

## EMERGENCY CONCEPT IN ISLAMIC LAW

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### ABSTRACT

Al-Qur'an and hadith have offered various solutions to many problems found in this world. However, recently the solutions for many contemporary issues can not be found in the Qur'an and Hadith. For the problems assumed having no solution in the Qur'an and hadith, the jurists are finding solutions through the doors of Ijtihad. One of these problems is the emergency condition. For the concept of emergency, Islam gives legal statutes within Islamic law. The statutes are sometimes permitting to be halal for things that decreed as forbidden due to the emergency condition. The Haram can be seen as halal during the emergency only. However, after the emergency and the problem has been solved, the prohibited ones will stay Haram just like before following the Islamic law. This urgency has a relation to the frequency of natural disasters in Indonesia, causing the loss of life, loss of job, etcetera, and many people may assume to do the unlawful acts under the emergency. This research paper explains about this emergency concept and how it should be implemented through the concepts found in Al-Qur'an and Hadith. This research is descriptive qualitative. The data sources are Al-Qur'an, Hadith, and various Islamic law books about the emergency condition to find solutions that can be considered right. The result has found that there are some different perspectives in giving solutions for the emergency condition offered by the four schools of Hanafi, Maliki, Syafi'i, dan Hambali.

**Keywords:** Concept of emergency, Islamic law, Fiqh rules.

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### 1. Introduction

In Islam, two guidelines can be used as references as Islamic law to solve problems and judge giving punishments that are considered fair, namely, Al-Qur'an and Sunnah (Hallaq, 2009). Al-Qur'an is the holy book of Muslims (Al-Khowarizmi, Akrim, Lubis, & Lubis, 2020) in providing answers to all personal questions and problems (Edwin, 2016), which is sure to be true. Meanwhile, Sunnah is an Arabic term that refers to the way of life of the Prophet Muhammad and is a role model that should be emulated in Islam (Alwazna, 2016; Brown, 2009) which is often exemplified or uttered by him (Shabbar & Roberts, 2017). It shows no god but Allah, and only the Prophet Muhammad SAW, who can be followed by all Muslims in the world (Sirin & Fine, 2008). Even so, there are indeed many new problems that are not resolved in the Al-Qur'an and Sunnah. It is because quoting verses that do not fit the context can be dangerous to do with religious texts (Haleem, 2018). Besides, many Muslim thinkers think that the interpretation of

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the Qur'an and Sunnah may be limited and inadequate to support the needs of the changing world ([Murnisa, 2002](#)) and also because Islam prioritizes ethics in solving problems ([Padela, et al., 2008](#)). Overtime in the early 19th century, lots of material from the Qur'an began to be studied within the framework of the historical-critical method ([Azmi, 2017](#)). Even so, the explanation of everything that is *al-qawan al-ammah* (general rules) and *al-mabadi al-kulliyah* (universal principles) can be applied to all cases and problems that arise in human life both as individuals, as people, both those who are still living in the past, present, and future. Even just listening to the chanting of the Qur'an is believed to be able to help solve psychological problems ([Ghiasi & Keramat, 2018](#)).

In fact, with a clear understanding of the translation and interpretation of the scriptures that underlie shari'a can show that decisions also require interference from the political system (government) ([O'Sullivan, 2001](#)) because, in Islamic law, Muslims must follow the policies of the local government. They live ([Elbih, 2015](#)). Besides, one thing that needs to be remembered is when talking about any topic, it is necessary to assess both the normative or ideal aspects and what happened or the practical aspects ([Badawi, 2011](#)). Although all Muslims have the same beliefs, behavior, and understanding of certain concepts may vary depending on the level of faith, socioeconomic status, education, awareness, and cultural context ([Al-Aoufi, Al-Zyoud, & Shahminan, 2012](#)), which can influence how a person perceives a problem. Islam is an independent ethics field ([Rispler-Chaim, 1989](#)) which can determine and solve problems through Islamic law. Ethical considerations in Islam also consider the historical and cultural diversity of Muslim communities living in many different parts of the world ([Sachedina, 2005](#)). Islam also encourages Muslims to read the Koran to find ethically correct (moral) solutions to everyday life problems in the present era by using their respective intellect and intelligence ([Brockopp, 2003](#)). Therefore, by in vng many matters relating to a problem as previously described, Islamic rules and principles based on the Al-Qur'an and hadith can also be applied in this modern era.

