

TELEMEDICINE AS AN EFFORT TO PROTECT THE SOUL IN THE PERSPECTIVE OF MAQASHID SHARI'AH

Muhammad Fahmil Arif¹ , Adil Rahman² 



*Correspondence :

Email :

muhammadfahmilarif@gmail.com

Adilrahman586@gmail.com

Authors Affiliation:

¹Universitas Islam Negeri Sjeh M.
Djamil Djambek Bukittinggi,
Indonesia

- ²University Putra
Malaysia, Selangor,
Malaysia

³Cambera University, Australia

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Abstract

The development of information technology in the current digital era has brought progress in various sectors of life, including in the health sector through telemedicine services. Telemedicine allows effective and efficient remote health services, especially for people who have limited access to physical health facilities, but of course this cannot be separated from how the legal perspective views it, especially in Islamic law. This research uses library research method by involving various books relevant to this research. The results of this study show that telemedicine is in line with the objectives of maqashid shari'ah, especially the protection of human souls. Islam views all forms of reform guided by kemalahatan. In addition to providing convenience, telemedicine also provides faster, effective and efficient health services, especially in the condition of darura, telemedicine is also a modern health solution.

Abstrak

The development of information technology in the current digital era has brought progress in various sectors of life, including in the health sector through telemedicine services. Telemedicine allows effective and efficient remote health services, especially for people who have limited access to physical health facilities, but of course this cannot be separated from how the legal perspective views it, especially in Islamic law. This research uses library research method by involving various books relevant to this research. The results of this study show that telemedicine is in line with the objectives of maqashid shari'ah, especially the protection of human souls. Islam views all forms of reform guided by kemalahatan. In addition to providing convenience, telemedicine also provides faster, effective and efficient health services, especially in the condition of darura, telemedicine is also a modern health solution.

INTRDUCTION

Health is a gift given by Allah SWT as the creator of man. Allah SWT commands humans to always take care of it. Humans with the gift of health, can fulfill their needs well. However, not all humans can maintain and maintain their health properly, so sometimes humans experience illness that requires medical treatment to restore their condition, so that they can carry out their usual activities.¹ By being given reason by the almighty, humans in fulfilling their needs try to create a technology to support their survival.

The advancement and rapid development of human technology affects all aspects of life. Especially in the world of health. This progress has a very significant impact on efforts to improve the quality of human life. Various successful innovations such as telemedicine, artificial intelligence in diagnosing various diseases, advanced surgical techniques, and reproductive technology, have been able and tested in opening new opportunities in providing health services that are faster, more precise and efficient.

The development of information technology in the current digital era has brought progress in various sectors of life, including in the health sector through telemedicine services. Telemedicine enables effective and efficient long-distance health services, especially for people who have limited

¹ Takdir, *Pengantar Hukum Kesehatan*, pertama (Palopo: Lembaga Penerbit Kampus IAIN Palopo, 2008), 11.



access to physical health facilities, but of course this is inseparable from how the legal perspective views it, especially in Islamic law. This research uses the library research method by involving various books that are relevant to this research. The results of this study show that telemedicine is in line with the objectives of maqashid shari'ah, especially the protection of human life. Islam views all forms of renewal as guided by kemalahatan. In addition to providing convenience, telemedicine also provides faster, effective and efficient health services, especially in the condition of darura, telemedicine is also a modern health solution. In the medical world, this technology is not only useful for doctors and other health workers in providing better health services, but by utilizing technology can also help patients access health services that have been difficult to reach, such as rural areas. As the largest archipelago in the world and has approximately 17,000 islands, Indonesia faces great challenges in realizing equitable distribution of health services. The presence of telemedicine is a reaction to the access gap in the world of health, where by utilizing information technology opens up opportunities for patients who are in hard-to-reach areas to get health services evenly.² This telemedicine initiative has actually started since the 2000s, but its development began to be felt during a worldwide disease outbreak in 2019 known as the covid-19 outbreak. The spread of the covid-19 outbreak has been declared by the world health organization (world Health Organization) as a pandemic in most countries of the world, including Indonesia. the consequences of the covoid-19 outbreak not only claimed the loss of life, but also had an impact on the social, economic and community welfare fields.³

