

COMPARATIVE FATWAS ON ABORTION IN CONTEMPORARY ISLAMIC JURISPRUDENCE: A STUDY OF LEGAL REASONING IN INDONESIA, EGYPT, SAUDI ARABIA, AND PAKISTAN

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ABSTRACT This study investigates how contemporary fatwas on abortion in Muslim-majority countries address modern medical, ethical, and socio-legal challenges, aiming to answer the following questions: (1) What are the key differences between classical and contemporary fiqh rulings on abortion? (2) How do contemporary fatwa institutions incorporate medical, ethical, and human rights considerations in their rulings? (3) What principles guide conditional permissibility in cases such as rape, severe fetal abnormalities, and threats to maternal health? The research employs a qualitative library-based method, systematically analyzing fatwas issued by authoritative institutions including Al-Azhar, the International Islamic Fiqh Academy, Dar al-Ifta', and national fatwa councils. Data were collected through document analysis and validated using source triangulation to ensure reliability and consistency. The findings reveal a significant shift from absolute prohibition to conditional permissibility, guided by *maqāṣid al-sharī'ah* principles, particularly the protection of life, dignity, and lineage. Contemporary fatwas increasingly integrate medical expertise, ethical reasoning, and human rights considerations, producing context-sensitive legal rulings. This study fills a research gap by explicitly comparing classical and contemporary jurisprudence on abortion and highlighting the adaptive capacity of Islamic legal reasoning in responding to modern social realities. These results suggest that contemporary fatwa-making demonstrates a dynamic interaction between classical fiqh and contemporary challenges, offering a framework for more nuanced and socially responsive Islamic legal decision-making.

KEYWORDS *fatwa, abortion, contemporary fiqh, Muslim-majority countries, maqasid al-sharia.*

INTRODUCTION

The development of fatwas on abortion within contemporary Islamic legal discourse reflects increasingly complex dynamics, particularly when confronted with modern medical, social, and ethical issues. Debates regarding the limits of abortion permissibility, justifiable grounds, and the methods of legal reasoning (*istinbāt*) employed by fatwa institutions across various countries provide valuable insights into how Islamic law responds to changing times. Indonesia, Egypt, Saudi Arabia, and Pakistan represent countries with influential religious authorities and diverse fiqh

traditions, resulting in a range of perspectives and approaches in formulating fatwas on abortion. (Irwanto & Khairani, 2024) On the one hand, Islamic law has a strong normative foundation concerning the protection of life (*hifz al-nafs*), which is one of the primary objectives of the *maqāṣid al-syarī'ah*. On the other hand, contemporary daily life reveals an increase in cases of unwanted pregnancies, sexual violence, maternal health risks, and complex medical needs, giving rise to new debates regarding the limits of abortion permissibility. This indicates that abortion is not merely a legal issue but also a matter of

ethics, public health, and state policy.(Azizah et al., 2024)

Various groups debate the legality of abortion. The main point of contention lies in the significant conflict between protecting the right to life of a fetus or embryo and safeguarding the interests of the pregnant woman. This issue then gives rise to a dispute between pro-choice and pro-life advocates regarding how abortions should be conducted, whether to prioritize the life of the mother or that of the fetus.

Furthermore, advances in medical technology (such as more sophisticated ultrasounds, earlier detection of genetic abnormalities, and life-saving medical procedures), have expanded the scope of fatwa discussions. Consequently, a more contextual reinterpretation (ijtihad) is required to ensure that the resulting fatwas address the needs of modern society.(Ramadan, 2023) However, in some Muslim-majority countries, the methodological standards for issuing fatwas differ. Consequently, debates have arisen regarding their consistency, legitimacy, and relevance. This gap underscores the importance of conducting thorough research to understand how fatwas develop and the factors that influence them.

So far, academic research on abortion fatwas has primarily focused on topics such as Islamic bioethics, analyses of *maqāṣid al-sharī'ah* (the objectives of Islamic law), or abortion resulting from rape. These studies often examine a single country and rarely offer comprehensive cross-national comparisons. Research directly exploring differences in legal reasoning methods in abortion fatwas across Indonesia, Egypt, Saudi Arabia, and Pakistan remains limited. Nevertheless, analyzing the structure of argumentation, the evidential basis, the application of *maqāṣid* concepts, and the influence of social context and state policies is essential for understanding how modern fatwas emerge and evolve.