Humans do not always live an ordinary, natural, and smooth life in a specific place and period in everyday life. In this case, it is not impossible if humans experience things beyond their ability to refuse, avoid, or overcome them. In other words, the occurrence of a situation that can endanger his life, such as threats from other people, hunger, and difficulty getting food, natural disasters, war conditions, epidemics, etcetera. Ibn Sina mentioned the problem of destiny or al-qadar, which is the main problem of reconciling the Almighty provisions on human behavior and character and the reward and punishment in the hereafter as a way for God judge humans ([Houkani, 1966](#)). According to time or destiny ([Encyclopedia of Religion, 2020](#)), human life has been determined by fate, fortune, mate, and death. For example, the disaster or the Covid-19 pandemic phenomenon occurred recently in various parts of the world. Coronavirus is a new type of virus transmitted to humans. This virus can attack anyone, including infants, children, adults, the elderly, pregnant women, and breastfeeding mothers. Phenomena and conditions are

certain things that cannot be avoided. The coronavirus or Covid-19 that has entered Indonesia is alert because the number of positive cases of Covid-19 has reached 31,186 cases in Indonesia itself.

In contrast, the number of deaths itself has reached a total of 1,851 people. It has many consequences that do not only affect casualties. Nevertheless, various economic and hunger problems resulted from conditions that made it impossible to earn a living. This situation cannot be imagined beforehand, and there is no power for humans to avoid it.

In a situation described above, if we rely on the basic principles of justice and the benefit of humanity, Islam offers a solution in the form of exceptions. This solution makes some of the demands of ukhrawi can be eliminated. In other words, it does not result in sin and punishment in the hereafter (Zuhaili, 1997). It means that this exception makes it easier for humans to carry out their religious obligations according to conditions per the reality of life, that Allah wants convenience and does not willing trouble. As Allah says in Q.S. al-Baqarah: 185, which reads:

...يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ...

Meaning: "Allah wants convenience for you, and does not want trouble for you" (Surah al-Baqarah [2]: 185).

However, in this verse, that as humans in dealing with various phenomena and natural disasters, there is very easy to use arguments from the concept of emergency to obtain legal relief. It is even more so for the masses today, for example, leaving Friday prayers with the excuse of avoiding the coronavirus even though in their area they are areas that are free of corona or are in the green zone. It cannot be justified if to allow what is prohibited or Haram and leaving what is obligatory on the grounds of an emergency principle to get relief or convenience for him. Assuming that there is no way out of avoiding this haram act, they argue that it is an emergency.

The illustration above, of course, raises the question: is there a way that justifies this action, and has a factual basis, or can this action be able to deliver from unclean sins through the emergency door? Is the emergency door which they hold as evidence of a syar' i emergency that Allah declared to His servants, which is seen as one of the flexibility of Islamic law that tolerates and is accurate for all times and places? Is there still a place for what is forbidden or prohibited or an obligation forbidden after that? The concept of emergency that exists in Islamic law has clear and firm definitions.

Thus, if the use of emergency arguments is inappropriate, then the wisdom meant by the coming of the Shari'a will disappear so that sanctions and prohibitions become friends of desire and

places where meaningless actions can escape and become fertile ground for chaos and turmoil. Allah has warned it in Q.S al-Mu' minun verse 71:

وَلَوْ أَتَّبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَوَاتُ وَالْأَرْضُ وَمَنْ فِيهِنَّ ۚ بَلْ أَنْتَبَهُمُ  
بِذِكْرِهِمْ فَهُمْ عَنْ ذِكْرِهِمْ مُعْرِضُونَ

Meaning: "If the truth had indulged their lusts, the heavens and the earth would have perished, and everything in them. We have brought to them their pride (Quran), but they turn away from that pride." (Q.S al-Mu' minun [23]: 71)

Based on the explanation above, this paper examines the concept of emergency in Islamic law further.

