

CHAPTER VI :

CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

Prevention of diseases in the last two centuries are transformed into better performances owing to systematic management of hospitalization, sophisticated assisted-technology and active health promotion. Nevertheless, stemming from the modern lifestyle, women particularly are suffering over catastrophic and lethal medical complication such as obstetric VTE. The emergence of VTE as principal death of motherhood in Malaysia are contributed by several factors which interlinked closely to lifestyle such as obesity, caesarean delivery, pregnancy at older age and multiparity. While in another hand, some unfortunate women are inevitable from their genetical background of thrombosis.

As Islam offers of wellbeing over mankind, the prevention and management initiatives does include VTE risk and management surrounding pregnancy and puerperium, timely and progressively. The open-minded of *shari'ah* thinking and fresh opinion corresponding upon novel issues in tandem with Islamic teaching are always encouraged to flourish and enhance in life. As a result, the objective of *shari'ah* to

eliminate evils and cultivate wellness in all aspects may not be despaired or deplored (Al-Zuhayliyy, 1999).

Throughout this research, the findings may not meet with the Islamic legal rule and its principle of the implementation in Malaysia, however in fulfilling the objective, it offered premises from *fiqh* perspective in dealing with medical treatment with using unlawful sources, opening another perspective in *fiqh* discussion where legal texts remain dwelling as its first priority. The first objective in which, to elaborate the prevention and treatment of VTE during pregnancy and puerperium, all the data and facts were described from medical perspective in chapter 4 on the pages 75-100.

Second research objective was answered in chapter 4 too which encompassing the shariah principles that underpinning in this research by threefold; First, *istiḥālah* and *istihlāk* on the pages 151-183. Second, *ḍarūrah* principle on the page 183-225 and third *al-ḥājah* on the pages 226-261. Subsequently, depending on the proposed integrated medical-shariah parameter in evaluating VTE risk on the pages 322, 324 and 330, the third research objective which concurrently occupying the main objective of this research was thought are achieved. In the discussion chapter, the researcher has put effort to describe the data collected from interview and documented in order to reveal the solution in tandem with contemporary *ijtihād* regarding thromboprophylaxis with porcine based anticoagulant like LMWH for pregnant and puerperium women.

It can be concluded that the principles of tenacious need to justify the usage of porcine base LMWH anticoagulant for thromboprophylaxis is categorized as *ḍarūrah* situation. Because of that, pharmacological prevention through thromboprophylaxis with proven anticoagulant deserved to be articulated in depth from *fiqh* perspective are worthwhile.

Generally, VTE in pregnancy and puerperium in Asia especially Malaysia

known as lower in ratio of event than western countries. While this situation is thought to be considerably underestimated owing to certain reason such as limited availability of epidemiological data in Asia. On this occasion, this shortcoming consequently has contributed to a lower prevalence of VTE during pregnancy and puerperium in Asia.

However, since LMWH has not fulfilled the main prerequisite in *halal* pharmaceutical area due to its ground preparation from porcine, then this research has embarked as a little effort to explore a solution from *fiqh* perspective upon its consumption among Muslim pregnant women and in puerperium. This is because there is an unstable safety profile upon mothers and unborn babies if *halal* alternative like Fondaparinux if prescribed to at-risk mothers.

In the beginning of this research, the researcher tried to align moderate or intermediate risk group at VTE risk as ordinary need to perceive LMWH as prevention. However, after conducting a series of interview and triangulated the data with significant amount of literatures, in turn, it is useful to highlight again that pregnancy itself is the most potential risk to cause VTE incidence which is vicious upon women and fetuses and may lead to fatality. While there is a paucity of experimental research to be established upon pregnancy term due to unethical issues, then the most effective and safe anticoagulant shall be proposed as permissible temporarily.

In detail, the researcher evaluates that LMWH is permissible based on its material as there was no residual of porcine DNA identified after going through *istiḥālah tammah* process. Even though the principle of *istiḥālah tammah* is not accepted under MCMKI current practice, however, this conflicts supported by several *qawā'id fiqhiyyah* namely *al-ḍarar yuzāl*, *lā ḍarar walā ḍirār* and *al-ḥājah tunazzal manzilah al-ḍarūrah*.