Comparative studies are essential for assessing trends in modern ijtihad on abortion, as the four countries have different traditions of schools of thought, legal systems, and religious authorities. This study aims to address this gap by comparing the fatwas and legal reasoning employed in each country. Moreover, the research provides a conceptual contribution to understanding the development of modern Islamic jurisprudence and the interactions

among fatwas, state policies, and social dynamics related to abortion.

Based on this background, this study aims to address several key questions: How are abortion fatwas issued by official religious institutions in Indonesia, Egypt, Saudi Arabia, and Pakistan? How are methods of legal reasoning applied differently across these contexts? And what national social, cultural, political, and legal factors influence the formulation of abortion fatwas in each of these countries?

This study has several primary objectives. First, it provides a comprehensive analysis of the content and requirements of abortion laws in Indonesia, Egypt, Saudi Arabia, and Pakistan. Second, it examines the legal reasoning employed by religious authorities in issuing fatwas. Third, it identifies and explains how social, cultural, political, and national legal contexts influence variations in fatwas across these four countries. Fourth, it conducts a comprehensive comparison of the four countries to highlight their similarities and differences, as well as the implications for the development of contemporary Islamic jurisprudence and legal policy.

This study aims to address several research gaps that previous studies have not resolved. Few studies have directly compared abortion fatwas in Indonesia, Egypt, Saudi Arabia, and Pakistan, despite the fact that these four countries have highly influential fiqh authorities. Moreover, prior research has seldom examined the methodological aspects of legal reasoning comprehensively. Consequently, the argumentative structures, use of propositions, role of *maqāṣid al-sharī'ah*, and contextual factors have not been thoroughly analyzed.

This research not only provides a deeper understanding of the evolution of abortion fatwas but also offers a critical reflection on how religious authorities address emerging issues today. Furthermore, it is expected that the study will contribute to the development of contemporary Islamic jurisprudence (*fiqh*), support public policies grounded in Sharia principles, and serve as a scholarly reference for academics, policymakers, and fatwa institutions in addressing ethical and legal issues related to abortion.

METHOD

This study employs a library research method with a qualitative-comparative approach to analyze the development and debates surrounding fatwas on abortion in contemporary Islamic jurisprudence across four countries: Indonesia, Egypt, Saudi Arabia, and Pakistan. The selection of these countries is based on several strong academic considerations. Indonesia was chosen because it has a modern fatwa institution, the Indonesian Ulama Council (MUI), which operates within a democratic state framework and a dual legal system (sharia and positive law). Egypt was selected due to *Dar al-Ifta'* and Al-Azhar, which serve as primary references in the Islamic world for modern fatwa authority and apply the *maqāṣid al-sharī'ah* approach. Saudi Arabia was included because of the presence of *Hai'ah Kibar al-'Ulamā'* and *Lajnah al-Dā'imah*, which are grounded in the Hanbali school of thought and exert significant influence on global fatwa discourse. Pakistan was chosen due to the integration of Islamic law within the state system and the active role of the Council of Islamic Ideology (CII), which regularly issues recommendations and fatwas on bioethical issues, including abortion. These four countries represent distinct models of fatwa authority, legal systems, and schools of jurisprudence, making them highly relevant for comparative analysis.

The data for this study were obtained from official fatwa documents, publications by national religious institutions, journal articles, books, and research reports related to medical ethics and Islamic family law. Data collection involved the identification, verification, and selection of fatwa documents based on the following criteria: (1) explicitly addressing the issue of abortion; (2) issued by an authoritative institution; and (3) publicly available in written form. The timeframe for the analyzed fatwas was set between 1970 and 2024, considering that this period reflects the development of modern bioethical issues in medicine and the increasing engagement of fatwa institutions with abortion cases related to reproductive health.