In overcoming the spread of the corona virus or covid-19, the government has made various ways by making policies. For example, the implementation of Large-Scale Social Restrictions (PSBB). The Large-Scale Social Restrictions (PSBB) policy aims to reduce the impact of the spread of covid-19. Corona virus is a deadly infectious disease outbreak, it is difficult to know that someone is affected by the covid-19 outbreak, so that someone who looks healthy can spread the virus to others, so for the government as the ruler makes a policy to make a Large-Scale Social Restrictions (PSBB) policy. By utilizing telemedicine information technology, it can be used as a solution, even though there is a policy of limiting face-to-face health services, someone can still access health services through online media services. This is the benefit of technology, by utilizing technology it can help humans in carrying out their activities, distance is no longer an obstacle, through online media a person can interact even though the distance is far apart.

However, the rapid development of this technology is also not free from ethical and legal issues, especially Islamic law. Indeed, the manafaay has been widely felt, which becomes a problem whether its application will cause conflict with Islamic shari'a, especially those related to the safety of the soul (hifdz an-nafs) and human honor. Whether telemedicine technology that provides remote health services in order to be more efficient can be responsible for patient health data because the patient's illness is a sensitive matter. With the unstoppable discovery of new technology, it is important to understand how Islamic law views the progress of the times. With the principle of maqasith shari'ah, it is expected to be able to provide answers in facing the challenges of technological progress, especially in the world of health in a relevant and flexible manner.

METHODS

Descriptive method. The author will obtain a clear description of the topics discussed in this study to see the maqashid shari'ah perspective on the role of telemedicine as soul protection. qualitative approach that has a focal point by using document studies or library materials in collecting information. Data collection with this library study is a method by examining and analyzing various

² Nur Ismiyah and Aura Malika Asy-Syifa, "Telemedicine Dan Kesehatan: Memahami Dampak Teknologi Kedokteran Di Era Digital Dalam Konteks Ajaran Islam," n.d., 2.

³ Nur Inayah Ismaniar Indar, Riski Amelia, lailani ismaniar, *Perspektif Hukum Informasi Kesehatan* (Yogyakarta: Pustaka Pelajar, n.d.), 260.

books, fiqh books both classical and contemporary, journals, scientific works, publicative articles on the Internet and all text information that has a direct or indirect link to the topic in this research.

RESULT AND DISCUSSION

Maqashid Syari'ah

All forms of teachings in Islam contain the goodness and benefit of mankind. Achieving goodness and benefit is the principle and goal to be achieved by Islamic law. The purpose of this legislation in Islamic literature is called *maqashid shari'ah*. *Maqashid shari'ah* is a sentence composed of two words which can simply be interpreted as the purpose of *shari'at*. As for the term, according to Muhammad Thahir ibn 'Ashur (w.1325 H), *maqashid shari'ah* is

مقاصد التشريع العامة هي: المعاني والحكم الملحوظة للشارع في جميع أحوال التشريع أو معظمها، بحيث لا تختص ملاحظتها بالكون في نوع خاص من أحكام الشريعة

Maqashid shari'ah al-'ammah is some of the meanings and laws that are of concern to the *Shari'ah* in all conditions of the *Shari'ah* and the virtue of the law, which attention is not specific to the situation of one particular type of *Shari'ah* law.⁴

Understanding the definition put forward by Muhammad Thahir Ibn 'Ashur above, the *maqashid shari'ah* has three main elements, namely

1. *Maqashid shari'ah* discusses the purpose or wisdom behind the *shari'ah* law.
2. the purpose that will be obtained will lead to goodness and misery
3. the benefit of knowing the purpose of the law is that it can control the *mujtahid* in determining a law.⁵

