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From Classical Fiqh to Emerging Biotechnologies: A Maqāṣid al-Sharī'ah Analysis of Human Cloning and Assisted Reproductive Technologies

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Abstract

The rapid advancement of biotechnology, particularly in human cloning and assisted reproductive technologies (ART), has intensified contemporary debates in Islamic bioethics and reproductive ethics. While previous studies have primarily examined the permissibility of cloning and in vitro fertilization (IVF) from doctrinal or fatwa-based perspectives, limited scholarship has systematically analyzed these issues through an integrative *maqāṣid al-sharī'ah* framework that emphasizes the preservation of lineage (*hifz al-nasl*), legal pluralism, and the ethical implications of emerging biomedical technologies. This article aims to examine Islamic legal responses to human cloning, plant and animal cloning, and various forms of IVF by comparatively evaluating classical juristic doctrines, contemporary fatwas, and *maqāṣid*-oriented legal reasoning. Employing a normative-juridical method with conceptual and analytical approaches, the study explores how Islamic law negotiates the tension between scientific innovation, ethical responsibility, and the preservation of social order. The findings reveal that human cloning intended to replicate human beings is categorically prohibited because it threatens the preservation of lineage, family structure, inheritance systems, parental identity, and broader moral values. In contrast, plant and animal cloning are considered permissible, provided that they promote public benefit (*maṣlaḥah*) and do not result in harmful consequences (*mafsadah*). The study further demonstrates that IVF involving the sperm and ovum of a legally married couple is permissible, whereas third-party reproductive practices including surrogacy, donor gametes, and posthumous reproduction are prohibited due to their potential to create ambiguity in lineage and undermine the institution of marriage. This article contributes to contemporary Islamic legal scholarship by proposing a *maqāṣid*-based evaluative framework that integrates Islamic bioethics, reproductive ethics, and legal pluralism in addressing the legal and ethical challenges posed by emerging biomedical technologies in contemporary Muslim societies.

Keywords: Islamic Law; Human Cloning; Maqāṣid al-Sharī'ah; Lineage Preservation.



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Abstract

Perkembangan pesat bioteknologi, khususnya kloning manusia dan teknologi reproduksi berbantu (assisted reproductive technologies/ART), telah memperkuat perdebatan kontemporer dalam bioetika Islam dan etika reproduksi. Meskipun penelitian sebelumnya umumnya membahas kebolehan kloning dan fertilisasi in vitro (IVF) dari perspektif doktrinal atau berbasis fatwa, kajian yang secara sistematis menelaah persoalan ini melalui kerangka integratif *maqāṣid al-sharī'ah* yang menekankan perlindungan nasab (*ḥifẓ al-nasl*), pluralisme hukum, dan implikasi etis dari teknologi biomedis modern masih terbatas. Artikel ini bertujuan untuk menganalisis respons hukum Islam terhadap kloning manusia, kloning tumbuhan dan hewan, serta berbagai bentuk IVF dengan mengevaluasi secara komparatif doktrin fikih klasik, fatwa kontemporer, dan penalaran hukum berbasis *maqāṣid*. Dengan menggunakan metode normatif-yuridis melalui pendekatan konseptual dan analitis, penelitian ini mengkaji bagaimana hukum Islam menegosiasikan ketegangan antara inovasi ilmiah, tanggung jawab etis, dan perlindungan tatanan sosial. Hasil penelitian menunjukkan bahwa kloning manusia yang bertujuan menggandakan manusia secara kategoris dilarang karena mengancam perlindungan nasab, struktur keluarga, sistem warisan, identitas orang tua, serta nilai-nilai moral yang lebih luas. Sebaliknya, kloning tumbuhan dan hewan dipandang boleh selama menghasilkan kemaslahatan umum (*maṣlaḥah*) dan menghindari dampak yang merugikan (*mafsadah*). Penelitian ini juga menunjukkan bahwa IVF yang menggunakan sperma dan ovum dari pasangan suami istri yang sah diperbolehkan, sedangkan praktik reproduksi pihak ketiga termasuk ibu pengganti (*surrogacy*), donor gamet, dan reproduksi pascakematian melalui sperma beku dilarang karena berpotensi menimbulkan kekaburan nasab dan merusak institusi perkawinan. Artikel ini berkontribusi pada pengembangan kajian hukum Islam kontemporer dengan menawarkan model evaluatif berbasis *maqāṣid* yang mengintegrasikan bioetika Islam, etika reproduksi, dan pluralisme hukum dalam merespons perkembangan teknologi biomedis di masyarakat Muslim modern.