Data analysis was conducted using content analysis with a categorical approach. Fatwa documents were coded employing open and axial coding techniques to identify key themes, including the legal basis, the concept of ensoulment, categories of emergency (*darūrah*), the Islamic bioethical perspective, and *maqāṣid*-based reasoning. Each fatwa was subsequently examined through comparative thematic analysis to identify commonalities, methodological

differences, and socio-political factors influencing legal determinations in each country. This approach enables researchers to understand the epistemological nature of abortion fatwas in contemporary Islamic jurisprudence and to map variations in *ijtihad* across the modern Islamic world.

RESULT AND DISCUSSION

1. The Development of Fatwas on Abortion: A Contemporary Fiqh Perspective

In contemporary Islamic jurisprudence (*fiqh*), fatwas on abortion have evolved in response to social changes, medical advances, and the increasing complexity of modern reproductive issues. Historically, the majority of classical Islamic scholars considered abortion prohibited, particularly after the ensoulment (*naḥkh al-rūḥ*) at 120 days of gestation. However, due to advances in medical science and the framework of *maqāṣid al-sharī'ah* (the objectives of Islamic law), contemporary Islamic jurists and fatwa institutions have been compelled to reconsider the limits, conditions, and criteria for the permissibility of abortion. (Hudiyani, 2021) Therefore, modern *fiqh* not only focuses on the moral assessment of abortion but also considers the medical, psychological, social, and legal contexts evolving in various Muslim-majority countries.

The emergence of fatwas accommodating medical emergencies (*darūrah ṭibbiyyah*) represents a significant development. Based on the principles of *ḥifẓ al-naḥs* and *raf' al-ḥaraj*, fatwa institutions such as the Majma' al-Fiqh al-Islāmī (OIC), al-Azhar, and Egypt's *Dar al-Ifta'* assert that abortion is permissible before 120 days if the pregnancy endangers the mother's life or poses serious health risks. From this perspective, a medical emergency is not solely defined as an immediate threat to the mother's life, as traditionally understood. (Indriani et al., 2020) In modern times, the definition of 'emergency' also encompasses pregnancies at risk of developing biological conditions that threaten the mother's health or significant fetal defects that are untreatable. This indicates that the legal *istinbāt* process integrates principles of *fiqh* with contemporary medical advances. (Fauzan & Iwan, 2025)

State policies and national legal frameworks in certain Muslim-majority countries, such as Tunisia, Turkey, and several Central Asian nations, influence the development

of fatwas on abortion. In these contexts, fatwas are generally more moderate and align with the countries' reproductive health regulations, permitting early abortion under specific circumstances, such as cases of rape or severe psychological conditions. (Komarudin, 2019) However, countries such as Saudi Arabia, Egypt, Qatar, and Indonesia have taken more stringent measures. They prohibit abortion except in cases of medical emergencies or rape occurring within a specified gestational period. This differentiation indicates that contemporary fiqh is not monolithic; it adapts according to local legal culture, public policy, and the national context. (Susiati et al., 2023)

The debate regarding the status of the pre-ensoulment fetus (before the soul is breathed into it) has undergone significant development in modern Islamic jurisprudence. Some scholars and fatwa institutions argue that the potential for life (*ḥaqq al-janīn*) during the early stages is not equivalent to fully developed human life; therefore, in certain cases, abortion may be permissible before forty or twenty-two days. Conversely, other opinions defend the precautionary principle (*iḥtiyāt*), prohibiting abortion from conception except in emergency situations. This divergence of views illustrates the contrast between a progressive approach to Islamic bioethics and a conservative approach that prioritizes the preservation of all potential life. (Triandani et al., 2024)

The development of fatwas is also influenced by advances in medical technology, such as ultrasound, early detection of genetic abnormalities, and the diagnosis of congenital diseases. In modern Islamic jurisprudence (*fiqh*), scientific considerations serve as a primary basis for issuing fatwas, particularly in determining whether abortion is permissible for fetuses with significant abnormalities that are nonviable. For instance, the Islamic Fiqh Council allows abortion before 120 days if a team of medical professionals determines that the fetus has severe defects that are life-threatening and nonviable. This development illustrates the collaboration between medical and religious authorities in the fatwa-making process. (Al-matary & Ali, 2014)

In general, contemporary fiqh fatwas on abortion are evolving in a more contextual, responsive, and benefit-oriented direction. This development is driven by changes in legal interpretation and methodology, such as the application of *maqāṣid al-syarī'ah*, *maslahah mursalah*, and fiqh principles such as *al-ḍarūrāt*

tubīḥ al-maḥzūrāt and *irtikāb akhaff al-ḍararayn*. These approaches enable clerics and fatwa institutions to adapt the law to the complexities of contemporary society while upholding the fundamental principles of sharia.