The emergence of the understanding of *maqashid shari'ah* was first put forward by a scholar who in his time was widely rejected by *ulma* from various circles. Imam al-Syathibi was the first to use the term *maqashid shari'ah*. At first he did not give a clear definition, he only revealed about *shari'ah* and its function for human life. He emphasized that the doctrine of *maqashid shari'ah* is one, namely *maslahah* or the good and welfare of mankind both in this world and the hereafter. Therefore Imam al-Syathibi put the position of *maslahah* or goodness as the *illat* of law or the basic thing that becomes the reason for a law.⁶

By making *maslahah* or goodness as a legal basis, it provides space for *mujtahids* to know and understand the wisdom of *shari'at*, so that from this it can be seen that Islamic teachings are flexible to all changing times. Islam is not a religion that is rigid in dealing with problems. This principle of flexibility makes it possible for Islamic law to overcome the problems of the times. Based on the purpose of realizing the benefit, the scholars divide the level of *maqashid shari'ah* into three categories, namely

1) *Dharuriyah*

Dharuriyyah is the highest level in the objectives of *shari'ah*. It is the determinant for the realization of the goals of the world and the hereafter. the need for its realization is a primary goal that cannot be rejected. Maintaining its existence is a fixed price, if it is not realized it will result in the denial of the benefits of the world and the hereafter.⁷ There are five main objectives that *syarak* wants to maintain, namely *hifdz al-din* (protecting religion), *hifdz al-nafs* (protecting the soul),

⁴ Ibnu 'Asyur, *Maqashid Al-Syari'ah Al-Islamiyyah* (Yordania: Dar al-Nafais, 2001), 51.

⁵ Jaser Audah, *Al-Maqashid Untuk Pemula, Terjemahan Dari Maqashid: A Beginner's Guide, Oleh Ali Abdoelmun 'Im* (Yogyakarta: Suka Press, n.d.), 3.

⁶ Abu Ishaq al-Syathibi, "Al-Muwafaqat Fi Ushul Al-Syari'ah" (Mesir: al-Maktabah al-Tijariyyah al-Kubra, n.d.), 21.

⁷ Muhammad Syukri Albani Nasution dan Rahmad Hidayat Nasution, *Filsafat Hukum Islam Dan Maqashid Syari'ah* (Jakarta: Kencana, 2012), 43.

hifdz al-aql (protecting the intellect), hifdz al-nasl (protecting offspring), and hifdz al-mal (protecting property).⁸

2)Hajiyyat

Hajiyyat is the second level of maqashid after dharuriyyah. It is a secondary goal stage. Although if it is not realized it will cause difficulty and narrowness, it can still be replaced or abandoned. This Maqashid hajiyyat exists solely to maintain or eliminate various forms of human difficulty.⁹ For example, the provision of concession, known in fiqh terminology as rukhshah, is granted when difficulties arise as a means to fulfill primary objectives or maqashid dharuriyyah.

3. Tahsiniyyat

Tahsiniyyah is a supporting need or tertiary need. It only functions as a complementary need to the two previous needs. If it is not fulfilled it will not cause difficulties let alone damage to life, only the benefits obtained are not maximized.¹⁰

The importance of protecting the soul, in maqashid shari'ah theory, is second only to hifz al-din. Hifz al-nafs or protecting the soul is one of the main principles in maqashid shari'ah which refers to the importance of safeguarding the human soul. This principle also implies maintaining human physical and mental well-being. In the principle of maqashid shari'ah, hifz al-nafs is considered a basic need (dharuriyyah) that must be protected, so that all forms of threats to human life, such as violence, murder that must be protected, so that all forms of threats to human life, such as violence, murder, and other destructive actions, are strictly prohibited in Islam. Besides hifz al-nafs also includes efforts to maintain health, safety and all access that supports the continuity of life. This principle is in line with the purpose of shari'a to create benefits for mankind, where all forms of actions and policies must consider the benefits of mankind.