Keywords: Hukum Islam; Kloning Manusia; Bayi Tabung; *Maqāṣid al-Syarī'ah*; Perlindungan Nasab.

Introduction

The rapid advancement of modern biotechnology over the past few decades has generated various new issues in contemporary Islamic legal studies, particularly concerning human cloning and assisted reproductive technologies (ART) (Baharuddin, 2026; Matthews, 2021; Saniei & Kargar, 2021; Serour et al., 2023). Developments in medical science have enabled genetic engineering, in vitro fertilization (IVF), and cloning technologies that were once considered merely scientific speculation (Lewis, 2026; Quintyn, 2022). In many countries, especially within Muslim societies, these developments have sparked multidisciplinary debates involving legal, ethical, religious, and human rights dimensions. On the one hand, such technologies are viewed as scientific innovations capable of addressing infertility and treating genetic disorders (Capalbo et al., 2021; Hussain et al., 2025; Tenchov & Zhou, 2025). On the other hand, their application raises serious concerns regarding the protection of lineage (*ḥifẓ al-nasl*), family structure, biological identity, and the ethical limits of human intervention in the process of creation (Abubakar et al., 2021; Muhsin, Abdul Jalil, et al., 2024; Nur & Puspitasari, 2023). Therefore, the issues of cloning and IVF have become significant themes within the discourse of Islamic bioethics and reproductive ethics, requiring a comprehensive analysis from the perspective of Islamic law.

Within the framework of Islamic law, the issues of cloning and IVF are not merely related to medical and technical aspects but also concern fundamental Sharī'ah principles regarding marriage, lineage, inheritance, and social order (Ibrahim et al., 2018; Uddin, 2024; Yasin et al., 2025; Yazici & Rashad, 2026). Human cloning is essentially an asexual reproductive process intended to produce genetically identical individuals (Protopapadakis, 2023), whereas IVF is a fertilization method conducted outside the womb to assist married couples in having children (Ardakani et al., 2021). The development of these technologies demonstrates how medical modernity has introduced new challenges to classical Islamic legal constructions, which previously had no conception of non-conventional reproductive methods. In practice, several Muslim countries and international fatwa institutions have responded differently to the use of modern reproductive technologies, particularly concerning sperm donation, ovum donation, surrogacy, and posthumous reproduction (Das & Anjum, 2025; Kooli, 2019; Shestak et al., 2023). These differing responses reflect the dynamics of legal pluralism in contemporary Islamic law and simultaneously demonstrate the importance of the *maqāṣid al-sharī'ah* approach in formulating legal responses to modern biomedical issues.

Several previous studies have examined cloning and IVF from various perspectives. Some studies emphasize a normative-fiqh approach focusing on the permissibility or prohibition of modern reproductive technologies based on textual evidence and religious fatwas (Agustar & Arafah, 2024; Alvi & Rizwan, 2023; Ayubi, 2021; Fatarib et al., 2025; Khan & Konje, 2019; Shabana, 2021). Other studies have concentrated on the dimensions of Islamic bioethics and the moral implications of genetic engineering for human dignity and family institutions (Mahmudi, 2026; Padela et al., 2020). In addition, several scholars have analyzed the development of reproductive technologies from medical and socio-legal perspectives, particularly in relation to reproductive rights, infertility, and advances in modern biotechnology (Matthews, 2021). Nevertheless, most existing studies remain partial and descriptive, with limited focus on formal legal aspects or specific fatwas. Research that systematically integrates *maqāṣid al-sharī'ah* analysis with the issues of Islamic bioethics, reproductive ethics, lineage protection, and legal pluralism in the context of cloning and modern reproductive technologies remains relatively limited.

