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Abortion in Islamic Jurisprudence: An Analysis of Wahbah al-Zuhaili's Tafsir al-Munir

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Abstract. This article discusses the legality of abortion from Wahbah az-Zuhaili's perspective by examining his interpretation of verses from the Qur'an in Tafsir Al-Munir. Abortion is a complex issue involving theological, ethical, and legal dimensions, thus requiring study based on the authority of interpretation and Islamic law. This study aims to analyze Wahbah az-Zuhaili's views on the law of abortion by considering the context of the verses, the principles of fiqh, and the maqasid al-sharī'ah (objectives of Islamic law) approach used in Tafsir Al-Munir. This study uses a qualitative approach through library research, with Tafsir Al-Munir as the main source. The analysis was conducted using a thematic (maudhu'i) approach to verses related to the creation of humans and the protection of life, and was reinforced with fiqh and usul fiqh literature. The data analysis technique used was content analysis to identify the normative basis, legal arguments, and ethical considerations in az-Zuhaili's views. The results of the study show that Wahbah az-Zuhaili, in principle, prohibits abortion, especially after the infusion of the soul, but provides limited exceptions in emergency conditions to protect the safety of the mother based on the principles of public interest and emergency in Islamic law.

Keywords: Abortion, Tafsir Al-Munir, Maudhu'i, Wahbah az-Zuhaili

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INTRODUCTION

The Qur'an is the primary source of Islamic teachings, serving as a normative guide for regulating human life in theological, ethical, and legal aspects. In the context of religious studies, the Qur'an is not only understood as a sacred text, but also as a source of values that continues to be interpreted in response to social dynamics and evolving humanitarian issues (Shihab, 1999). Therefore, the interpretation of the Qur'an becomes an important instrument in bridging Islamic normative values with contemporary social realities.

One religious issue that continues to spark debate is abortion, as it is directly related to the protection of life, reproductive rights, and moral and legal responsibilities. From an Islamic

perspective, the issue of abortion cannot be separated from the principle of ḥifẓ al-nafs as one of the main objectives of Islamic law. Although the Qur'an does not explicitly regulate abortion, verses prohibiting murder and protecting life form the main basis for the formulation of law by scholars and exegetes (Az-Zuhaili, 1998).

Modern social developments, such as the increase in cases of unwanted pregnancies due to rape, economic pressure, and medical reasons, require a contextual and welfare-based approach to interpretation. This situation indicates that a purely textual understanding of religion is not always sufficient in addressing contemporary humanitarian issues, thus requiring an integrative and responsive interpretative approach to social realities (Mustaqim, 2014).

Wahbah az-Zuhaili (1932–2015) was one of the contemporary exegetes known for his moderate and comprehensive approach in examining legal verses. Through Tafsir Al-Munir, az-Zuhaili combines exegesis, fiqh, and maqāṣid al-sharī‘ah in responding to various legal and social issues, including the protection of human life and life from the womb. This approach makes Tafsir Al-Munir an important reference in contemporary Islamic legal studies (Ghofur, 2013).

Based on this background, this article aims to analyse the legality of abortion from Wahbah az-Zuhaili's perspective by examining his interpretation of verses from the Qur'an in Tafsir Al-Munir. This study is expected to contribute academically to the discourse of religious studies, particularly in understanding the construction of abortion law in Islam, which considers the balance between the protection of life and the principle of public interest.

METHOD

This study uses a qualitative approach with a library research method. A qualitative approach was chosen because this study aims to understand and analyse in depth Wahbah az-Zuhaili's thinking on the legality of abortion as expressed in Tafsir Al-Munir, rather than to measure the phenomenon statistically. Library research allows researchers to systematically and critically examine religious texts in the context of tafsir and Islamic law studies. The primary data source in this study is Tafsir Al-Munir fi al-‘Aqidah wa al-Shari‘ah wa al-Manhaj by Wahbah az-Zuhaili. Secondary data sources include literature on fiqh, usul fiqh, maqasid al-shari‘ah, supporting tafsir books, scientific journal articles, and other academic works relevant to the issue of abortion from an Islamic legal perspective. The use of secondary sources is intended to enrich the analysis and provide a comparative context to az-Zuhaili's views.