Telemicine

Humans are creatures that are given reason and mind, with this reason and mind bringing humans to advanced civilization. The ability of humans to create new things raises the issue of whether it is in accordance or contrary to maqashid shari'ah. The principles of maqashid shari'ah can be used as a basis by mujtahids in determining laws relating to all aspects of life, including the fields of health and technology. In the context of health technology, maqashid shari'ah plays an important role as a guide to assess whether technological innovations are in line with the objectives of shari'ah in maintaining the benefit of the people.

Health is a very important element for human survival. Health can be defined as a state of health, both physically, mentally, and spiritually, which makes it possible for a person to live life as it should be. The importance of health is a vital part of human life to achieve their goals and hopes.¹¹ Such is the importance of health in human life. Physical health will have an impact on the mental health of a person, with a healthy mentality and body able to provide encouragement to realize human goals and hopes.

The emergence of new discoveries and innovations, we call it AI (Artificial Intelligence) in health known as (AI for healthcare) has brought many benefits that can be felt both by health professionals, researchers, and patients such as cancer treatment by engineering cancer cell DNA, using robots for surgical operations, diagnosing diseases using medical images, monitoring and administering drugs to patients, and many more.

⁸ Sutisna dkk, *Panorama Maqashid Syari'ah* (Bandung: CV Media Sains Indonesia, 2021), 70.

⁹ Safriadi, *Maqashid Syari'ah Dan Maslahah Kajian Terhadap Ibnu 'Asyur Dan Sa'id Ramadhan Al-Buthi* (Yogyakarta: Sefa Bumi Persada, 2021), 163.

¹⁰ Nūr al-Dīn ibn Mukhtār al-ī Khadimi, *Al-Ijtihād Al-Maqāshid: Hujjyatuhu Dawabiṭuhu Majalātuhu* (Qatar: Wuzārat al-Awqāf wa al-Shu'ūn al-Islāmīyah, 1998), 53.

¹¹ Nomensen Sinamo, *Hukum Kesehatan Dan Sengketa Medis* (Jakarta: Jala Permata Aksara, 2019), 35.

One of the technological developments that are very helpful in the world of medicine is that the speed of information technology makes it possible for patients or doctors to provide health services through online networks. This is known as telemedicine.¹² According to experts, telemedicine comes from the Greek *tele* meaning telemetry and medical meaning health care. Therefore, the Greek *tele* meaning telemetry and medical meaning healthcare. Hence, experts believe that telemedicine involves communication and information technology with medical personnel to provide telemedicine services.

telecommunications and digital communication technology assistance which includes the exchange of information on diagnosis, treatment, prevention of disease and intelligence, research, evaluation, and continuing education in the provision of comprehensive health services for a person or community. According to Soegijardja Soegijogo that telemedicine is an activity of sending or receiving medical information aimed at improving clinical services such as diagnosis and therapy as well as education that utilizes information technology, and electronics, telecommunications, and computers.¹³

Telemedicine in the context of its implementation can be divided generally into two groups: real time (synchronous) and store and forward (asynchronous). The difference between the two is that in real time (synchronous) between patients and doctors required simultaneous presence via telephone other more complex instruments such as surgical robots.¹⁴ Whereas store and forward (asynchronous) involves the collection of medical data which is then sent to a specialist for examination at a more appropriate time, offline. This second type of telemedicine does not involve interaction between medical personnel and patients directly. The synchronous form can be in the form of tele-otoscope which provides facilities to a doctor that allows him to look into the patient's ear remotely and allows him to know and detect the patient's heartbeat. While asynchronous forms can be dermatology, radiology, and pathology that can send data. For this reason, the data is organized in a suitable and appropriate format, so that the data sent is effective.

