

# JURISPRUDENTIAL AND LEGAL ADAPTATION OF PLASTIC SURGERY

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## Abstract:

This research aims to clarify the jurisprudential and legal ruling on plastic surgery, a jurisprudential legal study, and follows the importance of research by highlighting the legal rooting. And adjusting the organs of the body from enlarging and minimizing to resemble what is desirable from celebrities, and it is of two types: a permissible type, and a prohibited type, and it included a number of conclusions that I was able to reach after studying the subject and knowing it in all its aspects - within the limits of the researcher's knowledge and the breadth of the research papers raised.

**Keywords:** jurisprudence, legal, operations, plastic surgery, treatment.

## 1) INTRODUCTION

In its inception, plastic surgeries were done to treat what was the cause of distortion, imperfection, or treatment, but they have become fashionable and to attract attention by improving the image and adjusting the body parts by enlarging and minimizing them to resemble what is desirable from celebrities, and they have increased in recent times above normal, and sometimes lead to death. .

It is of two types: a permissible type, and a prohibited type. So what is related to treatment, removing disease, removing deformities, or restoring the body to its original form, then it is permissible, and as for what involves altering God's creation, or just because of goodness or without necessity, then it is prohibited [1][2].

Among the innovations in contemporary plastic surgery and the use of modern technologies such as: facelift with HIFU technique, drawing eyebrows and contouring lips with microblading technique, peeling of the face and lips using fractional technique, and facelift with profilo injections, using chemicals such as: plasma, hyaluronic acid, and salts[3][4].

So I chose that my research be in the jurisprudential adaptation of these calamities, as well as we stand on the legal adaptation, so the name of the research was (the jurisprudential and legal adaptation of plastic surgery - a jurisprudential legal study)[5][6].

The importance of the topic and the reasons for choosing it:

- 1) Knowing the jurisprudential and legal position on plastic surgery, as the doctor and clinician both need to know the Sharia rulings on plastic surgery.
- 2) The high demand of many for such operations, in addition to their prevalence in the world.
- 3) The topic is related to human creation.
- 4) Emphasizing that Islamic law is able to keep pace with events and keep pace with developments.
- 5) Enriching the jurisprudential library by studying contemporary developments.

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research aims:

The research objectives lie in the following points:

- 1- Knowing the types of plastic surgeries and their rulings.
- 2- Knowledge of the Sharia and legal controls for plastic surgery.
- 3- Statement of the Sharia and legal ruling for each type of these operations.

## **2) LITERATURE RIVEW**

After researching and asking specialists, especially my professors, and looking at search engines, I came across some studies and research that dealt with the issue of plastic surgery. The studies were arranged from oldest to newest as follows:

Entitled: "Saudi men's attitudes towards men's plastic surgery." Refereed research submitted by the researcher: Omar Abdel-Jabbar Mohamed Ahmed, published in the Journal: Studies in Social Work, publisher: Helwan University - Faculty of Social Work, No. 34, Part 2, Egypt, April 2013[9].

Research Abstract: This study aimed to identify the attitudes of Saudi men towards male plastic surgery[10]. It also aimed to identify the most important factors that drive him to perform plastic surgeries and the most important types of those operations for him. The study population consisted of postgraduate students enrolled in the parallel master's program in the second semester of the academic year 1433/1434 AH at the College of Arts, King Saud University. The study used the social survey method by the intentional sampling method to obtain the vocabulary and data of the study. The study used a questionnaire to collect data. The questionnaire contained closed questions and statements on a Likert scale. The data was analyzed by SPSS program, and the study used symbolic interaction theory to interpret its results. The study concluded a number of results, the most important of which are: 1/ The attitudes of the respondents towards male plastic surgery are mostly negative[11]. However, the results indicated that there are five types of attitudes that are completely positive, positive, neutral, negative, and completely negative. 2/ The study concluded that the most important factors that drive Saudi men to undergo plastic surgery are congenital deformities and the effects of accidents[12]. 3/ The study concluded that the most important plastic surgeries for Saudi men were, respectively, dental surgeries, liposuction operations, tummy tuck operations, wrinkle removal operations, and eyelid operations.

