosmetics, medications, and beverages. If there is sufficient alcohol, it is "harus" and acceptable.⁴¹

The Illegal Use of Forbidden Materials and Methods

In order to persuade clients to purchase their product, the cosmetics business frequently engages in the illicit usage of forbidden materials and methods. As a result, they also employ a number of marketing gimmicks and techniques, such as appealing to clients' sensibilities, their religious responsibilities, and market trends, in violation of JAKIM's correct standards. A few examples include the use of harmful and illegal chemicals in cosmetics, improper labelling and packaging, and worse, the exploitation of offensive or religious images to draw clients for marketing objectives.⁴² Furthermore, every Muslim is concerned about product innovation since, in the case of cosmetics like cleansers, moisturisers, lotions, eyeliners, and sunscreen, wrong usage by the business could render Muslims' worship to be invalid.⁴³ For instance, how truthful and sincere are they in creating the goods as they promote, particularly those tied to religious aspects?

³⁷Nur Bahirah Baharum, Mohd Daud Awang, Syariena Arshad, and Siti Salwa Abd Gani. "A Study of literatures: status of alcohol in cosmetics products from shariah views in malaysia." *KnE Social Sciences* (2020): 379-393.

³⁸Alina Abdul Rahim and Siti Mashitoh Abdul. "The uncertain halal status of edible products with natural or added alcohol." *Journal of Fatwa Management and Research* 3, no. 1 (2014): 109 – 126.

³⁹Puziah Hashim, Neelam Shahab, Theanmalar Masilamani, Rozita Baharom, and Rohaidah Ibrahim. "A cosmetic analysis in compliance with the legislative requirements, halal and quality control." *Malaysian Journal of Chemistry* 11, no. 1 (2009): 81 – 87.

⁴⁰Mustafa Afifi Ab Halim, Mohd Mahyeddin Mohd Salleh, Mohd Izhar Ariff Mohd Kashim, Azlin Alisa Ahmad, and Norhaslinda Nordin. "Halal pharmaceuticals: legal, shari'ah issues and fatwa of drug, gelatine and alcohol." *International Journal of Asian Social Science* (2014).

⁴¹Nur Bahirah Baharum, Mohd Daud Awang, Syariena Arshad, and Siti Salwa Abd Gani. "A Study of literatures: status of alcohol in cosmetics products from shariah views in malaysia." *KnE Social Sciences* (2020): 379-393.

⁴²Malaysia, Department of Islamic Advancement. "Manual procedure for Malaysian halal certification." Department of Islamic Development Malaysia (JAKIM): Putrajaya, Malaysia (2014).

⁴³Anton C. de Groot, and Ian R. White. "Cosmetics and skin care products." Textbook of contact dermatitis (2001): 661-685.

Although Muslims have a high level of halal knowledge,⁴⁴ the industries successfully service, create, and meet the needs of the consumers. Some people, however, misinterpret it and employ a false halal emblem to win over customers.

***Istihalah* Concept: A Brief Overview**

The status of daily-used foods, beverages, medicines, and cosmetics as halal or haram is a topic of discussion today. Each year, new concerns about goods production that are dependent on scientific and technological advancements crop up. The difficulties also relate to the origin of the goods, its production, and its processing. Among the fundamental components included in products are synthetic chemicals, biotechnology, and emulsifier enzymes. Time change, sociocultural change in society, and advancements in science and technology are some elements that affect product quality.

In accordance with shariah law, all that is required to purify anything that was formerly pure but now bears najis (a ritually impure object) is to remove the najis. The stain can be removed using methods like peeling it off, drying it in the sun, and flushing it with water. The absence of the najis is the key point. However, ritually impure or najis objects receive a distinct level of care. They include things like carcasses, human and other animal waste, liquor/khamr (which four *Madahib* classify as najis). Both tanning and *istihalah* (change of shape) can purify them.

***Istihalah* Literal Meaning**

Istihalah literally means "to change," hence the phrase "*halalaunuhu*" means "its colour has changed." Additionally, "*istahal al-shay*" denotes a change in a thing's nature or description from its original state.⁴⁵ Therefore, something is considered to have gone through *Istihalah* if it has changed from its conventional form to a deformed one. Therefore, *Istihalah* literally translates to "transformation," which refers to the changing of something from its original form to another so that it would differ from what it was initially thought to be. As an illustration, consider the process used to turn blood from (deer musk pod) into perfume.

The Arabic word for change or transition is *istihalah*. Its root is the Arabic term *halah*. The phrases *istihal*, *yastahil*, and *istihalat*, which similarly indicate change, are the ancestors of the term *istihalah*. It is rendered as transformation or mutation in English.⁴⁶

***Istihalah* Meaning in Shariah**

The term "*istihalah*" has been used in Islamic fiqh literature and has been used in a variety of ways that aren't all that far from its literal meaning. As examples, "change in the description

⁴⁴Nurul Aqmar Zaidun, and Nor Hashima Hashim. "Halal cosmetics: current issues and future opportunities." *Malaysian Consumer Journal* 30, no. 1 (2018): 74 – 80.

⁴⁵Abu Abdi Allah, Muhammad Bin Abi Bakr Ar – Razi. *Mukhtar Assehadh*. Bairut, Al – Maktaba Al-Asriya (1999).

⁴⁶Qadhdhafi'Izzat Ghananim. "*al – Istihalah wa Ahkamuha fi al – Fiqh al – Islami*." Dar al-Nafais, Jordan (2008): 85.

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of a transformed object,"⁴⁷ "the transformation of one material into another,"⁴⁸ and "the transformation of a thing from one form to another"⁴⁹ are some of these definitions.

The term has been defined in the following ways by contemporary academics:

- The change of a filthy (najis) material into a pure (tahir) material as a result of time passing or as the result of an agent's work.⁵⁰
- The transformation of a material's constituents into a substance that is distinct from it in name, qualities, and attributes, changing the nature of a filthy (najis) or prohibited (haram) substance.⁵¹
- The conversion of impure materials into pure materials, the change of prohibited materials (muharramat) into legal substances in shari'ah, and the transformation of one substance into another that differs from it in description.⁵² Examples of this include the transformation of arrack (wine) into vinegar and deer blood into kasturi (deer musk). They can alter on their own or through a media. Another illustration would be if a dead dog dropped into salt and turned into salt.