The presence of technology in the world of health has a very significant impact on the ideals of the Indonesian nation in realizing general welfare. This is in accordance with the 1945 Constitution and Pancasila, and is reaffirmed in Article 28 H paragraph (1) of the 1945 Constitution, namely that "everyone has the right to live in physical and mental prosperity, to live, and to get a good and healthy living environment as well as to obtain health services"¹⁵ It can be understood that the state also pays attention to the importance of healthy living. Based on the importance of health for all humans, it is necessary to involve all elements of both government and society to increase awareness, willingness and ability to live for everyone in order to realize high public health, as a form of increasing productive Human Resources.

Telemedicine provides various benefits, including monitoring primary care in primary health facilities and providing optimal treatment to patients who are isolated at home and reducing unnecessary visits to the hospital.¹⁶ According to a study, there are several reports that show the clinical benefits of telemedicine to the conditions of society, especially Indonesia, in at least three health disciplines, namely primary care, mental health, and handling Covid -19 patients.

¹² Micahel Yulius Munthe, "Pengembangan Sistem Telehealth Dengan Diagnosis Penyakit Otomatis Berbasis Web", *Jurnal Pengembangan Teknologi Informasi Dan Ilmu Komputer* VOL. 02 (n.d.): 3554.

¹³ Soegijardjo Soegijoko, *Aspek Hukum Telemedicine* (Ambon: Universitas Pattimura, dalam Arman Anwar, 2014), 4.

¹⁴ Juwana dan kirana H, *Hukum Kesehatan Digital Di Indonesia: Telemedicine Dan Beyond* (Jakarta: Universitas Indonesia, 2022), 24.

¹⁵ Yunanto, "Pertanggungjawaban Dokter Dalam Transaksi Terapeutik" (Tesis Magister Universitas Diponegoro, 2009), 35.

¹⁶ MMR. dr.Tjatur Priambodo, M.Kes., dr.Musa Ghufroon et al., *Multi-peran Aspek Kedokteran Dalam Promotif, Preventif, Kuratif, Dan Rehabilitatif Kesehatan* (Surabaya: UM Surabaya, 2022), 49.

- 1) Primary care: telemedicine has improved access to primary health care in rural areas. Telemedicine consultations have reduced time and distance issues and improved patient health. Thanks to information technology in medicine, areas that are difficult to reach by medical personnel can now experience health services through online media.
- 2) Mental health: effective telemedicine has been proven to improve mental health services. It has successfully overcome the stigma that is often found in patients who make physical visits to mental health facilities. The bad experiences that patients have can be overcome. One of the causes of bad stigma that has an impact on mental patients is the health services of medical personnel that are felt to be lacking by patients and queues that are too long. With the utilization of health information technology, patients do not have to queue for long at the hospital because online services can be a solution.
- 3) Covid-19: a study shows from various parts of Indonesia shows telemedicine can successfully help the recovery of covid-19 patients with mild and moderate symptoms. Telemedicine can also reduce physical visits to health care facilities. When there is a social distancing policy in an effort to break the chain of covid 19 spread, telemedicine plays a very important role. Patients who are identified as positive for covid19 can carry out independent isolation and still receive attention from medical personnel.

Telemedicine is one aspect of the use of information and communication technology or ICT in the health sector. Broadly speaking, the use of ICT or information and communication technologies (ICT) is believed to improve clinical services and public health. In addition to being useful for improving the quality of administrative services and research, the use of ICT also has the following benefits:

- 1) Improving access to health care
- 2) Improving the quality of service delivery
- 3) Improving the effectiveness of public health and primary care implementation or interventions.
- 4) Improve the shortage of health professionals by conducting global cooperation and training.