## **II. METHODOLOGY**

God Almighty told us that Satan threatened to lead the children of Adam astray by making them do things, including changing God's creation, as in His saying: (An-Nisa: 119), and there is no doubt that in this there is a disparagement of changing the creation of God Almighty (1), Al-Raghib said (Creation: Its origin is predestination, and it is used to create something without a foundation. It is used to create something from something.

And His saying: "And I will command them to change the creation of God." It was said: a reference to what they disfigure in terms of castration and plucking the beard and what follows its course, and it was said: It means they change its ruling. Ibn Manzoor said: "Changing gray hair means: plucking it, because changing its color has been commanded" (2).

Based on this, there is no evidence in the verse for the prohibition of merely changing the creation of God Almighty, rather it is a statement that everything that God and His Messenger (may God bless him and grant him peace) forbade, Satan commands. Thus, the verse does not infer the prohibition of an act, except after it has been proven that it is forbidden, so the law mentioned in it the permission for a number of actions that change the creation of God Almighty, such as circumcision, cutting off the hand of the thief, piercing the ear of the female, and taking a substitute nose for what was cut off, but rather that eyeliner and dyeing with henna are all changes God Almighty's creation. Many people of knowledge differentiate between the change that remains and the change that does not go away, so the first is forbidden and the second is permitted, since the one that goes away is mentioned in the pigment, and the forbidden in the texts are all things that do not go away, so he made that a reason for the ban in the likes of his saying (may God bless him and grant him peace): May God curse Women who have tattoos, women who have tattoos, women who have tattoos, women who have been removed, women who have been removed for beauty, who change God's creation) agreed upon. In making perpetuity a reason for prohibition, there is evidence that the Shari'ah came to stipulate a change that does not disappear (such as cutting off the hand of the thief, the hand and the foot of the warrior, and the like from the types of permanent change), just as what the Shari'a came to forbid is not all of what is permanent, as the effect of plucking does not last, rather poetry returns. For the plant again, and this indicates that the pick is not the permanence, and therefore some scholars add another reason for the reason for the prohibition to be a reason consisting of two descriptions, which are permanence and the desire to improve it, and he cited for that what came in the previous hadith (and the falsifiers of beauty), and the truth is that making improvement is a reason for prohibition and prevention It is not appropriate, because we see from the Shari'a that adornment is permitted and enjoined, so it is not justified to make it a reason for prohibition or prohibition. Piercing a female's ear is permissible even though it is permanent adornment.

Ibn Hajar said in his explanation of the word al-Mughirat, God's creation: "It is an attribute necessary for those who make tattoos, al-Namas and al-Falij4 ), and therefore what was mentioned in the Sharia that forbids it depends on it and does not transcend it except with clear and apparent evidence. Likewise, all the actions that a person performs either out of the desire to preserve the necessities or take care of the needs or improvements, and between these ranks there is a difference. And if necessity is found, then the prohibition is lifted. The Most High said: {And He has explained to you in detail what He has forbidden you, except what you are compelled to do} (Al-An'am: 119), and this text requires the presence of permissibility in the presence of necessity in every situation in which it is found (5).

As for the need, it is a medium rank in hardship, and therefore it is not permitted by what is permissible by necessity, except that the need, if it is general and deals with most of the creation, then it descends into the status of necessity in the right of one person, and as for improvements, they are below that. Based on this, we must distinguish between the types of dispositions and remedial procedures, and what they aim at, so some of them are necessary and necessary, and some are less than that.

In addition to the foregoing, the human body belongs to God Almighty, as the Almighty said: Accordingly, no one has the right to dispose of a property in a manner that is prohibited by its

owner. Based on that, it is not permissible for the doctor to handle the patient's body unless he is going to do an act authorized by the Sharia, and the patient's permission and consent is not sufficient.