Data collection techniques were carried out through documentation, by identifying and classifying verses from the Qur'an relating to the creation of humans, the protection of life, and the prohibition of murder, along with Wahbah az-Zuhaili's interpretation of these verses. The data was then analysed using a thematic (maudhu‘i) interpretation approach, which involved compiling relevant verses, examining the context of the interpretation, and tracing the legal and ethical arguments constructed by az-Zuhaili. Data analysis was conducted using content analysis techniques to reveal the normative basis, fiqh rules, and considerations of public interest used in determining the law on abortion. To maintain data validity, this study used source triangulation, namely by comparing Wahbah az-Zuhaili's views with the opinions of other relevant scholars and fiqh literature. Through this method, the study is expected to produce a comprehensive and objective understanding of the legality of abortion from the perspective of contemporary Islamic interpretation and law.

RESULT AND DISCUSSION

A Brief Biography of Wahbah az-Zuhaili

Wahbah az-Zuhaili (1932–2015) was a prominent scholar, exegete, and jurist from Syria. He was born in Dair Atiyah, a small town near Damascus. Az-Zuhaili received a comprehensive religious education from an early age, studying under leading scholars in Syria and Egypt. He obtained his doctorate in Islamic law from Al-Azhar University in Cairo in 1956. After completing his studies, Az-Zuhaili returned to Syria and became a lecturer at the Faculty of Sharia at Damascus University. He was later appointed dean of the faculty and served for several years. Az-Zuhaili was

also active in various Islamic organisations and research institutions, contributing significantly to the development of contemporary Islamic thought.

Az-Zuhaili is known for his prolific and influential works in various fields such as Qur'anic exegesis, Islamic law, jurisprudence, and Islamic economics. One of his monumental works is Tafsir Al-Munir, a comprehensive and easy-to-understand modern exegesis of the Qur'an. Tafsir Al-Munir has been translated into various languages and has become an important reference for Muslims around the world.

Wahbah az-Zuhaili's View on the Legality of Abortion

In Tafsir Al-Munir, Wahbah az-Zuhaili discusses the issue of abortion in the context of interpreting relevant verses of the Qur'an. Az-Zuhaili acknowledges that the Qur'an does not explicitly prohibit or permit abortion, but provides general principles that can be used to determine the legality of abortion in various circumstances.

Az-Zuhaili argues that human life must be respected and protected from the outset, and that abortion is an act that contradicts this principle. He cites several verses from the Qur'an that prohibit the killing of children for fear of poverty (QS. Al-An'am [6]: 151, QS. Al-Isra' [17]: 31) as evidence that Islam highly values human life, even before birth. However, az-Zuhaili also acknowledges that there are certain circumstances in which abortion may be permissible, such as when the pregnancy threatens the mother's life or when the foetus has a severe and incurable abnormality. In these circumstances, az-Zuhaili argues that abortion may be permissible based on the principle of necessity in Islamic law. The principle of necessity allows actions that are essentially prohibited to be carried out in circumstances that threaten life or cause great harm.

Az-Zuhaili emphasised that abortion should only be performed in very limited circumstances and under strict conditions. He sets out several conditions under which abortion is permitted. *First*, there must be strong medical indications, whereby abortion may only be performed if there are strong medical indications that the pregnancy threatens the mother's life or that the foetus has a severe and incurable abnormality. *Second*, there must be a decision by competent medical personnel. The decision to perform an abortion must be made by a team of competent and trusted medical personnel who have conducted careful examinations and consultations. *Third*, the consent of the mother, because abortion can only be performed if the mother has given her conscious and voluntary consent. *Fourth*, a limited gestational age. Az-Zuhaili argues that abortion can only be performed before the foetus is 40 days old. After this age, the foetus is considered to have a more complete life, and abortion is no longer permitted, except in very extreme circumstances.

Analisis Ayat-Ayat Al-Qur'an yang Relevan

In Tafsir Al-Munir, Wahbah az-Zuhaili examines the issue of abortion by referring to a number of verses in the Qur'an relating to the prohibition of murder and the protection of human life. One of the main verses used as a basis for argument is QS. al-An'am [6]: 151, which prohibits the killing of children for fear of poverty and emphasises that it is Allah who guarantees human sustenance. According to az-Zuhaili, this verse not only refers to the practice of infanticide after birth as occurred in pre-Islamic Arab society, but also includes abortion performed for economic reasons. This prohibition shows that in Islam, human life is valued from its earliest stages, and poverty cannot be used as a justification for eliminating the potential for life.