Based on the data from clinicians as *ahl al-khibrah* in medical field, the

probability of obstetric VTE causes mortality at *ghalabah al-zan* which rated from 51%-99% of expectation. Therefore, the medicine to prevent maternal mortality beforehand of any occurrences is categorized under *darurah* considerably. The researcher hoped through the parameter of integrating between shariah and medical paved the way out in helping Malaysia shariah scholars to impose *fatwā* regarding this matter.

6.2 Implications

In studying this topic, it involves interdisciplinary studies which integrated between shariah and medical specializations. While the researcher herself dedicated to re-contemplate from *fiqh* point of view the research was thought to leave influential impacts to some authorities in Malaysia considerably as following;

6.2.1 Implication to Organizational Authorities in Malaysia particularly JAKIM, MCMKI and MOH

This research initially embarked due to an observation pertaining to disharmony situation between JAKIM, MCMKI towards MOH implementation with regards in the usage of LMWH as thromboprophylaxis for pregnant women and after delivery. In fact, CPG and Training Manual 2018 mentioned that the preventive medicine which has been recommended according to the scientific evidence is LMWH. If there is an exceptional to O&G department to use that in *darūrah* and *hājah*, the situation would be better due to MOH and JAKIM, MCMKI implement the parallel standard which not contrary stances among each other.

6.2.2 Implication to the front liners in dealing with patients such as medical doctors and pharmacist

This research would elucidate the misconception between the front liner who deals with patients. Specifically, in this case, medical doctors and pharmacists in government hospitals. The level of *sharī'ah* background of Muslim medical doctors and pharmacists varies and some of the Muslim doctors felt guilty to prescribe it with the fatwa on that issue had been imposed. Some of them especially pharmaceutical experts and medical doctors viewed the decision of the *fatwā*, and understood clearly the definition, but majority of medical providers including non-Muslim medical doctors viewed that the *fatwā* seems to be at the opposition and comprehended with different perspective especially in O&G department. Thus, creating everlasting conflicts and dilemma.

6.2.3 Implication to Women in Pregnancy and Puerperium

The implication upon women in pregnancy and puerperium who require or need for thromboprophylaxis with LMWH may regarded as substantial impact to their lives because by having a clear and explicit *fatwā* to allow thromboprophylaxis with LMWH will solve misconception faced by the women and her family. Boon Ki Moon in broadcasting Millennium Development Gold upon women, he solemnly emphasized in his speech at an event on ending maternal mortality in Nairobi, 2014 that “No women should die while ‘giving life’”. In other situation, while Islam brings peace and facility for Muslims, then *fatwā* should be seen as not too stringent by stating unlawful sources are allowed for *darūrah* only, whereas medical cases which deemed as life threatening diseases like VTE can justify the usage of LMWH with *ḥājah* is ranked as *darūrah*. Besides, the sentence of the *fatwā* decision also should appear explicitly in public for

example, “It is proved clinically, VTE especially pulmonary embolism during pregnancy and puerperium event may cause to sudden death. Therefore, LMWH is permissible temporarily due to its efficacy, safety profile, feasibility and accessibility.”

6.2.4 Implication to Islamic Academic Researcher and Students

Researches is an imperative element to all researchers either academicians or students. The value of research with concrete reasoning and legal proofs from *sharī'ah* experts will assist in tremendous manner for them to study in new point of view. Following this research, many academicians and students may regard this research as a valid reference for their further studies.

6.2.5 Implication to Pharmaceutical *Halāl* Industry

Regardless to declare the implication to pharmaceutical area of interest, reviewing *fatwā* of LMWH with using *ḍarūrah* and *ḥājah* principle does not intend to make a dispute state toward pharmaceutical *halal* industry in Malaysia. In fact, their acceptance to use LMWH for thromboprophylaxis in Malaysia will expresses their flexibility to the lethal medical condition like VTE nowadays. In fact, reviewing *fatwā* decision will not halt them to expand their role and slogan to educate Malaysian for *halāl* pharmaceutical.