Based on this context, this article argues that *maqāṣid al-sharī'ah* provides the most relevant normative framework for evaluating the development of modern reproductive technologies within contemporary Islamic law. This article demonstrates that the prohibition of human cloning and third-party reproduction is not solely based on a literal interpretation of religious texts, but is also rooted in the protection of lineage, family identity, social stability, and the moral values of Muslim societies. Conversely, reproductive technologies such as IVF within a lawful marital relationship may be considered permissible

as long as they fulfill the principle of *maṣlaḥah* and avoid *mafsadah*. The novelty of this article lies in its effort to integrate the perspective of *maqāṣid al-sharī'ah* with the discourse of Islamic bioethics and legal pluralism in explaining how Islamic law responds to the development of modern biotechnology in a more adaptive and contextual manner. Accordingly, this article not only expands contemporary Islamic legal studies on reproductive bioethics but also offers a more comprehensive legal evaluative model for addressing modern biomedical issues.

Based on the foregoing argument, this study aims to analyze the legal status of human cloning, plant and animal cloning, and IVF technology from the perspective of *maqāṣid al-sharī'ah*. The study also seeks to explain how the principles of lineage protection, public benefit (*maṣlaḥah*), and the prevention of harm constitute the primary foundations for the formulation of Islamic legal rulings concerning the development of modern reproductive technologies.

Methods

This study employs a normative Islamic legal research design with a qualitative approach, focusing on the legal analysis of cloning and assisted reproductive technologies (ART), particularly in vitro fertilization (IVF), from the perspective of *maqāṣid al-sharī'ah*. The research applies both a conceptual approach and a *maqāṣid al-sharī'ah* approach to explain the construction of Islamic law in responding to the development of modern biotechnology. The conceptual approach is used to examine the concepts of cloning, IVF, lineage, reproduction, and the institution of marriage as discussed in classical and contemporary fiqh literature. Meanwhile, the *maqāṣid al-sharī'ah* approach is employed to evaluate the legal, ethical, and social implications of modern reproductive technologies, particularly those related to the protection of lineage (*ḥifẓ al-nasl*), family integrity, biological identity, and social stability. The selection of these approaches is based on the need to understand issues of reproductive bioethics not only from a formal legal perspective but also from the substantive objectives of Islamic law in responding to the advancement of modern science and technology.

The sources of data in this study consist of primary and secondary legal materials. The primary legal materials include the Qur'an, Prophetic traditions (*ḥadīth*), Islamic legal maxims, principles of *uṣūl al-fiqh*, and fatwas issued by national and international religious institutions concerning cloning and assisted reproductive technologies. The secondary legal materials consist of classical fiqh texts from various schools of Islamic jurisprudence, works of contemporary Muslim scholars, academic books, peer-reviewed journal articles, and scientific documents discussing Islamic bioethics, reproductive ethics, and modern biomedical law. Data were collected through library research using documentation

techniques on relevant legal sources and academic literature. The study also selected literature based on thematic relevance, academic authority, and its contribution to contemporary Islamic legal studies on reproductive biotechnology.

The data were analyzed using a qualitative-descriptive method combined with deductive and interpretative reasoning. The analytical process involved several stages, including the identification of legal concepts related to cloning and IVF, the classification of scholarly opinions and contemporary fatwas, and legal interpretation based on the framework of *maqāṣid al-sharī'ah*. In the analytical process, the *maqāṣid* principles—namely the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*)—were employed as evaluative instruments to assess the level of public benefit (*maṣlaḥah*) and potential harm (*mafsadah*) arising from modern reproductive practices. This approach enables the study to explain how Islamic law formulates normative responses to the development of biotechnology in a contextual, adaptive, and goal-oriented manner while remaining grounded in the fundamental objectives of the Sharī'ah.

Result and Discussion

Cloning and Assisted Reproductive Technologies in the Perspective of Islamic Law

The rapid development of biotechnology, particularly human cloning and assisted reproductive technologies (ART), has generated complex debates within contemporary Islamic law. These debates are not limited to theological concerns regarding the process of creation, but also extend to broader issues of Islamic bioethics, reproductive ethics, lineage preservation, and legal pluralism in Muslim societies (AlJahsh, 2024). The Qur'an describes human creation as a gradual biological process occurring through divine will, as reflected in Q.S. al-Ḥajj [22]: 5 and Q.S. al-Mu'minūn [23]: 12–14. Classical Muslim jurists generally understood these verses as affirming the sanctity of natural human reproduction through lawful marriage (Ghandour, 2025; Muhsin, Yahya, et al., 2024). However, modern biomedical technologies such as cloning and IVF challenge traditional legal categories because they introduce forms of reproduction that are technologically mediated and, in some cases, detached from marital relations. Consequently, contemporary Islamic legal discourse has shifted from purely textual interpretations toward broader *maqāṣid*-oriented considerations emphasizing the protection of lineage (*ḥifẓ al-nasl*), family integrity, and social stability (Muttaqin et al., 2026; Yuzaidi et al., 2025).