## 2. Methodology

This research was adopting a qualitative descriptive method with literature studies. This qualitative research is an interactive process that enhances the understanding of the scientific community obtained by making new findings that are different from before by becoming closer to the phenomenon under study (Aspers & Corte, 2019). The data are described as descriptively concerning the literature. Primary data is taken from the Al-Qur'an and hadiths related to the concept of emergency. Secondary data is from books and books that explain the concept of emergency in Islamic law. The data described through the Al-Qur'an and Sunnah arguments, which show the law allows an emergency, then find the limit of emergency, find a solution regarding the size of consumption allowed in an emergency, and find lessons from an emergency, and finally draw a conclusion.

## 3. Verses that Allow about an Emergency

### 3.1. The verses of the Qur'an

The Qur'an, which contains direct instructions from Allah (Hidayatullah, 2013), is very beautifully written in magical and poetical Arabic (Kidwai, 2017), so that many have written it in calligraphy (Hooker, 2019). Not only to be written beautifully or read charmingly, but the Koran is also mainly used as a reminder, giving awareness and attracting attention (Al-Ghazali, Shamis, & Alawiye, 2000). Moreover, it makes it an essential reference text (Masud, 2016) and is a blessing for Muslims. They have an equal position in Allah's eyes (Rizvi, 1981) in guiding their lives. Thus, daily life is considered as an opportunity given by God for humans to carry out His commands with real and clear rules (Kim, 2007). In it, Allah states what is permissible or lawful and which is not allowed or Haram, which is understood as what is right and what is wrong (Halstead, 2007). One example is what kind of knowledge can be studied and what knowledge should not be studied (Huda, Jibrail, Jasmi, & Zakaria, 2016). Likewise, the rules of halal food

are considered to be by shari'a (Ambali & Bakar, 2014). However, in times of emergency, things that are considered Haram can be done or consumed.

The arguments of the Al-Qur'an which state that a Muslim is allowed to do something that is forbidden because in compulsion is the Word of Allah SWT in Surah Al-Baqarah verse 173:

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنزِيرِ وَمَا أُهْلَ بِهِ لِغَيْرِ اللَّهِ فَمَنْ اضْطُرَّ  
غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ عَفُورٌ رَحِيمٌ

Meaning: "Verily Allah only forbids for you carcasses, blood, pork, and animals that (when slaughtered) are called (names) other than Allah, but whoever is forced (to eat it) while he does not want it and does not (also) transgress. There is no sin for him. Allah is Forgiving, Most Merciful." (Q.S. Al-Baqarah [2]: 173).

Some commentators, such as Al-Saadi, interpreted the meaning of "while he does not want it" as someone only eating the forbidden because they have to. Not even by enjoying or tasting it, this also means that he wants it. The meaning of the word of God "and not transgressing" is to eat it to the point of being full.

Meanwhile, Mujtahid, Ibn Jubair, and others said that the meaning of the word of Allah "while he does not want it and does not go beyond the limit" is the desire and action that exceeds limits that harm the Muslims. So, those who want it and go beyond the limit are thieves, people who oppose the ruler without any restrictions justified by religion, travel to break family ties, and people who want to attack the Muslims.

Al-Qurthubi confirms this opinion because the original meaning of the sentence al-baghyu in language means damage. Furthermore, Al-Qurthubi says that Allah allows a person to eat or do all the unlawful actions in an emergency because he cannot get or do what is allowed. So, because nothing is allowed, it becomes a condition of allowing something that is forbidden (Al-Qurtubi, 1996).