In addition, telemedicine is the use of digital data transmitted through electronic media to support health services at both local or regional and remote levels, which also provides benefits,¹⁷ such as increasing access to patients, reducing patient costs, and improving health quality. Despite all the benefits of telemedicine, in reality, the use of telemedicine services, which is still relatively new, often has obstacles and challenges such as in

- 1) Technological aspects, namely in the form of technological and information limitations that can hinder health services, such as network infrastructure problems.
- 2) Economic aspects, the economy is often an obstacle to the development of telemedicine, such as how services for practitioners who are involved in telemedicine services.
- 3) Human resource aspects, including the lack of professional medical and paramedical experts and experts in the field of information technology that will support the telemedicine system.
- 4) Policy aspects, including the legal basis and legal protection, as well as government political policies.

Government policy in the success of social equity is needed. Therefore, health law explains that everyone has the same rights to access and enjoy health resources. Likewise, everyone has the right to receive safe, quality services at an affordable cost. In accordance with Article 34 paragraph (3) of the 1945 Constitution which states “the state is responsible for the provision of health care facilities and proper public service facilities. Although there are already regulations of the Law that regulate the fact that health services in Indonesia are still not optimal, because there are still many health facilities that

¹⁷ Weny Lestari, “Telemedik: Sarana Peningkatan Pelayanan Kesehatan Dengan Teknologi Informasi,” *Jurnal Sistem Dan Kebijakan Kesehatan* VOL 11 No. (n.d.): 64.

are still below standard, problems with the completeness of facilities, drugs, tools and medical personnel also still occur frequently.¹⁸

Telemedicine As An Effort To Protect The Soul In The Perspective Of Maqashid Shari'ah

In the concept of maqashid shari'ah (the purpose of shari'atan) *hifz an-nafs* or safety of the soul is one of the main objectives to be achieved by Islamic shari'ah. through the emphasis on the importance of protecting the soul shows that Islamic shari'ah pays attention to the safety of the soul from various forms of threats and dangers. This is inseparable from the threat of diseases that endanger his life. Even in a hadith it is said that the greatest favor that Allah gives to humans after the favor of faith is the gift of health that Allah gives to humans, as said by the prophet Muhammad SAW.

عَنْ سَلَمَةَ بْنِ عُبَيْدِ اللَّهِ بْنِ مُحْصِنِ الْأَنْصَارِيِّ، عَنْ أَبِيهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ أَصْبَحَ مِنْكُمْ مُعَافًى فِي جَسَدِهِ، آمِنًا فِي سِرِّهِ، عِنْدَهُ قُوَّةٌ يَوْمِهِ، فَكَأَنَّمَا حِيزَتْ لَهُ الدُّنْيَا

“From Salamah bin 'Ubaid al-Allah bin Mihshan al-Anshari, from his father: the apostle of Allah has said: whoever among you is in the morning in good health, and has the staple food on that day, then it is as if the whole world is in his grasp.” (H.R Ibn Madjah)¹⁹

It can be understood from the above hadith that health is very important. Even a healthy body is like the world and everything in it. In some Islamic studies the word healthy is not much found in the Qur'an. This does not mean that Islam does not pay serious attention to health. Islam emphasizes more on preventive efforts or prevention of various diseases, such as paying attention to food and drink.²⁰ By making the Qur'an and hadith as a guide can guide humans to live a better life. health in Islam is not only limited to physical health, but a healthy person is someone who has a healthy body and a strong soul that makes him able to perform worship to the fullest. Therefore, Islam teaches to maintain and choose health, both physical, psychological, and social in order to realize happiness and well-being physically and mentally, in the world hereafter.

Maintaining health is the command of Allah SWT. humans have made various efforts in maintaining their health, even so the disease will definitely attack humans. the health of the body will be influenced by various factors, both from within humans and from outside. The Prophet Muhammad SAW ordered his people to seek treatment for anyone who contracted the disease.