2. The development of contemporary fatwas in Muslim-majority countries, including Indonesia, Egypt, Saudi Arabia, and Pakistan

The development of contemporary fatwas in Muslim-majority countries demonstrates significant dynamism, shaped by the social, political, and legal contexts of modern society. Fatwas are increasingly regarded as institutional religious references issued by authoritative bodies, rather than merely as products of conventional jurisprudence. Countries with established clerical structures, such as Indonesia, Egypt, Saudi Arabia, and Pakistan, exemplify this trend. While remaining within the framework of Islamic law and the *maqāṣid al-sharī'ah* (objectives of Islamic law), each country develops its own methods, methodologies, and orientations in issuing fatwas.

In Indonesia, the debate over abortion intensified in the early 2000s amid rising cases of unwanted pregnancies, sexual violence, and the need for reproductive health regulations. Following an intensive review, the Indonesian Ulema Council (MUI) issued Fatwa No. 4 of 2005 concerning abortion, which stipulated that abortion is, in principle, haram (forbidden), but permissible in cases of medical emergencies that threaten the mother's life or in cases of rape within the first 40 days of pregnancy. As an official body that brings together scholars from various Islamic organizations, the MUI has significantly influenced the development of contemporary fatwas in Indonesia. Its fatwas have evolved from purely religious rulings to instruments directly impacting public policy, particularly in areas such as biotechnology, health, Islamic economics, and social issues. Contemporary Indonesian fatwas often employ a benefits-based approach, consider sociological factors, and refer to the *maqasid* (objectives) of sharia. Consequently, these legal pronouncements are more contextual than fatwas issued by individual ulama. While Islam generally prohibits abortion, the MUI allows it in cases of medical emergencies or sexual violence under specific conditions. This demonstrates that Indonesian fatwas prioritize the protection of life (*hifẓ al-nafs*) and reflect a contemporary pattern

of collective *ijtihād* responsive to societal conditions.(Ahmad, 2019)

The authorities of Al-Azhar, Dar al-Ifta, and the fatwas issued by prominent scholars have significantly influenced discussions on abortion in Egypt. A key reference is the 1998 fatwa issued by Egypt's Dar al-Ifta, which emphasized that abortion after 120 days (the period during which the soul is believed to be breathed into the fetus) is strictly prohibited except to save the mother's life. In 2004 and 2010, several Al-Azhar scholars also issued specific opinions permitting abortion before 40 days in cases of pregnancies resulting from rape. These opinions consider the *maqāṣid al-sharī'ah* (the objectives of Islamic law), particularly the protection of life (*ḥifẓ al-nafs*) and the dignity of women. Collectively, these fatwas demonstrate the flexibility of Egyptian religious institutions in addressing social issues while remaining consistent with the theological and ethical framework of Islamic jurisprudence.

Egypt, through the Majma' al-Buhuth al-Islamiyyah and Dar al-Ifta al-Mishriyyah at al-Azhar, serves as an important center for the development of modern fatwas in the Islamic world. Egyptian fatwas are typically moderate, methodical, and grounded in scientific research. Institutional (*mu'assasi*) *ijtihād* is employed by the Egyptian fatwa institutions, combining classical *fiqh* principles with modern scientific advances. Egypt considers medical and psychological factors in matters such as abortion and bioethics and acknowledges the significance of scientific parameters in legal *istinbāt*. The *maqāṣidī* approach is prevalent in Egyptian fatwas, and the rulings of scholars are often cited as references worldwide. Furthermore, Egypt's political context, which positions the fatwa institutions as partners of the government in shaping public opinion, reinforces the role of fatwas as social guidelines that counter extremism and provide a balanced perspective on contemporary issues.(Al-marakeby, 2022)