6.3 Contributions of the Study

This study may consider several contributions as following:

6.3.1 Practical Knowledge

Medical specialization is among of practical areas which enable doctors and pharmacist to apply their knowledge in order to promote best health, prevent harm diseases and restore health condition. Thus, this research will further facilitate their

tasks in saving people's lives without being blamed, as there are times where issues relating to challenging to *sharī'ah* compliance in treating the patients. Moreover, the parameter standard which integrates the situation of high-risk group, moderate risk group and low risk to the *sharī'ah* guideline verified that VTE is a principle killer in maternal mortality in 2017. Then, the legal texts such as *qawā'id fihiyyah* had been studied and integrated by the researcher throughout this research upon each risk group will definitely, assist MCMKI to impose the appropriate *fatwā* today.

6.3.2 Methodological Knowledge

The researcher had translated the data obtained from interview session by using Cohen's Kappa method to verify a reliability of the result which was well tabulated in the Chapter 5. Even though this research employed qualitative methodology which using case study design, but to ensure the result from three different specializations namely medical, pharmaceutical and Shariah are calculated precisely on their level of agreement and differences then Cohen's Kappa method is the best for its validity.

The researcher views that, despite few *sharī'ah* researchers had discussed on LMWH before this, instead, their result merely based on textual content analysis from *fiqh* and *uṣūl fiqh* method from different point of view. In contrary, this research employed interviews from practitioner's perspective such as medical and pharmaceutical to find out the meaning and understanding the reality situation nowadays. Therefore, this research entailed a methodological contribution to recommend revisiting the *fatwā* if appropriate, to be aligned as contemporary demand as *fatwā* is subjected to change according to the need of the society or certain group.

6.3.3 Theoretical Knowledge

MCMKI imposed the decision on LMWH (Clexane and Fraxiparine) as prohibited unless for *ḍarūrah* situation. However, throughout this research, the researcher observed that life-threatening diseases like VTE during pregnancy and puerperium may allow the unlawful sources for medical treatment under the justification of either *ḍarūrah* and *ḥājah*. The researcher agreed with the stances of several contemporary shariah scholars such as Al-Zuhayliyy (2015), Mubārak, (2003) Hapiz, (2016) who arguing that *al-ḥājah tunazzal manzilah al-ḍarūrah* is equivalently meant to the minimum of *ḍarūrah*.

Thus, the principle of *ḥājah* is applicable in allowing unlawful substance of medicine in medical sources with certain guideline as adapted by the researcher in chapter 5 which prioritization given to the *istiḥālah tāmimah* medicine. In fact, the principle of *istiḥālah* and *istihlāk* also regarded as theoretical contribution for knowledge spectrum based on non-partisan stances like Hanafite and Malikite thought of line regarding *istiḥālah* theory, even though it does have lack of enthusiasm in term of implementation in Malaysia.

6.4 Future Recommendation

Considered as time constraint in this research, the researcher was not able to comprehend the reality of all kind of disease which urge for thromboprophylaxis with LMWH in this little study. Because of that, the researcher observed there are few recommendations that could be proceeded in future to complete this research as following:

First: A humble opinion to propose upon knowledgeable shariah scholars in MCMKI to review the *fatwā* in a contemporary dimension which focusing more on tenacious need in current practices O&G related to obstetric VTE since pregnancy itself potentiates to contribute to maternal mortality ratio in Malaysia.

Second: A suggestion to conduct studies on other lethal and catastrophic diseases which might urge for LMWH as thromboprophylaxis. As this research focused on pregnancy and puerperium scope, then the researcher did not discuss other diseases such as cardiology, orthopedic or hematology as these specialties also use LMWH for prevention and therapeutic treatment of VTE even though towards non-pregnant patients.

Third: A tenacious need for Muslims pharmaceutical experts to have our own halal or kosher pharmaceutical production in order to achieve *sharī'ah*-compliant but it need a substantial energy, material, knowledge, technologies to produce our own medicine although still has a long way of journey in establishing the *halāl* pharmaceutical with free from unlawful source religiously. It is a hope that in future, there is *halāl* alternative, yet not inferior than LMWH in term of efficacy, safety profile, accessibility and feasibility without any dispute from experts globally, then thromboprophylaxis for VTE during pregnancy and puerperium with that *halāl* anticoagulants will be favored without bias element.