عَنْ أَبِي الدَّرْدَاءِ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " إِنْ اللَّهُ عَزَّ وَجَلَّ أَنْزَلَ الدَّاءَ وَالِدَوَاءَ، وَجَعَلَ لِكُلِّ دَاءٍ دَوَاءً فَتَدَاوَوْا، وَلَا تَدَاوَوْا بِحَرَامٍ

From Abu Darda' he said “the apostle of Allah SAW said”: “Indeed, it is Allah who has sent down the disease and He has also sent down the cure. Allah created the disease along with the cure, so treat you who are sick, but do not treat with what Allah has forbidden.”²¹

The greatest blessing is health, so humans are given a mission to be grateful for the blessing of health by keeping it healthy and seeking treatment if they contract a disease. This command to seek treatment is a command for all humans, but unfortunately not all aring can access health services. So to keep the human soul in accordance with the nature of its creation and avoid various threats of

¹⁸ Bernhard H. Sianipar, “Kebijakan Pengembangan Tele-Medisin Di Indonesia,” *Kajian Kebijakan Dan Hukum Kedirgantaraan*, n.d., 43.

¹⁹ Ibnu Madjah Ibnu Muhammad bin Yazid al-quzwayni Ubaidillah, *Sunan Ibnu Madjah* (Arab: Daar al-Ihya', n.d.), 1387.

²⁰ Khairul Anam, *Paradigma Kesehatan Dalam Islam* (Ponorogo Jawa Timur: Barko Group Pondok Pesantren Darul Hikmah, n.d.), 6.

²¹ Abu Na'in Ahmad bin'Abdillah bin Ahmad bin Ishak bin Musa bin Mihrani al-Ashbahani, *Al-Thib Al-Nawawi* (daar Ibnu hazm, 2006), 199.

disease, utilizing information technology can help humans make preventive healthcare efforts, as well as treatment or rehabilitation healthcare. The term treatment through information technology is known as telemedicine. From here it appears that the development of technology can help humans realize the objectives of shariah, especially with regard to the protection of the soul or hifz al-nafs. Health and soul have a close relationship that cannot be separated from one another. By understanding the use of technology and information in the clinical world, it can be understood that telemedicine is a supporting medical instrument in realizing the objectives of Islamic law. The form of telemedicine linkage in realizing maqashid shari'ah is as follows

1) Easier access to emergency care and consultation

With telemedicine, patients can quickly access medical services without having to travel far. With easy access to health services, it can reduce the risk of delays in getting treatment, especially in emergency conditions. This is certainly in line with the principle of hifz al-nafs in maqashid shari'ah. Not only in line with the principle of maqashid sharia in telemedicine that provides convenience, it also reflects the principles of Islamic law which are flexible and easy. As a fihiyyah rule that is often found in Islamic literature

أن مبني الفقه على أربع قواعد: اليقين لا يزال بالشك، والضرر يزال، والعادة محكمة والمشقة تجلب التيسر

“Indeed, the foundation of fiqh consists of four rules: belief cannot be eliminated by doubt, dharurat must be eliminated, prevailing customs can be used as a basis for law, and hardship should be eliminated.”²²

There are two rules in this second benefit of telemedicine, namely the existence of online health services can eliminate dharurat conditions that require rapid medical action and areas that are difficult to reach get health services evenly, so that the difficulties experienced, especially in Indonesia, which is the largest archipelago in the world, telemedicine can be a solution.

2) Facilitates early detection of disease

Telemedicine makes it possible for patients to consult regularly, so that disease detection can be addressed early. This early disease detection plays an important role in prevention and more effective treatment. It can be seen here that telemedicine contributes to the realization of the objectives of Shariah which relate to the preservation of human souls. Early detection of disease can be taken in the sense of efforts to prevent disease such as the prohibition of eating and drinking excessively, eating and drinking halal again good.²³ there is a well-known term in the world of Islamic medicine, namely

فعلى الإنسان أن يتأدب بالآداب الشرعية، ويمثل أمر الرسول ﷺ، وأن يحافظ على صحته، فإنه كما قيل: الوقاية خير من العلاج، وكما قيل: المعدة بيت الداء.