Fatwas in Saudi Arabia vary, with scholars from the Hanbali-Salafi school and the authority of the *Lajnah al-Dā'imah (Islamic Court)* playing a predominant role. In several rulings from the 1990s to the 2000s, the *Lajnah al-Dā'imah* asserted that abortion before 40 days is permissible under emergency circumstances (*ḍarūrah*), whereas it is prohibited after 120 days, except when there is a clear threat to the mother's life. Over the past decade, however, fatwas have increasingly addressed health, economic, and technological issues. While

contemporary fatwas in Saudi Arabia continue to draw on classical Islamic texts and principles, the collective *ijtihād* of official institutions seeks to respond to public needs and emergencies (*ḍarūrah*) within the boundaries of Sharia. For instance, in the context of abortion, Saudi Arabia establishes legal guidelines corresponding to different stages of fetal development, drawing on Hanbali jurists' opinions and the decisions of the Islamic Fiqh Council. Despite its conservative orientation, the Saudi approach to fatwa development demonstrates a growing engagement with contemporary issues such as genetic engineering, in vitro fertilization, the digital economy, and cyber ethics, reflecting the evolving legal needs of modern society.(Irawan et al., 2020)

Meanwhile, Pakistan is unique in integrating Islamic law into the state system through the Council of Islamic Ideology (CII). Several studies conducted between 1997 and 2010 found that the CII permits abortions before 120 days in cases of medical necessity or specific emergencies.(Al-Jauziyyah, 1991) The Commission for Islamic Ideology (CII) is responsible for developing Islamic legal concepts that address social and bioethical issues, including abortion, reproductive health, and gender-based violence. Pakistani fatwas often reflect tensions among politics, local norms, and Sharia principles. Pakistan generally adopts a moderate approach to abortion, as the Hanafi school of thought allows flexibility in the early stages of pregnancy, particularly in cases involving medical emergencies or significant psychological consequences. The development of fatwas in Pakistan illustrates a trend toward integrating the classical *istinbāt* methodology, contemporary legal requirements, and the influence of independent clerical bodies operating across major madrasas.(Shapiro, 2014)

The Islamic Fiqh Council (OIC) has made significant contributions to the international arena through several of its decisions. For instance, in OIC Decision No. 140 (6/14), the Council stated that abortion is prohibited after 120 days, except in cases of medical emergencies. However, abortion may be permitted before 120 days if there is a valid reason and an urgent need, in accordance with the principles of necessity and the *maqāṣid al-sharī'ah*.

It can be concluded that the *maqāṣid al-sharī'ah*-oriented *ijtihād* framework is evident in the formation of modern fatwas across these four countries, although their methodological

emphases differ. Pakistan integrates the plurality of schools of thought with the requirements of state law; Indonesia and Egypt prioritize moderate, collective *ijtihād* grounded in multidisciplinary research; and Saudi Arabia adheres to a textual methodology with limited adaptation to contemporary issues. These differences result in varying fatwas on modern topics, such as abortion, yet they are all formulated within the broader objectives of protecting life, promoting social welfare, and maintaining moral stability in society. Therefore, this comparative study demonstrates that modern fatwas continue to evolve in response to social changes and contemporary legal needs, reflecting the dynamic nature of Islamic legal thought in the Muslim world today.

3. Factors Influencing Changes in Fatwas

The evolution of fatwas on abortion represents a significant phenomenon in the dynamics of contemporary Islamic law. Fatwas are not static; rather, they undergo continuous recontextualization in response to social, scientific, and political developments across various Muslim countries. Using categorical content analysis and thematic coding techniques on fatwa documents issued between 1970 and 2024, this study found that patterns of fatwa change are strongly influenced by the characteristics of religious authorities, the schools of Islamic jurisprudence, and the socio-legal contexts in which the fatwas were formulated. The four countries examined (Indonesia, Egypt, Saudi Arabia, and Pakistan) exhibit distinct models of fatwa production, offering a rich comparative perspective on how *ijtihād* on abortion has evolved in the modern Muslim world.