A similar statement is found in QS. al-Isrā' [17]: 31, which reiterates the prohibition of killing children for fear of poverty and refers to such an act as a grave sin. Az-Zuhaili interprets the repetition of this message as a strong indication that Islam rejects all forms of taking life motivated by economic or social concerns. In the context of abortion, this verse is understood as a criticism of the pragmatic view that sacrifices the life of the foetus for the sake of the family's economic stability, while also affirming the principle of faith that sustenance is entirely in Allah's hands.

Furthermore, az-Zuhaili links the issue of abortion to QS. al-Isrā' [17]: 33, which prohibits the killing of souls that Allah has forbidden except for valid reasons. In his interpretation, az-Zuhaili emphasises that this prohibition is general and covers all forms of taking life without a

shar'i basis. However, he also leaves room for interpretation of the phrase "justifiable reasons" (bi al-ḥaqq), which in certain contexts may include emergency situations, such as when pregnancy clearly threatens the mother's life or when the foetus has a severe abnormality that makes it impossible to survive. Thus, az-Zuhaili places this verse as a normative basis that affirms the prohibition of abortion in principle, as well as a basis for limited exceptions based on considerations of benefit and emergency in Islamic law.

DISCUSSION

Wahbah az-Zuhaili developed his legal view on abortion by referring to verses in the Qur'an that affirm the principle of protecting human life. Through his interpretation of QS. al-An'ām [6]: 151 and QS. al-Isrā' [17]: 31, az-Zuhaili asserts that the prohibition of killing children for fear of poverty is not only relevant in the postnatal context, as was the practice in pre-Islamic Arab society, but also includes abortion motivated by economic and social reasons. This interpretation shows that in Islam, human life is valued from the earliest stages of its creation, and concerns about poverty cannot be used to justify the elimination of potential life.

Furthermore, in interpreting QS. al-Isrā' [17]: 33, az-Zuhaili emphasises the prohibition of killing a soul that Allah has forbidden except for a valid reason (bi al-ḥaqq). This verse is understood as a normative basis that prohibits abortion in principle, while allowing for limited exceptions in emergency situations. According to az-Zuhaili, justifiable reasons may include situations where pregnancy clearly threatens the mother's life or where the foetus has a severe abnormality that makes it impossible for it to survive. Thus, in his view, the law on abortion is not absolute, but is subject to considerations of public interest and the principle of necessity in Islamic law.

Wahbah az-Zuhaili's view is basically in line with the position of the majority of Sunni scholars who place the protection of life as the main principle in determining the law on abortion. However, in Islamic jurisprudence discourse, there is a broader spectrum of views. Some scholars, particularly those with strict views, absolutely prohibit abortion without exception, arguing that human life must be protected from the moment of conception and that abortion is considered a form of murder that cannot be justified under any circumstances. Conversely, there are also more lenient views that allow abortion in various circumstances, such as pregnancy resulting from rape, serious threats to the mother's life, or severe foetal abnormalities, emphasising women's rights and autonomy over their bodies.

In this context, Wahbah az-Zuhaili's position can be understood as a moderate approach that seeks to balance the protection of foetal life and the reality of human suffering. He affirms the prohibition of abortion as a basic principle, but does not turn a blind eye to emergency conditions that could cause greater harm if the pregnancy is maintained. This approach demonstrates that Islamic law, in az-Zuhaili's perspective, functions not only as a set of normative rules, but also as an ethical system that is responsive to the complexities of contemporary humanitarian issues.

The implications of az-Zuhaili's views are also relevant in the modern debate on women's reproductive rights. Although he acknowledges that women have the right to be involved in decision-making regarding pregnancy, this right is not positioned as absolute freedom, but must be exercised responsibly within the framework of Islamic law and medical ethics. Thus, Tafsir Al-Munir provides a comprehensive legal and ethical framework for determining the legality of abortion, which seeks to maintain a balance between the protection of life, the dignity of women, and the principle of public interest in Islam.

CONCLUSION

Wahbah az-Zuhaili provides a comprehensive and nuanced analysis of the legality of abortion in Tafsir Al-Munir. He prohibits abortion from the beginning of pregnancy, but permits it in emergency situations, such as in cases of rape or when the pregnancy threatens the mother's life.

Az-Zuhaili sets strict conditions for permissible abortion, emphasising the importance of respecting human life and protecting women's rights. Az-Zuhaili's view on the legality of abortion is one of many views held by scholars on this issue. These differences of opinion show that abortion is a complex issue that requires careful consideration from various aspects. Muslims must strive to understand the various views on abortion and make the right decision based on religious beliefs, ethical principles, and considerations of public interest.

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