In Q.S Al-Maidah verse 3 it is also stated that:

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخِنزِيرِ وَمَا أُهْلَ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ  
وَالْمَوْفُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ  
وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلَمِ ۚ ذَلِكُمْ فِسْقٌ ۗ الْيَوْمَ يَبْسُ الدِّينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَخْشَوْهُمْ

وَأَخْسُونَ ۗ الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمْ الْإِسْلَامَ دِينًا ۗ  
فَمَنْ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرَ مُتَجَانِفٍ لِإِثْمٍ ۖ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

Meaning: "It is forbidden for you to (eat) carcasses, blood, pork, (animal meat) that were slaughtered in the name of other than Allah, those who was choked, beaten, fell, gored, and killed by wild animals, except those you had time to slaughter them, and (it is forbidden for you) to be slaughtered for idols. Furthermore, (it is also forbidden) to draw fate with arrows, (to draw fate with arrows) is wickedness. On this day, the disbelievers have given up (overcoming) your religion, so do not be afraid of them and fear Me. On this day, I have perfected your religion for you, and I have filled you with My favors, and I have accepted Islam as your religion. So whoever is forced due to hunger accidentally commits sins, verily Allah is Forgiving, Most Merciful." (Surah Al- Maidah [5]: 3)

According to [Al-Qurthubi \(1996\)](#) the meaning of Allah's word: "then whoever is forced due to hunger" means whoever because of an emergency must eat a carcass and other things that are forbidden in this verse. Meanwhile, the meaning of God's word "sinfully" is not inclined to prohibition in the sense of not wanting and not transgressing. That is, without any intention of committing immorality, as Allah SWT says below:

وَمَا لَكُمْ أَلَّا تَأْكُلُوا مِمَّا ذُكِرَ اسْمُ اللَّهِ عَلَيْهِ وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلَّا مَا  
اضْطُررْتُمْ إِلَيْهِ ۗ وَإِنَّ كَثِيرًا لَيُضِلُّونَ بِأَهْوَائِهِمْ بِغَيْرِ عِلْمٍ ۗ إِنَّ رَبَّكَ هُوَ أَعْلَمُ  
بِالْمُعْتَدِينَ

Meaning: "Why don't you want to eat (the clean animals) which are called the name of Allah when you slaughter them, when in fact, Allah has explained to you what He has forbidden on you, except what you are forced to eat. Furthermore, most of them (from humans) want to mislead (others) with their passions without knowledge. Indeed, your Lord, He who knows better those who transcend limits" (Q.S. Al- An'am [6]: 119).

The meaning of Allah's word: "why don't you want to eat what is called by the name of Allah when you slaughter it, when in fact, Allah has explained to you what He hath forbidden you"?. According to some scholars who are expert commentators are: "why do you mind eating halal food that when you slaughter the name of Allah, what prevents you from eating it, while Allah has explained and explained what is forbidden to you, except what you are forced to eat, which is in the form of things-that which has been forbidden on you, meaning that if you are forced to eat it because you endure hunger that has been sustained again, then it is allowed to you."



Thus, if it is related to the current relevance amid the Covid-19 pandemic, then when the condition is felt increasingly urgent, it is impossible to earn a living, which results in a person not having the slightest amount of food to ensure their survival. Based on the concept of emergency itself, this can be justified as the goal of al-maqasyid al shari'ah law, one of which is to protect the soul. It is in line with the above verses that all regulate exceptions for emergency reasons to protect the safety of life from death so that it overrides the existence of the danger, which is the cause of prohibition. Because in a hungry state, the resistance of a large stomach becomes strong from food attacks without feeling sick. According to al-Bazdawi and several scholars of other commentators, some in ordinary circumstances, in a state of emergency, Allah gave an exception. To exclude from prohibition means to allow. The law that applies in an emergency is the same as that applies before the prohibition; both are allowed.