This development demonstrates that scholars' *ijtihād* adapts to contemporary circumstances rather than remaining isolated. This is particularly evident when scholars face increasingly diverse and complex issues. External factors significantly influence changes in fatwas, both directly and indirectly, through discourse, societal legal needs, and the state's legal system.(Afidah et al., 2025)

The decision-making process regarding abortion is strongly influenced by social factors. People's understanding of reproductive rights and moral values is shaped by changes in the social structure of modern society, including increased urbanization, higher female education levels, evolving family concepts, and the

complexity of gender relations. Reconsidering the limitations of abortion within the framework of *maqāṣid al-sharī'ah* is necessary, particularly in light of issues such as the high incidence of sexual violence and the social stigma faced by single mothers.(Anisah et al., 2024) Many Islamic fatwa institutions have begun to take social aspects into account in modern *ijtihād*. For example, by permitting abortion in cases of rape or when pregnancy causes significant psychological distress for women. This engagement with social dynamics demonstrates that contemporary *fiqh* fatwas consider not only religious texts but also the realities of life and the factual conditions of the community.(Jalili et al., 2024)

Epistemological factors form the foundation of every fatwa, as they determine the sources of law, methods of interpretation, and the structure of the argument. Saudi Arabia provides the most prominent example of a fatwa model grounded in the textual and conservative Hanbali school. The *Lajnah al-Dā'imah* and the *Hai'ah Kibar al-'Ulamā'* prioritize literal evidence and exercise great caution when establishing *rukhsah* (dispensation), particularly regarding abortion before *naḥkh al-rūḥ* (120 days). They consistently emphasize the principle of *ḥifẓ al-naḥs* as a basis for maintaining the prohibition of abortion in Saudi Arabia.(Qudāmah, 1968)

Conversely, in Egypt, a more progressive pattern can be observed. The Dar al-Ifta' and scholars of Al-Azhar strongly employ the *maqāṣid al-sharī'ah* approach. This approach allows Egyptian fatwas to grant dispensations under certain circumstances, such as abortion in cases of rape within the context of war or violence. In issuing fatwas in Egypt, the views of scholars like Ahmad Raysuni and Imam al-Qarafi are highly influential. Changes in fatwas in the country are not only responses to social conditions but also reflect methodological developments in contemporary *fiqh* epistemology.(Al-Qarāfi, n.d.)

Indonesia is situated between the two countries but is closer to Egypt in terms of flexibility. The Indonesian Ulema Council (MUI) integrates *maqāṣid* approaches, classical jurisprudence, and national legal considerations in its *ijtihād*. The jama'i (collective) *ijtihād* model employed by the MUI facilitates dialogue among fatwa commission members, including health experts, making the development of abortion fatwas in Indonesia quite dynamic. The focus of these changes has been on abortions resulting from sexual violence and medical complications,

which were not explicitly addressed in fatwas issued between 1970 and 1990.(Mulia, 2002)

Pakistan, which follows the Hanafi school of law along with its derivative legislative system, maintains a moderate stance. The Committee for Islamic Ideology (CII) frequently collaborates with the Ministry of Health to evaluate medical cases. Pakistan has a more pragmatic fatwa system than Saudi Arabia and Egypt, as the Hanafi school has traditionally shown greater flexibility on certain bioethical issues.(Al-Sarakhsi, 1993)

Socio-political factors have been shown to influence the formation and revision of fatwas, particularly in countries with modern legal systems. Indonesia is experiencing increasingly rapid developments in reproductive health issues, including a rise in cases of sexual violence and early marriage. When the government enacted Law No. 17 of 2023 concerning Health and Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence, the Indonesian Ulema Council (MUI) adjusted its stance without contravening the principles of Islamic jurisprudence. The MUI's response demonstrates that considerations of citizenship and social interests are important factors in issuing fatwas.

In Egypt, changes in fatwas have been influenced by national security and stability policies. Since the onset of internal and external conflicts in North Africa, Egyptian clerics have permitted abortions for rape victims during periods of war and social instability. This shift demonstrates that fatwas can serve as an expression of empathy toward the suffering of the community.(Shapiro, 2014)

A similar dynamic has occurred in Pakistan, particularly regarding social and legislative issues related to the protection of women. The CII was also compelled to revise its legal arguments on abortion following parliamentary debates on maternal and child health. This illustrates the strong connection between fatwa-making and state policy.(Qureshi et al., 2025)