According to common scientific terminology; Istihalah is a chemical reaction that converts an item into another component, such as the conversion of oils and greases from various sources into soaps. The substance is disassembled into its constituent parts, for example, the breakdown of fats and oils into fatty acids and glycerin. Additionally, chemical reactions occur in the ways that Jurists address by techniques, such soaking up sunlight, tanning, and scorching.⁵³

Methods of *Istihalah*

There are numerous ways to alter, change, and convert anything from its original form to a different character. The following can be used to summarize them:

- 1. *At-Takhallulwa At-Takhlil (Acidification and permeation):*** One technique for transformation is this. It can be used to turn alcohol into vinegar either on its own or with the aid of an agent, which is to add another substance to it or to move it from the shade to the sunlight.

⁴⁷Abu Al – Ma'ali , Abdul Malik Bin Abdul Allah Al – Juaini. *Nehayat AlMatlab .N.P. Dar Al – Menhaj* (2007).

⁴⁸Abu Al – Hasan, Ali Bin Sa'ed Ar – Rajraji. Manahel Attahseel. *N.P. Dar Ibn Hazm* (2007).

⁴⁹Abu Bakr Bin Muhammad Al – Husaini. *Kefayat Al – Akhyar. Demeshq, Dar Al-Khair* (1994).

⁵⁰Muhammad Bin Muhammad Al – Mukhtar As – Shanqeeti. *Sharh Zad AlMustaqne'*. Arreyadh, ArreasaAl – A'amma lelbuhooth Al – E'lmiya walefta (2007).

⁵¹At-Taiyarwa AL-Mutlaq, wa Al-Musa, Abdu Allah Bin Muhammad, wa Abdu Allah Bin Muhammad ,wa Muhammad Bin Ibraheem. *Al – Fiqh AlMuyassar. Arreyadh, Dar Al – Watan lennashr* (2011).

⁵²Wahba Bin Mustafa Az – Zuhaili. (N.D). *Al-Fiqh Al-Islamywaadelateh. Demeshq, Dar Al-Fikr.*

⁵³At – Taiyar wa AL – Mutlaq, wa Al – Musa, Abdu Allah Bin Muhammad, wa Abdu Allah Bin Muhammad , wa Muhammad Bin Ibraheem. *Al – Fiqh AlMuyassar. Arreyadh, Dar Al – Watan lennashr* (2011).

2. **Istihlak (Disintegration):** This refers to the entire exhaustion of a dirty substance, including all of its constituents and qualities, in a pure material. For instance, if a dog or pig falls into a salt container, it instantly becomes a part of the salt and leaves no trace.
3. **Takathur Relocation:** It involves combining a tiny bit of impure material with a huge volume of pure material so that the impure material is entirely destroyed and its chemical properties are completely absorbed into the pure substance.
4. **Ihraq (Burning):** It refers to one of the processes of transformation that involves burning off the impure substance and changing it into a different material in any form by heating; examples include turning ass dung into ashes after burning it, turning filthy clay into pottery, etc.
5. **Dibagah (Tanning):** This is the method used to purify animal skin so that it is pure and suitable for bedding, clothing, etc. by removing the stench and filthy dampness.
6. **Exposure to natural elements and mixing with the earth:**
When impurities are mixed with the dirt, for instance, they may eventually dry up and form earth or clay or grow into the roots of trees or plants. On the other hand, exposure to natural elements involves exposing the impure material to rain, sunlight, or wind so that it changes into a different material which is pure and clean.⁵⁴
7. **Reaction of Chemicals:** One of the most popular transformation techniques used nowadays is this. It refers to the transformation of a substance into another compound by a chemical reaction, such as the transformation of different oils and greases into soap, as well as the disintegration of a substance into its constituent parts, such as the breakdown of fats and oils into fatty acids and glycerin.⁵⁵ We'll talk about this approach in this chapter.

The different approaches are described in the following figure.

⁵⁴ Muneer Ali Abdul Rab, Wan Abdul Fattah, Mualimin Mochammad Sahid, Setiyawan bin Gunardi, and MesbahulHoque

"Shari'ah Guidelines on The Application of Istihalah in Cosmetics and Allied Products: An Analytical Jurisprudential Study." *Malaysian Journal of Syariah and Law* 7 (2018): 351 – 384.

⁵⁵ At – Taiyar wa AL – Mutlaq, wa Al – Musa, Abdu Allah Bin Muhammad, wa Abdu Allah Bin Muhammad, wa Muhammad Bin Ibraheem. *Al – Fiqh AlMuyassar. Arreyadh, Dar Al – Watan lennashr* (2011).

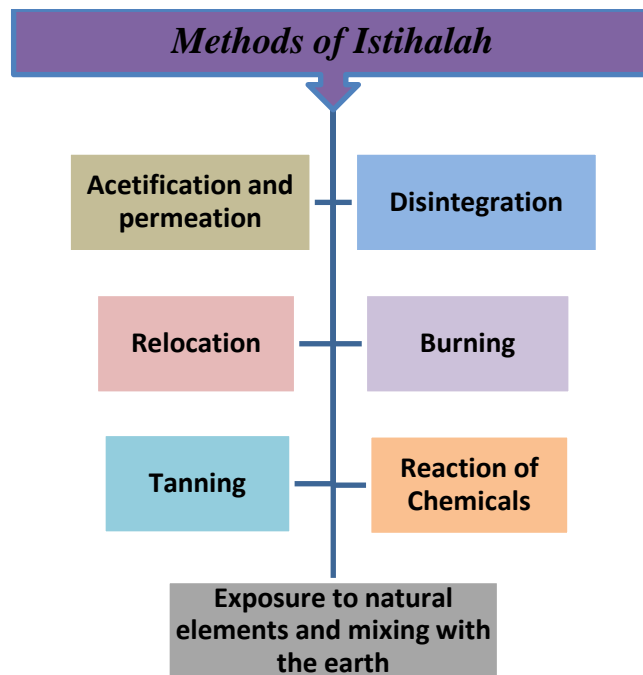


Figure 1 Methods of Istihalah

Istihalah Impact on Cosmetical Products Containing Najis and Harmful Ingredients or Substances of Unknown Status and Origin