### 3.2. Verses of al-Sunnah

Every Muslim is obliged to eat halal food. In this concept, Islam teaches that the meaning of eating is for life and the body's health so that it can support daily activities, not eating for enjoyment alone (Nimrouzi & Zare, 2014). In Islam, what food is allowed or not to be eaten is clearly stated in the Qur'an, so it has become part of the identity of every Muslim (Kassam & Robinson, 2014). Every food that enters the body greatly influences the physical, mental, and psychological aspects. In Islam, parents are encouraged to feed their children with excellent and halal foods and keep away from prohibited or Haram (Bidgoli, 2019). Even some priests also recommend what foods are good for good and faithful (Tbarsi, 1990). Many foods and traditional medicines from a very ancient era were considered useful in maintaining health and treating diseases. After scientific research, these foods have been carried out since the Prophet Muhammad's time and other plant products with a full historical use history (Ali, Parveen, & Ali, 2018). Even so, in an emergency, eating food that is considered Haram might be allowed.

Sunnah verses that show the possibility to eat haram food in an emergency include the following:

عَنْ أَبِي وَاقِدِ اللَّيْثِيِّ قَالَ قُلْتُ يَا رَسُولَ اللَّهِ إِنَّا بَأْرُضٍ تُصَيِّبُنَا بِهَا مَخْمَصَةٌ فَمَا يَحِلُّ لَنَا مِنَ الْمَيْتَةِ؟ قَالَ إِذَا لَمْ تَصْطَبِحُوا وَلَمْ تَغْتَبِقُوا وَلَمْ تَحْتَفُوا بَقْلًا فَشَأْنُكُمْ بِهَا.

Meaning: "From Abi Waqid al-laitsi, he said," I said, "O Messenger of Allah, we are on earth that brings us to severe hunger, then what carcass is lawful for us? He said: if you do not get oil to serve as a light at night, do not get milk to drink, do not get plants to eat, then at that time you are allowed to eat the carcass "(Narrated by Ahmad).

Another hadith reads:

عَنْ جَابِرِ بْنِ سَمُرَةَ أَنَّ أَهْلَ بَيْتِ كَانُوا بِالْحَرَّةِ مُحْتَاجِينَ قَالَ فَمَاتَتْ  
عِنْدَهُمْ نَاقَةٌ لَهُمْ أَوْ لِعَيْرِهِمْ فَرَخَّصَ لَهُمُ النَّبِيُّ ﷺ فِي أَكْلِهَا...

Meaning: "From Jabir bin Samurat that a family who inhabits a house in al-Harrat is in a state of a shortage of food said Jabir: then their camels died or belonged to someone else, then the Prophet gave an exception to eat it ..." (Narrated by Ahmad).

Naqli's verses, both the Qur'an and the hadith above, form the basis of the rules for emergency matters and their laws in Islamic fiqh. To this context, fiqh or Islamic law has a long history, touching many subjects of study in the present era ([Al-Alwani, 2005](#)), including what has been explained, what can and should not be done, and emergencies.

#### 4. Limitation of Emergency

There are diverse schools of thought in Islamic fiqh so that there are also many experts and claimants of Islamic science who have different opinions ([Al-Alwani, 2005](#)). This school's age range varies, illustrating that Imam Malik is 13 years younger than Imam Abu Hanifa and 103 years older than Imam Bukhari ([Arab News, 2012](#)). There are four groups of mazhab in Islamic jurisprudence, namely Hanafi, Maliki, Syafi'i, and Hambali, which differ in establishing laws because of the different times fuqoha that the problems faced are also different ([Badriyyah & Az Zafi, 2020](#)). One simple example that is often debated is bowing when praying about how bent Muslims are so that worship is considered valid and acceptable ([Reinhart, 2016](#)). Regarding Haram or halal food, it is also a matter of debate. Maliki and Hanafi, who see that everything is Haram and unclean, can be declared halal and suitable for eating if its original form has significantly changed and is far different ([Kashim, et al., 2015](#)). Maliki also allows eating non-toxic arthropods to eat other than grasshoppers prohibited by all schools ([Rahim, 2018](#)). Another example is that the four schools also have the same opinion regarding the approval of minors' marriage, which is no longer suitable to be applied in this modern era ([Maisarah, Afrizal, Zulfahmi, Mauliza, & Murni, 2019](#)). The scholars also differed in terms of the emergency limit that allows doing (eating) something forbidden. In this paper, the emergency limitation is explained through expert fiqh scholars' opinions about its meaning, including the following:

According to scholars from the Hanafi school who built their thoughts on the teachings of Abu Hanifa, who had a great work 'Al-Fiqh al-Akbar' which the Abbasids liked and followed ([Warren, 2013](#)). The meaning of an emergency that concerns hunger is if someone does not want to consume. It is feared that goods are prohibited; he could die, or at least his limbs will become disabled. A person who is forced to be killed or has one of his limbs cut off if he does not want to eat or drink something forbidden. Thus it means he does not want to eat or drink something



that is Haram, while he is in a state of emergency that allows him to eat a carcass because he was worried about his life or one of his limbs ([Zuhaili, 1997](#)).

According to the Malik school cleric, it was departed from the thought of Malik bin Anas with his collection of hadiths entitled Muwatta ([Serrano, 2014](#)). The emergency allowed to consume something forbidden is if there is a fear of life's safety based on belief or just conjecture ([Zuhaili, 1997](#)).

According to the Shafi'i school scholars who contribute to theology, Sufism, constitutional theory, and hadith ([el Shamsy, 2017](#)), they see that the extreme hunger for money is not enough to be overcome by merely eating carcasses, etcetera. Like other schools' scholars, they are not obliged to have to wait until death is imminent. Because at such critical moments, there is no point in eating. Even at such a time limit, it is not permissible to eat, because it is useless. They also agreed that a person could eat forbidden foods if he feared that he is starving or unable to walk or cannot ride a vehicle or is separated from his group or lost. It is because without eating anything, someone's worry about the appearance of a dreaded disease is the same as worrying about the date of death, even if he feels afraid during illness. It is according to one valid opinion ([Zuhaili, 1997](#)).

According to the ulama of the Hambali mazhab, which is the fourth Sunni school of Islamic law based on legal and theological thoughts from the teachings of Imam Hambali ([Holtzman, 2015](#)), the emergency that is allowed to eat something forbidden makes him feel worried that it will threaten his life. Result in death if he does not eat them. According to Imam Ahmad, if someone who does not want to eat Haram worried that he would starve or afraid that he will not be able to walk that he is separated from his group or is unable to ride a vehicle, he must eat it without being limited by a particular time ([Zuhaili, 1997](#)).

Thus, if none of the things mentioned concern people, it is not justified if someone violates the origin of origin's general provisions, whether forbidden or obligatory.

So, the emergency must already exist and not be still waiting. In other words, the fear of destruction or loss of life or property exists in reality and is known through strong conjecture based on the existing experiences. Alternatively, suppose someone is convinced that there is an intrinsic danger to five fundamental needs. In that case, we also call something nurtured by religion and its conditions, namely religion, soul, honor, reason, and property. Therefore, a person may adhere to legal provisions with exceptions to avoid harm, even if it may harm others. As stated in the rules of fiqh:

إِذَا تَعَارَضَ مَفْسَدَتَانِ رُوعِيٍّ أَغْضَمَهَا ضَرَرًا بَارِتْكَابِ أَجْفِهِمَا

It means: "When two interpretations are opposed, then stay away from the greater harm by doing the lighter ones." (As Suyuthi in [Addariny \(2019\)](#))

Based on some of the jurisprudence experts' opinions above, the author can conclude that the emergency limitation allows eating something forbidden is if a Muslim is threatened or will cause death to defend the five, namely religion, soul, honor, reason, and property.

## 5. Size of Consumption in an Emergency

The scholars do not differ, that if a person experiences hunger for long enough, and continuously he may eat the carcass until he is full. This law applies to other prohibited foods. However, if hunger is only temporary and a person in a state of emergency is likely to get expensive food in a not too long time, he may eat a carcass just to fill the remains of his life. It means that he should not eat more than is full. It is based on the agreement of the scholars. It is in line with fiqh principles, namely:

مَا أُبِيحَ لِلضَّرُورَةِ يُقَدَّرُ بِقَدْرِهَا.