Saudi Arabia, which follows a strictly Sharia-compliant system, has implemented changes more cautiously than the other three countries. Between 2010 and 2020, however, the state began to amplify narratives on women's rights, leading to renewed discussions about their roles in reproductive health. Nonetheless, changes in fatwas remain minimal and conservative.(Muaygil, 2023)

This study found that advances in medical technology have enabled muftis to access more

information and better understand medical emergencies (*ḍarūrah*). The relationship between fatwa institutions and healthcare professionals was crucial in shaping changes in fatwas in Egypt and Indonesia. For instance, fatwa institutions in both countries reinterpreted the boundaries of abortion permissibility due to advances in ultrasound technology, earlier detection of fetal anomalies, and evolving approaches to managing high-risk pregnancies. The shift in the legal classification from 'absolutely forbidden' to 'permissible in emergencies' was driven by improved scientific clarity regarding the likelihood of maternal mortality and fetal well-being during specific trimesters.(Amri, 2019)

Compared to Indonesia and Egypt, bioethics has been incorporated into Pakistan's legal framework, influencing the issuance of fatwas. While Saudi Arabia recognizes medical evidence, strict Islamic jurisprudence (*fiqh*) rules restrict abortion to exceptional cases. This illustrates that medical science can impact the law; however, the degree of acceptance depends on the prevailing school of thought in each country.(Qureshi et al., 2025)

In contemporary law, the primary factor driving changes in abortion fatwas is health. Advances in medical science and technology now allow early diagnosis of fetal abnormalities, maternal health issues, and potentially life-threatening complications. This enables scholars to evaluate the risks and permissibility of abortion based on accurate medical data. Many fatwa bodies in the Islamic world currently permit abortion before the soul is breathed into the fetus (120 days) if it is medically confirmed that the fetus has a fatal abnormality or if the pregnancy poses a risk to the mother's physical or mental health.(Setyawati & Nurdin, 2024) In fact, some contemporary fatwas permit abortion after conception if the mother's safety is paramount and no other medical options can preserve both lives. These developments indicate that medical and shar'i authorities are collaborating to formulate more humane laws that prioritize the protection of life, the primary objective of *maqāṣid al-sharī'ah*.

These four components demonstrate that, in modern Islamic jurisprudence (*fiqh*), there has been a shift from a textual-normative approach to a more empirical, contextual, and socio-medical data-driven approach in issuing fatwas on abortion. The evolution of fatwas is not merely a legal change; it reflects the adaptation of *ijtihad* to

contemporary circumstances while preserving the core principles of fiqh and the values of sharia. This process reinforces the fatwa's role as a responsive, flexible, and relevant legal instrument and illustrates that Islamic law possesses an inherent capacity to address increasingly complex humanitarian challenges.

The results of the comparative analysis are summarized in the table below. This summary aims to clarify the nature and dynamics of fatwa changes in the four countries, as well as to facilitate an understanding of the methodological patterns and variables that influence them. The table highlights significant differences in epistemology, medical responses, institutional structures, and legal flexibility, all of which affect how abortion fatwas in Indonesia, Egypt, Saudi Arabia, and Pakistan have evolved. By presenting this table, readers can gain a more systematic understanding of how each country has developed its legal arguments and religious policies regarding abortion.

Comparative Table of Factors Influencing Changes in Abortion Fatwas

Factor	Indonesia	Mesir	Arab Saudi	Pakistan
Fatwa Authority	MUI (collective, inclusive)	Dar al-Ifta' & Al-Azhar	Permanent Committee for Fatwa (hierarchical, conservative)	Council of Islamic Ideology (consultative)
Dominant Madhhab	Shafi'i + maqāṣid + national legal framework	Shafi'i & Maliki (flexible)	Hanbali (textualist)	Hanafi (pragmatic)
Response to Medical Science	Highly responsive	Highly responsive	Responsive but restrictive	Moderately responsive
Flexibility of Fatwas	High	High	Low	Moderate
Social Issues Driving Change	Sexual violence, reproductive health	Conflict, rape cases, and maternal health	Women's rights discourse	Medical needs, social issues, legislative factors
Permissibility of Abortion Before 120 Days	Limited (medical emergency & certain sexual violence cases)	More lenient (especially emergencies & extreme violence cases)	Very limited	Relatively broader allowance for medical reasons
Nature of Fatwa Changes	Dynamic	Progressive but cautious	Stable	Moderately progressive