In Muslim nations, especially the less developed ones, cosmetics are widely used. The majority of these goods are either produced in non-Muslim nations and subsequently imported into developed Muslim nations, or they are imported directly from such nations. It is commonly known that non-Muslims frequently do not take precautions to avoid using najis and haram ingredients in their manufacturing. Therefore, in order to determine the legal implications of the Istihalah that takes place during the creation of these products, this subject needs to be thoroughly researched. This will lead to the establishment of shari'a rules that will control the transformation process that takes place throughout the creation of these goods.⁵⁶

A few of the goods that are frequently used in Muslim nations are; chemical dyes applied for hair colour, nail polish applied by women as varnish to enhance their nails (manicure), oils used to skin and eyelids, and powders applied as cosmetics on the eyes and lips or as sunblock. Additionally, there are specific baby powders designed to protect children's skin, as well as a variety of lotions used to enhance, moisturise, or soften the skin or to bleach or lighten it. Several more frequent items include oils and balms for smoothing the skin, conditioning or enhancing the hair, and numerous other everyday items.⁵⁷ So what does it mean legally by *istihalahin* if these products have haram and najis elements in their formulation?

⁵⁶Muneer Ali Abdul Rab, Wan Abdul Fattah, MualiminMochammadSahid, Setiyawan bin Gunardi, and MesbahulHoque

"Shari'ah Guidelines on The Application of Istihalah in Cosmetics and Allied Products: An Analytical Jurisprudential Study." *Malaysian Journal of Syariah and Law* 7 (2018): 351 – 384.

⁵⁷Muneer Ali Abdul Rab, Wan Abdul Fattah, MualiminMochammadSahid, Setiyawan bin Gunardi, and MesbahulHoque

"Shari'ah Guidelines on The Application of Istihalah in Cosmetics and Allied Products: An Analytical Jurisprudential Study." *Malaysian Journal of Syariah and Law* 7 (2018): 351 – 384.

From the discussion we had earlier, it is clear that when najis element undergoes through the *istihalah* process, which entirely alters its nature and characteristics, the resulting material becomes clean and *tahir* and is thus permissible for usage. This is further supported by the verse, which reads,

وَإِنَّ لَكُمْ فِي الْأَنْعَامِ لَعِبْرَةً نُّسْقِيكُم مِّمَّا فِي بُطُونِهِ مِنْ بَيْنِ فَرْثٍ وَدَمٍ لَبَنًا خَالِصًا سَائِغًا لِلشَّارِبِينَ.⁵⁸

*"And verily in cattle (too) will ye find an instructive sign. From what is within their bodies between excretions and blood, We produce, for your drink, milk, pure and agreeable to those who drink it."*⁵⁹

Ibn Al-Qayem remarked that Allah عزوجل had really declared that milk is made between the excreta and blood. The jurists also concur that when an animal is restrained and fed with clean and *tariffed* after being fed *najis*, its milk and flesh are now *halal*. The similar is true for crops and plants that have been given *najis* water before being given clean water again; these crops and plants are *halal*. In every instance, the good character has taken the place of the terrible character.⁶⁰

Additionally, common cosmetics used in Muslim nations, for instance dyes, oil-based substances, creams and powders, used for skin lightening or softening, as well as oils used as hair conditioners or for the face to soften, are all considered lawful and their if they contain any *najis* or *haram* ingredients that disappear, completely replaced by other pure substances, or melt away during production. According to the majority of jurists, any *najis* substance that is transformed and entirely changes into a material that is distinct from original *najis* is then *halal* and permitted for usage. Regarding some of the products, several classical jurists have issued *fatwas*. Most jurists approved of using oils for purposes other than drinking, eating, and personal care. Accordingly, **the Hanafi jurist** said that because the impure oil has turned into something different, we would not rule that soap created from it is *najis*.⁶¹ According to **the Maliki jurists**, the *najis* oil can be used for illumination and soap manufacture.⁶² On the other hand, **the Shafi'i school of thought** argued that it is acceptable to utilise impure oil and that it is also acceptable to produce soap for use from it.⁶³

The 8th Medical-Fiqh Symposium of the Islamic Organization for Medical Sciences, which took place in Kuwait between May 22 and 25, 1995, also issued a contemporary *fatwa* that stated that soap made from animal fat or lard that has been rendered *tahir* by *istihalah* is permissible to use. Additionally, it is illegal to use creams, ointments, and other cosmetics

⁵⁸ Al-Quran, 16:66.

⁵⁹ *Abdullah Yusuf Ali. "The Holy Quran: translation and commentary". Islamic Propagation Centre International, 1946: 637.*

⁶⁰ *Muhammad Bin Abu Bakr, Ibn Al – Qayem. E'lam Al – Muaqqe'en. Bairut, Dar Al – Kutub Al – E'lmiya (1991).*

⁶¹ *Mahmud Bin Ahmad, Abu Al – Ma'ali. Al – Muheet Al – Burhani. Bairut, Dar Al – Kutub Al – E'lmiya (2004).*

⁶² *Abu Al – Waleed, Muhammed Bin Ahmed, Ibn Rushd. Bedayat Al – Mujtahed Wanehayat Al-Muqtased N.E, Al-Qahera, Dar Al-Hadeeth (2004).*

⁶³ *Abu Zakariya, Yahya Bin Sharaf, An – Nawawi. (N. D). Al-Majmu'. N.E. N.P. Dar AlFikr.*

that contain lard unless it has been proven that the lard has undergone a complete transformation and altered in essential nature.⁶⁴

However, since the aforementioned substance (najis and hazardous) has not entirely changed into other materials, the legal experts disagree as to whether or not it is acceptable to utilize them. Regarding the use of najis items, like as lard, the fats of dead animals, and dog, for purposes other than eating, drinking, or physical use, the jurists hold the following three positions:

The Usage of Najis Material for Lighting and Other Related Purposes is Legal

This is Hanafi's viewpoint, and it is the preferred viewpoint of Ibn Qayem Al-Jauziyya⁶⁵ and Ibn Taimiyya.⁶⁶ They based their decisions on:

According to a hadith that Jabir related, the Prophet ﷺ of Allah عزوجل said the following during Makkah's conquest year: “*Verily, Allah and His Messenger have forbidden the sale of alcohol, dead animal, swine and idols.*” He was asked, ‘*O Messenger of Allah what about the fat of dead animal, it is used for painting ships, oiling skins and for lighting the lamp?*’ And he added: “*No, it is haram.*”⁶⁷ They asserted that when the prophet ﷺ said, “*No, it is haram,*” he was referring to sale rather than actual usage of the items. This is reinforced by the hadith of Ibn Abbas رضي الله عنه that the prophet ﷺ went by a dead goat and he exclaimed, “*What is with its owners? They could have used the skin.*”⁶⁸ This demonstrate that employing najis materials for purposes other than eating, drinking, or physical contact is acceptable.

The Usage of Najis Materials is Prohibited

The majority of Hanbali, Maliki, and one of Shafi'i's viewpoints share this perspective. They leaned on the following:

Allah عزوجل, the Most High, said:

قُلْ لَا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خْتَزِيرٍ فَإِنَّهُ رِجْسٌ.⁶⁹

“*Say: "I find not in the message received by me by inspiration any (meat) forbidden to be eaten by one who wishes to eat it, unless it be dead meat, or blood poured forth, or the flesh of swine,- for it is an abomination.*”⁷⁰

They also pointed to the prophet's ﷺ saying: “*You should not use anything of an animal which has died on its own.....*”⁷¹

⁶⁴Wahba Bin Mustafa Az – Zuhaili. (N. D). *Al – Fiqh Al – Islamy waadelateh. Demeshq, Dar Al – Fikr.*

⁶⁵Muhammad Bin Abu Bakr, *Ibn Al – Qayem. Zad Al – Ma'ad. Bairut, Muassasat Aresala* (1994).

⁶⁶Abu Al'abbas, *Ahmed Bin Abdul Haleem Ibn Taimiya. Al-Fatawa AlKubra. N. P. Dar Al – Kutub Al – E'lmiya* (1987).

⁶⁷Abu Abdu Allah, *Muhammad Bin Esmal, Al Bukhari. Saheeh Al Bukhari. N. P. Dar Tawq Annajat* (1422): Hadith # 2121.

⁶⁸Abu Abdu Allah, *Muhammad Bin Esmal, Al Bukhari. Saheeh Al Bukhari. N. P. Dar Tawq Annajat* (1422): Hadith #1421.

⁶⁹ Al-Quran 6:145.

⁷⁰Abdullah Yusuf Ali. “*The Holy Quran: translation and commentary*”. Islamic Propagation Centre International, 1946: 332-332.

Except in Circumstances of Necessity, It is Illegal to Use Najis Substances on the Body and for Clothing

The Shafi'i school holds this opinion. According to Imam An-Nawawi, using any najis substance for clothes or on the body is forbidden unless it is absolutely necessary. However, if the impurity involved is light, they can be employed for other things besides dog and swine or their parts. However, it won't be legal if the level of impurity involved is comparable to that found in pigs, dogs, and their parts. In light of this, it follows that it is illegal to voluntarily wear any part of a dog, swine, or other animal's hide. This is true since, other than for a few specific uses, using both pigs and dogs while they are still alive is illegal in all situations. If this is the case, it would be better to avoid using them after death. One may be permitted to use the hide of a swine or dog for protection if they have no other options and are suddenly hit by war, dread the effects of cold or heat on them, etc.⁷²

After weighing the opinions of scholars and their authority, it is obvious that, if najis chemicals have not entirely changed, it will not be permissible to use them unless absolutely necessary and to the extent that such necessity. Additionally, it is illegal to use any cosmetic product on the body if the najis element has not been totally replaced in the constituent elements of the aforementioned items or any other similar products, unless there is no other option and a compelling need. A Muslim physician with the required level of medical knowledge must also write a prescription to that effect.⁷³ Many contemporary scholars concur that it is illegal to use cosmetic items whose ingredients did not entirely undergo transformation after being utilised in their manufacture. The favoured opinion of the scholars is that alcohol-containing fragrances and creams are considered to be najis, or filthy, and it is not permissible to use them on the body or on clothing. This is also stated in the Fatwas of Islamic Network. Such an application would constitute using najis resources. However, this is only true if the manufacturing process does not totally convert the alcohol content into an inebriating compound, in which case the products will still be clean.⁷⁴ It is important to note that even if the dangerous materials have been changed throughout the production process, utilising these items would still be prohibited if it is determined by experts and specialists that they include toxic compounds. Numerous medical professionals (Such as Dr. Ahmad Abd Al-Hakam, Dr. Muhammad Taufiq, Dr. Umar An Najjari and Dr. Chris Flower) have stated that some of these products are harmful to the body. For instance, some hair dyes can severely sensitise the skin. Additionally, some skin moisturisers can lead to skin rashes, itching, and skin conditions like redness, dryness, cracking, and scaling. Additionally, there are powders for women that are manufactured of dangerous chemicals. Additionally, several of the chemical ingredients used in cosmetics, such as the cancer-causing dioxin present in some creams and the triethanolamine and diethanolamine found in preservative-containing

⁷¹ Abu Abdul Rahman, Ahmad Bin Shu'aib An-Nasaei. *Assunan Assughra. Halab, Maktab Al – Matbu'at Al-Arabiya* (1986).

⁷² Abu Zakariya, Yahya Bin Sharaf An – Nawawi. *Rawdhat Attalibeen. Bairut, Al-Maktab Al-Eslami* (1991).

⁷³ Muneer Ali Abdul Rab, Wan Abdul Fattah, Mualimin Mochammad Sahid, Setiyawan bin Gunardi, and Mesbahul Hoque

Shari'ah Guidelines on The Application of Istihalah in Cosmetics and Allied Products: An Analytical Jurisprudential Study. " *Malaysian Journal of Syariah and Law* 7 (2018): 351 – 384.