In Islamic legal discourse, cloning refers to the production of genetically identical organisms through asexual reproduction (Maulana et al., 2024). Although cloning initially developed in plant and animal sciences, advancements in biotechnology have expanded its application to mammals and potentially humans (Katz et al., 2018; Swegen et al., 2023; Yamashita & Melo, 2023). Scientific developments such as the cloning of Dolly the sheep

in 1997 intensified ethical and legal concerns among Muslim scholars worldwide (Häyry, 2018; Khairifa et al., 2025). Contemporary Islamic jurists generally distinguish between therapeutic or agricultural cloning and reproductive human cloning (S. Hasan, 2023). Cloning involving plants and animals is commonly considered permissible when it serves legitimate scientific or public interests and does not result in harm (Kashim et al., 2021). This permissibility reflects the Islamic legal principle that technological advancement is fundamentally allowed unless it contradicts explicit Sharī'ah principles. In contrast, reproductive human cloning has been widely prohibited because it is perceived to undermine the moral and legal foundations of kinship, inheritance, and family structure within Islamic law.

The prohibition of human cloning is strongly reflected in the fatwas of various Islamic institutions across the Muslim world. The Indonesian Council of Ulama (Majelis Ulama Indonesia/MUI), for example, issued a fatwa in 2000 declaring human cloning prohibited (*ḥarām*) while permitting plant and animal cloning under conditions of public benefit (*maṣlaḥah*). Similar positions were adopted by the International Islamic Fiqh Academy of the Organisation of Islamic Cooperation (OIC), al-Azhar scholars in Egypt, and several Gulf fatwa institutions, all of which emphasized the preservation of lineage and human dignity as primary legal considerations (Arfah et al., 2026; Zawawi & Hussain, 2024). However, despite broad agreement regarding the prohibition of reproductive cloning, the underlying legal reasoning differs among jurisdictions and schools of thought (Budiman et al., 2024). Some jurists adopt a deontological approach grounded in textual prohibitions and the doctrine of *sadd al-dharā'i'* (blocking harmful means), while others employ *maqāṣid al-sharī'ah* and contemporary bioethical reasoning that focus on social consequences, identity disruption, and potential exploitation of human life. This diversity demonstrates the existence of legal pluralism in contemporary Islamic law, where different madhhab traditions and fatwa institutions negotiate biomedical issues through varying interpretive frameworks.

From a *maqāṣid al-sharī'ah* perspective, the prohibition of human cloning cannot merely be understood as resistance to scientific progress (Alsomali & Hussein, 2021). Rather, it reflects an attempt to preserve the essential objectives of Islamic law, particularly the protection of lineage (*ḥifẓ al-nasl*), human dignity, and social order (Harahap et al., 2025; B. M. M. Hasan et al., 2026; Sukataman et al., 2025). Classical Islamic law places lineage at the center of legal relations because many legal consequences including inheritance, guardianship, marital prohibition, and financial responsibility depend upon clear genealogical structures (Maulana et al., 2024). Human cloning potentially destabilizes these structures by creating ambiguity concerning biological parenthood and kinship relations. Nevertheless, some contemporary Muslim scholars

have argued that cloning should not automatically be rejected solely because it differs from conventional reproduction. Scholars influenced by utilitarian bioethics and reformist Islamic legal thought argue that ethical evaluation should also consider therapeutic benefits, scientific necessity, and human welfare (Elmahjub, 2022; Muhsin et al., 2026). This debate illustrates that contemporary Islamic bioethics increasingly involves negotiation between traditional normative principles and evolving biomedical realities rather than simple binary distinctions between permissibility and prohibition.