4. Implications of Fatwas on Legal and Social Practices in Muslim Societies

Fatwas play a significant role in shaping legal and social practices in Muslim societies, as they serve as normative references that bridge Sharia texts with contemporary realities. They often provide solutions to emerging issues that are not yet comprehensively addressed in positive legislation. National fatwa institutions—such as Egypt's *Dar al-Ifta*, *Majma' al-Fiqh al-Islami*, and the Indonesian Ulema Council (MUI)—are responsible for issuing legal guidance on current matters, including abortion, reproductive technologies, fintech, and advances in contemporary medicine across many Muslim-majority countries.(Setiyanto, 2018) Fatwas often serve as formal references in judicial practice and public policymaking, even though they do not carry the binding force of law. For instance, some countries have relied on fatwas that restrict emergency abortion as a basis for medical ethics and reproductive health regulations. Consequently, fatwas enable legal institutions to respond to societal needs without waiting for formal regulatory changes, which often require considerable time.(Mudzhar, 2013)

Fatwas have a significant impact on how people think, behave, and make moral judgments at the social level. Public perceptions of what is considered *halal* (permissible) or *haram* (forbidden) can be influenced by the decisions of official institutions. For example, in the case of abortion, the approach to fatwas has shifted from absolute rejection to conditional acceptance in medical emergencies or cases of rape (*hifz al-nafs and hifz al-'ird*). This change has affected public understanding of the *maqāṣid al-sharī'ah*, particularly the protection of life and honor. Increased public acceptance of medical consultation before making moral decisions and reduced stigma against victims of sexual violence who require medical treatment are two examples of this social impact. Fatwas can also enhance public religious literacy, as changes in fatwas are typically accompanied by ongoing socialization, public discussion, and the strengthening of religious education.(Hanna et al., 2024)

Fatwas also help standardize attitudes within diverse Muslim communities regarding socio-religious practices. They promote social stability by aligning schools of thought and guiding social behavior. Conversely, differences in fatwas between institutions or countries can lead to varying practices and potential debates within society. Public acceptance may become inconsistent when fatwas differ on issues such as medical emergencies or the gestational age at

which abortion is permissible. Therefore, the harmonization of fatwas and cross-institutional dialogue are crucial to mitigating social divisions. (Taufiq et al., 2025)

Fatwas exert a broad influence on both legal and social practices. They shape legal reasoning, professional ethics, societal behavior, and religious literacy. The evolution of fatwas illustrates the pivotal role of religious authorities in formulating adaptive and responsive legal guidance to address the complexities of contemporary social issues, such as abortion. Consequently, fatwas function not only as religious instruments but also as catalysts for social and legal change that are attuned to the demands of the modern era.

CONCLUSION

This study concludes that the development of fatwas on abortion in the contemporary context is strongly influenced by the *istinbāt* (juristic reasoning) employed by each fatwa institution, the socio-legal framework, and the acceptance of the approach. The four countries examined exhibit different tendencies in addressing abortion. Indonesia, through the Indonesian Ulema Council (MUI), demonstrates a relatively modern approach, permitting abortion in cases of medical emergencies and rape. Egypt and Saudi Arabia emphasize strict restrictions, particularly after the 120-day gestational period. Pakistan, however, maintains a flexible position under the Hanafi school of thought, taking into account medical issues and instances of sexual violence. These differences are primarily based on the definition of emergency, the legal reasoning applied, and national legal policies and fatwas.

Theoretically, this study confirms that contemporary Islamic jurisprudence (*fiqh*) provides ample scope for *ijtihad*, particularly in bioethics and reproductive health. It highlights the importance of reformulating classical principles related to fetal age, the definition of danger, and the integration of modern medical data in issuing fatwas. The findings have implications for modern fatwa institutions, suggesting the need to develop more transparent *istinbath* methods, engage multidisciplinary experts, and ensure alignment between fatwas and national health regulations. Moreover, establishing a mechanism for revising fatwas is an urgent necessity in response to advances in medical science and evolving social dynamics.

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