⁷⁴ *Fatawa Ashabaka Al – Eslamiya*, Accessed October 24, 2023, <http://sh.rewayat2.com/fatawae/Web/27107/055.htm>

cosmetics, are also thought to be carcinogenic. According to one of the experts, people who use cosmetic goods run the danger of getting serious illnesses and infections.⁷⁵

Shariah Laws Controlling Istihalah in Cosmetics

The information shown above shows that *Istihalah* affects the najis ingredients that make up cosmetic items. As a result, *Istihalah* transforms the materials into pure materials that are permissible for usage. However, a number of shari'a requirements that can be deduced from the earlier described juristic viewpoints permit the usage of the products, some of which are as follows:

The Najis Ingredient in the Cosmetics must have been Changed into Something Basically Distinct from the Original

This criterion is based on the following arguments made by various jurists:

- ~ According to Al-Juwaini: *Istihalah* refers to "Change in the character of the transformed (material)".⁷⁶
- ~ *Istihalah* is defined as "the conversion of a material into another material" by Abul Hassan Ar-Rajaji.⁷⁷
- ~ Abubakar Bin Muhammad AlHusaini; *Istihalah* is defined as "the transformation of a thing from one form to another."⁷⁸
- ~ According to Ibn Abideen, This is "the transformation of one substance into another substance."⁷⁹
- ~ Ibn Hajar Al-haitami said "It is the change in a material's properties and converting it from one form to another, such as where a dead animal falls into a saltworks thereby turning into salt or where it is burned and converted to ashes,".⁸⁰
- ~ In the words of At-Tayyar, Mutlaq and Musa "the change in the nature of a filthy (najis) material or a material whose consumption is forbidden and the conversion of its substance into a material different from it in name properties and attributes".⁸¹

⁷⁵Majalat Al-Itha'aWattalafaziun Al-Masriyah.(N.D), Accessed October 24, 2023, <http://www.maspiro.net/health/4878-2013-04-09-13-56-01.html> .

⁷⁶ Abu Al – Ma'ali , Abdul Malik Bin Abdul Allah Al – Juaini. *Nehayat AlMatlab*. N. P. Dar Al – Menhaj (2007).

⁷⁷ Abu Al – Hasan, Ali Bin Sa'ed Ar – Rajaji. *Manahel Attahseel*. N. P. Dar Ibn Hazm (2007).

⁷⁸ Abu Bakr Bin Muhammad Al – Husaini. *Kefayat Al – Akhyar*. Demeshq, Dar Al-Khair (1994).

⁷⁹ Muhammad Ameen Bin 'Omar, Ibn 'Abideen. *Rad Al – Muhtar 'Ala Ad – Dur Al – Mukhtar*. Bairut, Dar Al-Fikr (1992).

⁸⁰ Ahmad Bin Muhammad Al – Haitami. *Tuhfat Al – Muhtaj*. N. E, Mesr, AlMaktabah At-Tijariyah Al-Kubra (1983).

⁸¹ At – Taiyar wa Al – Mutlaq, wa Al – Musa, Abdu Allah Bin Muhammad, wa Abdu Allah Bin Muhammad ,wa Muhammad Bin Ibraheem. *Al – Fiqh AlMuyassar*. Arreyadh, Dar Al – Watan lennashr (2011).

That is, the transformation of a substance's fundamental properties into a totally different substance, such as the transformation of greases and oils from various sources into soaps, or the chemical dissolution of a substance into its constituent parts, such as the dissolution of fats and oils into glycerin and fatty acids.

As a result, the only type of transformation that can result in purification is the kind that satisfies the requirement of changing the najis materials present in the products into substances distinct from their fundamental source.

The Najis Material in the Cosmetic Product Ingredients must go through a Whole and Thorough Change so that, following the Transformation, There is no Longer any Sign of it in terms of Color, Flavor, or Odor

The following are some jurists' opinions that have been condensed into this condition:

- ~ Al-Kasani claimed that najis material will achieve purity if it undergoes a change over time and its qualities alter to the point where the material is fundamentally different. This is the case because a substance will cease to be najis or impure upon transformation and conversion of its essence and qualities, as najis is a name attached to a described essence, and where such description is lost, the najis attribute will also vanish. The najis substance will resemble alcohol that has undergone a spontaneous transformation.⁸²
- ~ Ad-Dusuqi claimed that if najis manifestations in a substance have changed, the rule that governs it will also have changed.⁸³
- ~ According to As-Shirazi, alcohol was prohibited for a clear reason—the intoxicating component in it contributes to moral decay—and since this has been completely eliminated by the transformation, leaving no trace of impurity, it is imperative to rule in favor of its purity.⁸⁴
- ~ According to Ibn Hazm, “Where the name and character of Haram (forbidden material) have disappeared the ruling concerning it which is hinged on that name will cease to be operative.”⁸⁵
- ~ Ibn Taimiyya further asserts that a substance becomes into clean if it is known that the najis has converted, i.e., into a tangible compound like salt or water. This is true since neither the stated wording nor the implied meaning of the texts of ban explicitly mention these things as being prohibited. As a result, there is no

⁸² *Abu Bakr Bin Mas'ud Al – Kasani. Badae' Assanae'. N.P, Dar Al – kutub Al – E'lmiya (1986).*

⁸³ *Muhammad Bin Ahmad Ad – Dusuqi. (N.D). Asharh Al – Kabeer . N.E. N.P. Dar AlFikr.*

⁸⁴ *Abu Ishaq, Ibraheem Bin Ali As – shirazi. (N.D). Al – Muhathab. N. E. N. P. Dar AlKutub Al – E'lmiya.*

⁸⁵ *Abu Muhammad, Ali Bin Ahmed Ibn Hazm. (N.D), Maratib Al – Ejma' Allbadatwalmu'amalatwale'teqadat. N. E, N. P. Dar Al – Kutub Al – E'lmiya.*