“ then man is obliged to maintain manners as prescribed in sharee'ah. And the Messenger of Allah (may Allah's peace and blessings be upon him) has foreshadowed this by enjoining health. As someone said: “prevention is better than cure” as he said: ‘the stomach is the source of disease’.”²⁴

3.Reducing the risk of spreading infectious diseases

In the case of the covid 19 pandemic, telemedicine has been proven to contribute to overcoming the spread of covid-19, by limiting the interaction between medical personnel and

²² Tajul-Din 'Abdu al-Wahhab bin Taqiyu al-Din al-Subuki, *Al-Asybabu Wa Al-Nazhair* (Daar al-Kitab al-'Alamiyyah, n.d.), 12.

²³ Anam, *Paradigma Kesehatan Dalam Islam*, 7.

²⁴ Abdullah bin Shalih al-Muhshini, “Al-Ahadits Al-Arba'in Al-Nawawi Ma'a Zada 'Alaihi Ibnu Rajab Wa 'Alaiha Al-Syarhu Al-Mawajizu Al-Mufidi” (Madinah al-Munawwarah: al-Jami'ah al-Islamiyyah, n.d.), 89.

patients it has been proven to reduce the spread of covid-19, with telemedicine patients can consult with medical personnel without having to go to the hospital, in this case it is also easier for medical personnel to monitor patients through online media without having to interact directly. For patients undergoing self-isolation, telemedicine is a tool to monitor their health conditions regularly. That way it is easier for medical personnel to provide advice in real time and if there is a bad condition, action can be taken immediately. Breaking the chain of the spread of the plague has actually been conveyed by the Prophet Muhammad SAW. So the role of telemedicine in breaking the chain of the spread of the plague is an effort made in safeguarding the human soul.

أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ فِي الطَّاعُونَ: «إِذَا وَقَعَ بِأَرْضٍ وَأَنْتُمْ بِهَا فَلَا تَخْرُجُوا مِنْهَا وَإِذَا كَانَ بِأَرْضٍ وَلَسْتُمْ بِهَا فَلَا تَدْخُلُوهَا

. “Verily, the Messenger of Allah (SAW) said about tha'un: When you are in an area affected by tha'un, do not leave that area. And if you are in the area of tha'un do not enter it'.²⁵

So perfect are the teachings of Islam that address all aspects of life, to the point that breaking the chain of spreading the plague there is already guidance in Islam. this proves the perfection of Islamic teachings. Although humans are trying to create methods in overcoming the plague, it turns out that Islamic shari'ah which prioritizes the public good has long before provided guidance.

In the perspective of shariah, every innovation and new technology that is seen is in terms of its usefulness or benefit. And compare it with the aspect of kemudharnya. Information technology such as telemedicine, if utilized properly and correctly, is a technology that supports maslahah by expanding access to health and safety for the community, so in shari'ah principles telemedicine can be categorized as a means that supports the objectives of shari'ah to maintain and preserve human life.

CONCLUSION

Technological development affects all aspects of life both social, cultural and even religious. one of the influences of technology in the world is in the health sector. The presence of information technology in the clinical world makes it possible for medical personnel to perform health services online. This term is called telemedicine. In the perspective of maqashid shari'ah, telemedicine can be seen as a form of protection of the soul (hifz al-nafs). Telemedicine allows easier, faster and more effective access to health services, especially for those who are in remote areas or have limitations in accessing health facilities. By using communication technology, patients can consult from a distance, reducing the risk of delayed treatment and increasing the chances of recovery.

In maqashid shari'ah, the protection of life is one of the main objectives that must be maintained. Telemedicine supports this by accelerating access and availability of health services, assisting in emergency situations, and playing a role in monitoring health conditions regularly without distance constraints. Therefore, telemedicine is in line with the principles of maqashid shari'ah in efforts to protect lives and equalize public welfare. Telemedicine provides a useful solution in providing modern health services

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