Ibn al-Qayyim said: "It is not permissible to cut off an organ that God and His Messenger did not command to cut off, nor did He obligate it to be cut off, as if he was permitted to cut off his ear or his finger, for he is not permitted to do so, and the sin is not waived from him with permission."

And Ibn Hazm said: "And they agreed that it is not permissible for anyone to kill himself, not to cut off one of his limbs, or to hurt himself, except for medication by cutting off the painful limb in particular".

The second requirement: jurisprudential contraindications that warn beautification

Evidence: The verse indicates that changing God's creation is from the beautification of Satan and his seduction of his friends, and plastic surgery includes changing God's creation and tampering with it according to whims and desires.

2- The hadith of Ibn Masoud - may God be pleased with him - that he said: ((May God curse the women who tattoo, the women who have tattoos, the women who have tattoos and the women who have hair loss for the beauty that changes the creation of God Almighty...)).

The point of evidence from the hadith: that the hadith indicates the curse of those who do these things, and the reason for that is by changing the creation, and its reality combines the request for goodness, and changing the creation of God, and these two meanings are present in plastic surgery; Because it is a change to the creation of God Almighty with the intention of increasing goodness and beauty without the existence of a medical reason that allows it to be done, so it is therefore included in the general curse, so it was forbidden .

It is not permissible for a woman to change anything of her creation that God created for her, by adding or deleting it, to seek goodness, neither for the husband nor for anyone else, such as the one who has the eyebrows drawn together and removes what is between them with the illusion of plugging in or vice versa, and the one who has an extra tooth and removes it, or a long one and cuts it off, or a beard or a mustache or a neck, and she removes it by plucking it, and whoever has short or poor hair, she lengthens it, or braids it

### **III. CONCLUSION**

This was brief research on the jurisprudential and legal adaptation of plastic surgery, a jurisprudential legal study, in which I was exposed to the words of the jurists and their evidence through the most important jurisprudential and legal books. I found them as follows:

The most important findings:

1- It is legally permissible to perform necessary and urgent plastic surgery, which is intended to:

A- Restore the shape of the body's organs to the state in which man was created, according to the Almighty's saying: "Indeed, We created man in the best of stature" (Al-Alaq: 4).

B- Restoring the usual function of the body's organs. The defects that occur to a person due to an accident or disease, and as a result result in deformities in the character, it is permissible to treat these defects through plastic surgery, and there is nothing wrong with that. This

includes liposuction of the face and body to make the woman appear young and graceful. It is not permissible to perform this type of operation.

C- Repairing congenital defects such as: cleft lip (harelip), severe crooked nose, birthmarks, extra fingers and teeth, and sticking of fingers if their presence leads to significant material or moral harm.

D- Repairing emergency defects (acquired) from the effects of burns, accidents, diseases, and others, such as: skin transplantation and grafting, and reshaping the breast completely in case it was removed, or partially if its size is too large or small so that it leads to a pathological condition, and hair transplantation in the case of its fall, especially for women's- Removing a ugliness or ugliness that causes psychological or physical harm to a person. 2- It is not permissible to perform ameliorative plastic surgery that is not included in medical treatment and is intended to change a person's normal character according to whims and desires to imitate others, such as operations to change the shape of the face to appear in a certain appearance, or with the intent of fraud and misleading justice, changing the shape of the nose, enlarging or reducing the lips, and changing the shape of the face. Eyes and cheek augmentation. 3- It is permissible to reduce weight (slimming) by approved scientific means, including surgery (liposuction) if the weight constitutes a satisfactory condition and there is no other means other than surgery, provided that the harm is safe. 4- It is not permissible to remove wrinkles by surgery or injections unless it is a satisfactory condition, provided that the damage is safe. 5- The specialist doctor must abide by the Sharia rules in his medical work and advise plastic surgery seekers (religion is advice). 6- The plastic surgeon is responsible for the result that what follows and results from the plastic surgery is not worse than the condition the patient was in, because - then - the doctor is negligent in the extent of diagnosis or assessment.

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