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justification for its ban because it is neither prohibited nor falls under the general definition of what is prohibited. The scriptures pertaining to "tayyibat" (the pleasant and permitted) actually cover it.⁸⁶

- ~ According to Ibn Qayem, "A small quantity of impurity which has been dissolved into water and there is no trace of it in terms of taste color or smell is among the pleasant (tayyibat) and not the obnoxious (khabaith)".if a rule's effective cause is eliminated, the rule itself will no longer be in effect. This is the Shariah principle as it is stated in the sources. It follows that the application of the principle to all forms of najasat that go through a similar transformation process is required by the correct analogy. He continued by saying that even if the khabith's name and attribute have vanished, its rule cannot remain. In terms of existence and nonexistence, the injunction corresponds to both the name and the character.⁸⁷
- ~ As-Shawakani, on the other hand, asserts that if the waste an animal consumes emerges in its original form, it will be given the original injunction that applies to it. However, there is no justification for applying the najis rule to it if it arises after being transformed from the filthy material into a different form so that no trace of the color, smell, or flavor (of the najis) is present in it. As a result, it is now subject to a different injunction. You will see from this that the viewpoint holding that the Istihalah process purifies (substances) is the correct one.⁸⁸
- ~ As-Shanqeeti said the following when describing the purifying phase of Istihalah: "The transformation of a filthy (najis) material due to passage of time into a pure (tahir) material or the transformation of such material as a result of the work of an agent".⁸⁹
- ~ Moreover, Az-Zuhaili described it as "the transformation of filthy materials into pure materials; the transformation of forbidden materials (muharramat) into substances that are permitted in Shari'ah".⁹⁰

⁸⁶Abu Al'abbas, Ahmed Bin Abdul Haleem Ibn Taimiya. Al-FatawaAlKubra. N.P. Dar Al – Kutub Al – E'lmiya (1987).

⁸⁷Muhammad Bin Abu Bakr Ibn Al – Qayem. E'lam Al-Muaqqe'en. Bairut, Dar Al-Kutub Al-E'lmiya (1991).

⁸⁸Muhammad Bin Ali As – Shawkani. (N.D).Assail Al – Jarrar.N.P. Dar Ibn Hazm.

⁸⁹Muhammad Bin Muhammad Al – Mukhtar As – Shanqeeti.SharhZadAlMustaqne'. Arreyadh, Arreasa Al-A'amma lelbuhooh Al – E'lmiya walefta (2007).

⁹⁰Wahba Bin Mustafa Az – Zuhaili. (N.D).Al – Fiqh Al – Islamy waadelateh . Demeshq, Dar Al – Fikr.

- ~ Another contemporary fatwa stated that if it is proven that najis material have changed and their essential character has been transformed into oils, lotions, and cosmetics, then it will be permissible to use the aforementioned goods. Additionally, lotions that include alcohol but have been totally converted into a chemical that is not intoxicating are clean.⁹¹

Therefore, it is essential that all cosmetic products satisfy this requirement, which calls for the whole and full displacement of all najis substances in the cosmetic product following their conversion so that there is no longer any trace of them in terms of taste, color, or smell. Only then will the goods be there and allowed to be applied to people's bodies.

The Use of Cosmetics Made from Completely Transformed Najis Ingredients is only Permitted if doing so won't Prohibit the User from Engaging in 'Ibadat', or Acts of Worship

Some cosmetic items, such as some dyes and paints, when used on the nails, face, or other parts of the body that are washed during ablution (wudu) prevent water from reaching the skin during purification and invalidate any act of worship that depends on valid wudu. Therefore, it is forbidden for someone who is performing an ablution or ritual bath to utilize anything that inhibits the passage of water.

This is mentioned in the Quran as; ⁹² *فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ* °

“wash your faces, and your hands”.⁹³

The legal experts agree that the lack of anything that inhibits water from reaching the skin is one of the requirements for the legitimacy of ablution. Following are some of their opinions in this regard:

School of Hanafi: The lack of anything that hinders the water from touching the body, such as wax or lipid, is one of the requirements for the legitimacy of wudu.⁹⁴

School of Maliki: The absence of any obstructions, such as wax and fat that have built up on the organ, that prevent water from reaching the skin is one of the requirements for the validity of ablution.⁹⁵

School of Shafi'i: If a person's wudu organs contain any substance that will stop water from penetrating the skin, such as soluble fat, wax, a splint, sandarac fat, or henna, his wudu is invalid because all of these things stop the water from penetrating the skin.⁹⁶

⁹¹ *Fatawa Ashabaka Al – Eslamiya*, Accessed October 24, 2023, <http://sh.rewayat2.com/fatawae/Web/27107/055.htm>.

⁹² Al-Quran. 5: 6

⁹³ *Abdullah Yusuf Ali. “The Holy Quran: translation and commentary”*. Islamic Propagation Centre International, 1946: 242.

⁹⁴ *Hasan Bin ‘Ammar As – Shirnbelali. Maraqa Al – Falah Sharh Matn Nur AlEydah*. N.P. Al-Maktabah Al-‘Asriyah (1425).

⁹⁵ *Ahmad Bin Muhammad As – Sawi. (N.D). Bulghat As – Salik Liaqrab AlMasalik. N.E.N.P. Dar Al-Ma’arif*.

School of Hanbali: The removal of any object that would prevent the water from hitting the skin is one of the requirements for the legitimacy of ablution.⁹⁷

In addition to the aforementioned, using cosmetics that contain najissubstances that have not yet undergone fully transformed on any "wudu" organ is prohibited if they contain a substance that can prevent water from reaching the nails or skin, unless the material is removed prior to the wudu. However, if it is merely used for coloring, like henna, then wudu can be performed using it.