The legal discussion surrounding IVF demonstrates a more nuanced and adaptive response within Islamic law. Contemporary Muslim jurists generally permit IVF when both sperm and ovum originate from a legally married couple and the embryo is implanted in the wife's uterus during the validity of the marriage (Al-As'hal & Fauzi, 2025). This permissibility is based on the principle of medical necessity and the recognition that infertility treatment constitutes a legitimate effort (*ikhtiyār*) to achieve the *maqṣad* of family continuity. Nevertheless, Islamic legal institutions consistently prohibit third-party reproductive involvement, including sperm donation, ovum donation, surrogacy, and posthumous reproduction (Farid, 2024). The MUI fatwa, for instance, categorizes third-party reproductive practices as prohibited because they create lineage confusion and potentially resemble illicit sexual relations in their legal consequences. Comparable positions are found in Saudi Arabia, Kuwait, and Pakistan, where Sunni legal authorities prioritize genealogical purity and family legitimacy. In contrast, some Shi'a jurists in Iran have shown greater flexibility toward gamete donation under specific contractual arrangements, demonstrating how sectarian and jurisprudential differences shape contemporary Islamic legal responses to reproductive technologies.

Although many Islamic legal arguments regarding cloning and IVF focus heavily on lineage preservation, limiting the discussion solely to *nasab* risks reducing Islamic bioethics to a single legal objective. A broader *maqāṣid* framework reveals that these technologies also implicate the protection of human dignity (*karāmah*), psychological welfare, children's rights, gender justice, and socio-economic ethics. Contemporary bioethical theories further emphasize concerns regarding commercialization of reproduction, exploitation of women's bodies through surrogacy, and unequal access to reproductive technologies. Therefore, Islamic legal analysis should move beyond repetitive normative assertions toward a multidimensional ethical framework capable of engaging global biomedical discourse. In this context, *maqāṣid al-sharī'ah* offers a dynamic and contextual legal methodology that enables Islamic law to respond adaptively to scientific developments while maintaining its foundational moral commitments. Accordingly, the issue is not whether biotechnology should be categorically accepted or rejected, but how Islamic law

can formulate ethical boundaries that balance scientific innovation, public benefit, and the preservation of human dignity within contemporary Muslim societies.

Maqāṣid al-Sharī'ah Perspectives on Cloning and Assisted Reproductive Technologies

The discourse on cloning and assisted reproductive technologies (ART) within contemporary Islamic law cannot be separated from the broader framework of *maqāṣid al-sharī'ah*, which functions as the ethical and philosophical foundation of Islamic legal reasoning. In contemporary Islamic legal studies, *maqāṣid al-sharī'ah* is increasingly utilized not merely as a supplementary interpretive tool, but as a dynamic methodology for responding to new biomedical and technological developments that are not explicitly regulated in classical legal texts (Amin et al., 2024; Zainuddin & Mutawalli, 2024). Linguistically, *maqāṣid* refers to objectives, purposes, or intended meanings, while *sharī'ah* refers to the divinely ordained path guiding human life. Conceptually, *maqāṣid al-sharī'ah* seeks to preserve and promote human welfare (*maṣlaḥah*) by protecting the five essential values: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). Contemporary scholars such as Jasser Auda further expand this framework by emphasizing systems theory, multidimensional analysis, and contextual ethical reasoning, thereby moving *maqāṣid* beyond rigid legal formalism toward a more adaptive and human-centered approach.

Within this framework, reproductive human cloning raises significant ethical and legal concerns because it directly challenges the objectives of lineage preservation, family integrity, and human dignity. The Qur'an emphasizes that human beings are created through the union of male and female, as reflected in Q.S. al-Ḥujurāt [49]: 13 and Q.S. al-Aḥzāb [33]: 5, which underline the importance of genealogical clarity and familial identity (Adzima, 2025; Millati et al., 2025). Human cloning, particularly through somatic cell nuclear transfer, potentially disrupts these foundational structures because reproduction can occur independently of natural marital relations and may eliminate the social and biological roles traditionally associated with fatherhood and motherhood. From a *maqāṣid* perspective, the issue is therefore not merely biological reproduction, but the preservation of social order and legal certainty within Islamic family law. The ambiguity created by cloning concerning inheritance, guardianship, *maḥram* relationships, and parental responsibility demonstrates why many contemporary Muslim jurists consider reproductive cloning incompatible with the objectives of the *Sharī'ah*.