Meaning: "What is obtained due to compulsion (emergency) is measured by its needs" ([Al-Sayuthi, 1990](#)).

Regarding the problem of being allowed to eat a carcass until it is full, there are differences in opinion among scholars:

According to the Maliki school scholars, and the opinion quoted by Imam Ahmad, which is also the opinion of the Shafi'i school scholars, someone who is in an emergency may consume forbidden food until he is full. He can also take it as a provision if he feels worried about having an emergency again. If he does not need it, he can throw it away ([Ath-Thariqy, 1996](#)).

According to the opinion of scholars from the Hanafi school, scholars from the Shafi'i school and Imam Ahmad in the most valid opinion of the two narrations, as well as the opinion of Ibn Majusyun and Habib, the scholars of the Maliki School, someone who is in an emergency is only allowed to eat forbidden food to the extent that can overcome the rest of his life.

As for the measure that can overcome the remnants of life, according to scholars from the Hanafi school is that it enables a person to be strong in prayer and fasting. Meanwhile, according to the opinion of the scholars of the Shafi'i school, the measure that can overcome the remnants of life is to arrive at a normal state where people can no longer be allowed to eat the carcass. Thus the emergency has disappeared and continues to eat the carcass outside the emergency period. It is prohibited ([Ath-Thariqy, 1996](#)).

Based on the jurisprudence scholars' opinions above regarding the amount allowed consumed in an emergency, in essence, they agree that they can consume something that is forbidden, whether carcass, blood and pork. It is just that the size of the food there is a difference of opinion. Some scholars allow consuming food that is Haram because in an emergency until full. The authors respond to this problem tends to the opinion that the size of a person eats haram food because, in an emergency, it is only limited to the ability to survive and make efforts to find halal food.

## 6. Wisdom Behind the Allowance of Something Under Emergency

Allah's mercy on His servants is hinting at some legal provisions that can illuminate their religious and world affairs. Allah explained something lawful and allowed it for them because, from the time He created them, He knew what could sustain their bodies and created them, knew what could sustain their bodies, and create goodness for them, so He made it legal for them. Moreover, Allah explained something that is Haram because He had known what was harmful to them from the moment He created them. Therefore, Allah forbade them from it and forbade them. Nevertheless, Allah makes haram things lawful for people who are in an emergency when their bodies cannot stand upright without them. The scholars of jurisprudence say, several things can be done in an emergency, namely consuming food and drinks that are prohibited: carcasses, blood, pork, eating other people's property, and so on.

According to scholars who write about general principles in Islamic jurisprudence, that the wisdom of allowing eating unlawful food in an emergency is generally passed away to eliminate the narrowness of the converts.

The wisdom of being able to eat illicit items on an emergency basis is to protect the person's life, for example, in arak, eating carcasses, blood, and pork. Initially, consuming these prohibited items could endanger the health of those who eat or drink them. If it is forbidden, it is in his interest, not for the benefit of others. It is the wisdom of Divine wisdom, or then it is permissible to consume these haram things. Because if it is forbidden, it will cause a considerable danger described in the form of fear of death. That is why eliminating difficulties must be related to a religious principle that states that narrowness cannot be eliminated by bringing new narrowness ([As-Suyuthi, 1987](#)).

## 7. Closing

There was a divergence of sentiment among the figures of fiqh scholars responding to the problem of implementing emergency law in an immoral state. A person on a trip aiming to rob or immoral acts against Allah, in the middle, runs out of provisions to eat. According to scholars, Hanafiah may eat something forbidden, such as blood, carcasses, and pork, on the pretext of saving someone's life from death. Hanafi's scholars think that those who worship are also permissible for immoral people because it aims to save someone's life. Meanwhile, the Maliki

school of thought says that disobedient people cannot get rukhsah beauty might later be used to help immoral people. This opinion is also supported by scholars such as Ibn' Arabi, saying that people who are on an immoral journey are not allowed to eat what is Haram because Allah gives this kindness to help. In contrast, people who do immoral do not need to be helped. If he wants to eat, he must first repent.

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