If the Najis Components of the Products have not been Entirely Replaced, then there must be a Compelling Reason for its Use, For instance When Used as Medicine in the Absence of a Legal Alternative Treatment and with a Prescription from a Reputable Muslim Physician with the Necessary Medical Training

There are various cosmetics that can be used for purposes beyond than simple beauty. These cosmetics are frequently used for medical purposes, such as in cases where the skin is affected by a malignant infection or by a physical flaw that marringly alters the appearance of the body, such as non-beneficial coloration and pimples, which cannot be treated or removed without the use of a cosmetic product that contains raw materials that have not yet been fully transformed, like oils and ointments. This criterion is based on the following arguments made by various jurists:

School of Hanafi: "Forbidden things like alcohol and urine can be used for medication if a Muslim doctor prescribes it as a cure and no lawful alternative medicine is found. This is so because prohibition is lifted in situation of necessity. The patient will therefore not be using a forbidden thing for medication in the circumstance".⁹⁸

School of Maliki: According to one of the two main beliefs of the school, administering najis for medical purposes on the body is legal. This perspective, therefore, includes a substance that is blended with najis.⁹⁹

School of Shafi'i: It is legal to use najis other than alcohol as medicine. This holds true for all kind of najis aside from intoxicants. According to the Shafi'i school's literature, the vast majority of its academics share this opinion.

According to one of the scholars (An-Nawawi), utilising najis for medical purposes is only acceptable if no other options can be identified. However, if such a substitute is accessible, the najis is categorically prohibited. Another need is that the individual delivering the treatment must have medical and healing knowledge and must be certain that there is no alternative to the treatment or that they have been assured there is none by a reputable Muslim physician.¹⁰⁰ In addition, he said in *Ar-Raudha*: "The disagreement concerning medication (using najis) only pertains to small quantity that does not intoxicate. This is

⁹⁶ *Abu Muhammad, Al Husain Bin Muhammad Al – Qadhi Husain.* (N.D). *AtTa'leeqah.* N.E. Makka Al-Mukarrama, *Maktabat Nizar Mustafa Al – Baz.*

⁹⁷ *Abu Al – Hasan, Ali Bin Sulaiman Al – Merdawi.* (N.D). *Al – Ensaf.* N. P, *Dar Ehya Atturath Al – Arabi.*

⁹⁸ *Othman Bin Ali Az – Zaila'i. Tabyeen Al – Haqaeq. Al – Qahirah,* Al-Matba'a Al-Kubra Al-Amiriyah (1313).

⁹⁹ *Abu Abdi Allah, Muhammad Bin Muhammad Al – Hattab. Mawahib AlJaleel .* N.P. *Dar Al – Fekr* (1992).

¹⁰⁰ *Abu Zakariya, Yahya Bin Sharaf An – Nawawi.* (N.D). *Al – Majmu'.* N. E. N. P. *Dar AlFikr.*

subject to a prescription by Muslim doctor or the knowledge of the patient if he knows medicine. Another condition is that there must not be an alternative that can be used as a cure. These two conditions are also applicable to all other forms of impurity”. He added that using dog or pig parts for clothing or on the body is illegal unless absolutely necessary. If the impurity is light, however, it is acceptable in other situations.¹⁰¹

As a result, jurists—may Allah have pity on them—have approved the use of najis for medicinal purposes while also establishing some restrictions. The jurists dispute on some of these prerequisites, while others are generally accepted. These requirements include that the najis be taken in modest doses, that there be no legal substitutes, that it not be used orally (eating and drinking), and that it be recommended by a reputable Muslim physician with the necessary medical training.

Therefore, if all the aforementioned requirements are completed and necessity requires the use of cosmetic products—which had najis chemicals that have not entirely been replaced—as medicine, this will be legal. It is more acceptable to guarantee that all requirements are met by products. Medication is under the category of necessities (*daruriyyat*), whereas cosmetics are considered embellishments (*tahsiniyyat*).

When Used for a Need or Requirement, such as Medication, there must be a Prevalent Assumption of the Najis Usefulness if it hasn't been fully Superseded

This needs to be verified by a reputable Muslim physician. However, usage of the product will not be legal if it turns out to have no desirable benefits. This is the case since the initial ruling on the use of haram and najis for medical purposes is that it is prohibited due to the widespread application of the pertinent authorities to that, such as the hadith related by **Abu Ad-Darda**, who claimed that the Messenger of Allah said: “Verily Allah Has sent down sickness and medicine and has provided cure for every sickness. Therefore, seek for medication but do not seek cure in what is forbidden”.¹⁰²

Additionally, Scholars have approved the use of najis for medical purposes under the previously mentioned conditions. As there is no need to reiterate the terms here, it would be more appropriate to guarantee that all terms are met by the items. Medication is under the category of *daruriyyat* (necessities), whilst cosmetics are considered *tahsiniyyat* (accents). This condition is distilled from the following jurists' points of view:

- ~ According to Az-Zaila'i: “It is lawful to use the forbidden like alcohol and urine if a Muslim doctor prescribes that it has a cure in it.”¹⁰³
- ~ Ad-Dusuqi Said: If there is a chance that an illness in a woman's intimate area can be cured, it is legal for her to seek treatment.¹⁰⁴
- ~ Ibn Qudama said: The correct stance is that it is permissible to eat medicine with harmful content in order to avert that which is more dangerous if it is generally

¹⁰¹ *Abu Zakariya, Yahya Bin Sharaf An – Nawawi. Rawdhat Attalibeen. Bairut, Al – Maktab Al – Eslami (1991).*

¹⁰² *Abu Daud, Sulaiman Bin Al – Ash'af. (N. D). Sunan Abi Daud . N. E. Bairut, AlMaktaba Al – 'Asriya.*

¹⁰³ *Othman Bin Ali Az – Zail'i. Tabyeen Al – Haqaeq. Al – Qahirah, Al – Matba'a Al – Kubra Al-Amiriyah (1313).*

¹⁰⁴ *Muhammad Bin Ahmad Ad – Dusuqi. (N. D). Asharh Al – Kabeer . N.E. N.P. Dar AlFikr.*

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believed to be safe for eating and there is a chance of receiving therapeutic benefit from it. As a result, it will be handled similarly to other medications.¹⁰⁵

Therefore, it will not be legal to use the items if this requirement is not met in them after partial transformation of the najis substance in them.

Najis Material in the Unaltered Cosmetic Product Ingredients are not to be Utilized for Oral Intake (Eating and Drinking), but rather for Application to the Skin when such Products are to be Utilized for a Compelling Need

This is based on the references previously mentioned regarding the impureness of animals that die on their own, which suggests that using the parts of such animals for eating and drinking is forbidden. As was previously noted, the majority of jurists share this opinion.