Nevertheless, the prohibition of human cloning should not be understood solely through a restrictive or textualist perspective. Contemporary Islamic bioethics increasingly engages with international ethical debates concerning human dignity, autonomy, commodification of the body, and the moral limits of scientific intervention. In global

bioethical discourse, critics of human cloning argue that the technology risks reducing human beings into objects of experimentation and commercial production, while supporters often emphasize scientific progress, therapeutic benefits, and reproductive autonomy. Islamic legal reasoning intersects with these debates by prioritizing collective welfare and moral responsibility over unrestricted technological freedom. In this regard, *maqāṣid al-sharī'ah* provides an important ethical framework because it balances scientific innovation with broader societal interests. This approach differs from purely secular utilitarian bioethics, which may prioritize efficiency and individual choice, by embedding technological evaluation within spiritual, moral, and communal considerations.

Comparative analysis among Muslim jurisdictions further demonstrates that Islamic legal responses to cloning are not entirely monolithic. The Indonesian Council of Ulama (MUI), the International Islamic Fiqh Academy (OIC), and al-Azhar fatwa institutions uniformly prohibit reproductive human cloning on the grounds of lineage protection and prevention of social harm (Nurusshofa et al., 2026). However, the legal reasoning employed by these institutions varies significantly. Sunni-majority institutions generally rely on the doctrines of *sadd al-dharā'i'* (blocking harmful means) and protection of nasab, whereas some reform-oriented scholars emphasize ethical proportionality and contextual public interest. Shi'a legal scholarship in Iran has also demonstrated relatively greater flexibility in discussing biomedical technologies compared to dominant Sunni positions, particularly regarding reproductive interventions involving third-party participation. These differences indicate that legal pluralism remains an important characteristic of contemporary Islamic law, especially in relation to emerging biomedical technologies. Consequently, *maqāṣid al-sharī'ah* should not be reduced to a static doctrine but understood as an evolving legal methodology capable of mediating between textual authority, ethical values, and changing scientific realities.

The *maqāṣid*-based evaluation of assisted reproductive technologies such as IVF reveals a more accommodative legal position. Islamic jurists generally permit IVF when the sperm and ovum originate from a legally married couple and the embryo is implanted within the wife's uterus during a valid marriage (Khan & Konje, 2019). This permissibility reflects the Sharī'ah objective of preserving family continuity and facilitating lawful reproduction. In cases of infertility, IVF is considered a legitimate medical effort (*ikhtiyār*) to overcome biological obstacles preventing natural conception. From the perspective of *maqāṣid al-sharī'ah*, this practice fulfills the objectives of protecting lineage and preserving family welfare while simultaneously addressing psychological and social harms associated with infertility. Consequently, IVF within lawful marital boundaries is widely accepted across Muslim jurisdictions, including Indonesia, Saudi Arabia, Malaysia, and Egypt.

However, the legal position changes significantly when third-party reproductive involvement is introduced. Practices such as sperm donation, ovum donation, surrogacy, and posthumous reproduction are largely prohibited in Sunni Islamic jurisprudence because they create ambiguity in lineage and potentially undermine the exclusivity of marital reproduction (Aulia et al., 2025; Parvizi & Ghodrati, 2025). The concern here extends beyond biological parentage toward broader questions of social identity, emotional kinship, and legal accountability. Contemporary bioethical scholarship also raises concerns regarding the commercialization of women's reproductive bodies through surrogacy arrangements and the unequal access to reproductive technologies caused by economic disparities (Fayemi & Chimakonam, 2022). Thus, the prohibition of third-party reproduction in Islamic law is not merely a conservative reaction to modernity, but can also be interpreted as an effort to prevent exploitation, commodification, and social injustice within reproductive practices. This demonstrates that *maqāṣid al-sharī'ah* operates not only as a doctrine of prohibition but also as a framework for protecting vulnerable social relations in the context of biomedical modernity.

At the same time, *maqāṣid* analysis should avoid reducing all biomedical debates solely to the issue of lineage preservation. A broader *maqāṣid* framework requires consideration of multiple dimensions, including psychological well-being, women's reproductive rights, children's welfare, scientific benefit, and social justice (Jamaluddin et al., 2025; Kadarisman et al., 2025; Rasyid et al., 2024). Restricting the discussion exclusively to nasab risks oversimplifying contemporary reproductive ethics and limiting Islamic legal discourse to defensive moralism. The multidimensional *maqāṣid* approach proposed by contemporary scholars such as Jasser Auda allows Islamic law to engage more critically with modern scientific developments while maintaining fidelity to its normative foundations (Holis et al., 2026; Susanti et al., 2026). Through this framework, biomedical technologies can be evaluated not only in terms of legality, but also in relation to their long-term ethical, social, and humanitarian consequences.