The hadith recounted by Ibn Abbas رضي الله عنه serves as the basis for the prohibition's expansion to applications on the body, in which the Prophet ﷺ passed by a dead goat and said, "Why would you not make use of its skin?" they said: 'It is dead' to which he responded: "What is prohibited is eating it".¹⁰⁶

As a result, it is prohibited to use cosmetic products that still include their original najis constituents for eating or drinking. An example of this is the use of cosmetics made from oil and herbs as oral medications.

Since the Source of all Harmful Things is that they are Prohibited, the Products Created via the Transformation of Najis Material must not have any Negative Effects

The hadith:

عن أبي سعيد الخدري رضي الله عنه أن رسول الله صلى الله عليه وسلم- قال: لا ضَرَرَ ولا ضِرَارَ

According to Abu Sa'īd al-Khudri رضي الله عنه, the Prophet ﷺ stated:

"Do not cause harm nor reciprocate the harm",¹⁰⁷

and the verse

وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ¹⁰⁸

"and make not your own hands contribute to (your) destruction"¹⁰⁹

provide evidence for this. A goal of Islamic law is also to safeguard human life and its purity. Thus, every Muslim must take all necessary precautions to keep themselves safe. We previously reported that several doctors have emphasised that certain cosmetics are linked to

¹⁰⁵ Abu Muhammad, Abdu Allah Bin Ahmed Ibn Qudama. *Al – Mughny*. N.E, N.P. Maktabat Al-Qahera (1968).

¹⁰⁶ Abu Abdu Allah, Muhammad Bin Esma'el Al Bukhari. (1422). Saheeh Al Bukhari. N.P. Dar Tawq Annajat. Hadith # 1421.

¹⁰⁷ Ibn Maja, Sunan Ibn Majah.3, Book 13, Hadith 2340.

¹⁰⁸ Al-Quran. 2: 195.

¹⁰⁹ Abdullah Yusuf Ali. "The Holy Quran: translation and commentary". Islamic Propagation Centre International, 1946: 77.

harm to health. These include, for instance, hair colors that cause severe skin sensitivity, some lotions that cause rashes, and some that include ingredients that are carcinogenic and could put users at risk for poisoning and skin cancer. Therefore, using the items will not be permitted if the health risks attached to them are certified by experts and professionals. The scholars of Islamic law have cited numerous textual authorities on this subject, some of which are listed below:

- ~ Medication seeking is legal and frequently required. The use of such medication, whether internal or external, should be done using what is known to be medically beneficial and will not worsen the condition being treated.¹¹⁰
- ~ Everything that is healthy and doesn't hurt people can be eaten, with the exception of an animal's tanned skin that naturally expires.¹¹¹

Numerous additional authorities support the legality of medication when combined with any ingredient that has a medical purpose as well as when combined with anything that endangers people. The officials also say that it is okay to eat anything that is sanitized and safe. Therefore, expanding such acceptable character to include applications other than drinking and eating is more suitable. As a result, it is acceptable to use and apply cosmetics that are pure and safe on one's body. However, as stated by the authorities listed, it will not be legal to use it if it is determined to be dangerous.

Conclusion

The cosmetics industry offers three distinct product lines: Firstly, cosmetics that have been halal certified by an authoritative body; secondly, cosmetics that do not contain any halal ingredients; and thirdly, cosmetics that were not halal-certified but do not contain any prohibited ingredients in their formulation. Finding halal in all aspects of life is our obligation as Muslims in order to receive the Mardatillah from Allah s.w.t. Because halal encompasses all element of our life, finding halal for cosmetic items is extremely crucial. Lack of awareness, understanding, and enthusiasm for finding halal goods in our lives may have an impact on our lack of understanding of religiously linked topics.¹¹²

However, According to Islamic law, washing away a stain can restore purity to something that was previously impure. The practice of istihalah (form change) is one technique to achieve this. Istihalah is the process of changing a material's form by combining it with another substance to produce a new good with a distinct form and composition. Hanafi, Maliki, Ibn-e-Taymiyyah, Ibn al-Qayyim, al-Shawkani, and Ibn Hazmmadahib are among the first to expand its application. They apply the istihalah idea in a broader sense. Istihalah transforms unclean matter into clean matter, according to both the Al-Hanafiyah and Al-Malikiyahmadahib. This is the idea that applies to the modern era the most. Al-Hanabilah madhab, on the other hand, maintains that najis 'ain, such as pigs, cannot be eradicated

¹¹⁰Ahmad Bin Muhammad As – Sawi. (N. D). *Bulghat As-Salik Liaqrab AlMasalik*.N.E.N.P. Dar Al-Ma'arif.

¹¹¹Ahmad Bin Muhammad Al – Haitami. *Tuhfat Al – Muhtaj*. N. E, Mesr, AlMaktabah At – Tijariyah Al – Kubra (1983).

¹¹²ShamilatulShamimi Abdullah, MohdDasuqkhiMohd Sirajuddin, and Abdul Razak Abdul Kadir. "Ablution – Friendly Cosmetics: Analysis From Fiqh Perspective." *al-Qanair: International Journal of Islamic Studies* 28, no. 2 (2022): 72 – 82.

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despite going through comprehensive transformations unless there are three exceptions. According to Hanbali madhab, the only impure substance that can be transformed into a pure one through the istihalah process is arrack, which turns into vinegar on its own. Burning, tanning, and combining with other compounds don't produce purifying changes.¹¹³ Based on the views expressed by Islamic scholars regarding the broadening or narrowing of the istihalah concept, it is concluded that the idea put forward by the Hanafi madhab scholars is more applicable because it is in line with reality. This idea is sensible and logically consistent with the rapid advancement of science and technology.

¹¹³Ratna Wijayant, and M. Elfan Kaukab. "*Istihalah issue of halal food, medicine, and cosmetics.*" *Journal of Islamic, Social, Economics and Development* 4, no. 19 (2019): 203-213.