In contrast to human cloning, cloning involving plants and animals is generally considered permissible within Islamic law because it contributes to public welfare and does not fundamentally threaten social or legal order (Erol, 2021; Nasr-Esfahani et al., 2021; Shabana, 2022). Agricultural and animal cloning technologies are widely used to improve food production, enhance livestock quality, and develop medical treatments for chronic diseases (Fu et al., 2024; Skrzyszowska & Samiec, 2021). Such applications align with the *maqāṣid* principles of preserving life and promoting human welfare. Islamic legal theory recognizes that scientific and technological advancement is permissible when it serves beneficial objectives and avoids significant harm. Therefore, the permissibility of plant and

animal cloning illustrates the adaptive nature of Islamic law in distinguishing between beneficial innovation and ethically problematic technological intervention.

This study contributes to contemporary Islamic legal scholarship in three important ways. First, it expands the discussion of cloning and assisted reproductive technologies beyond descriptive fiqh analysis by integrating *maqāṣid al-sharī'ah* with contemporary Islamic bioethics and global reproductive ethics discourse. Second, the study demonstrates that Islamic legal responses to biotechnology are characterized by legal pluralism and diverse interpretive methodologies across Muslim jurisdictions and madhhab traditions. Third, this article offers a multidimensional *maqāṣid* framework that moves beyond the repetitive emphasis on lineage preservation by incorporating considerations of human dignity, social justice, family integrity, and biomedical ethics. Through this approach, the study positions *maqāṣid al-sharī'ah* as a dynamic evaluative framework capable of engaging critically and contextually with the ethical challenges posed by modern biotechnology in contemporary Muslim societies.

Conclusion

This study demonstrates that contemporary Islamic law adopts a differentiated legal approach toward cloning and assisted reproductive technologies based on the objectives of *maqāṣid al-sharī'ah* and the ethical implications generated by each practice. Human reproductive cloning is categorically prohibited because it threatens lineage preservation (*ḥifẓ al-nasl*), family integrity, legal certainty, and social order, while simultaneously raising broader ethical concerns regarding human dignity and the commodification of reproduction. In contrast, cloning involving plants and animals is generally considered permissible insofar as it promotes public benefit and scientific advancement without disrupting fundamental social and legal structures. Similarly, in vitro fertilization (IVF) using sperm and ovum from a legally married couple is regarded as permissible because it constitutes a legitimate medical effort to overcome infertility within the framework of lawful marriage. However, reproductive practices involving third-party participation, such as donor gametes, surrogacy, and posthumous reproduction, are prohibited due to the risks of lineage ambiguity, inheritance disputes, and the disruption of parental identity. These findings confirm that *maqāṣid al-sharī'ah* functions not merely as a textual interpretive tool, but as a comprehensive ethical framework capable of evaluating the social, legal, and moral consequences of emerging biomedical technologies.

The study contributes to contemporary Islamic law scholarship in several important respects. First, it expands existing discussions on cloning and assisted reproductive technologies by integrating *maqāṣid al-sharī'ah* with contemporary Islamic bioethics, reproductive ethics, and debates on legal pluralism in Muslim societies. Second, the article

moves beyond purely descriptive fiqh analysis by demonstrating how Islamic legal reasoning engages critically with global biomedical and ethical developments while maintaining its normative foundations. Third, the study offers a multidimensional *maqāṣid* framework that emphasizes not only lineage preservation, but also human dignity, social justice, family stability, and collective welfare as central considerations in legal evaluation. These findings provide important implications for contemporary Islamic legal interpretation, fatwa formulation, and institutional responses to rapid biotechnological development in Muslim-majority societies.

Nevertheless, this study remains limited by its normative and library-based research design, which does not empirically examine how Muslim communities, medical practitioners, or legal institutions negotiate reproductive technologies in practice. In addition, the comparative analysis of madhhab perspectives and transnational fatwa institutions could be further expanded to capture the diversity of contemporary Islamic legal responses to biomedical innovation. Future research should therefore combine normative Islamic legal analysis with socio-legal and empirical approaches in order to explore how *maqāṣid al-sharī'ah* is operationalized within real biomedical contexts, public policy, and contemporary Muslim family law systems.

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