

Placenta in Cosmetic Products: An Analysis from Shariah and Legal Perspective in Malaysia

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ABSTRACT

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Placenta is available in injections, tablets, creams, and dry food products. Sources of placenta used in products can be derived from humans and animals such as sheep, horses, and pigs. The use of placenta starts with the finding of its high nutrient content, which is found to be useful for skin and wound healing for humans. The issue is whether the use of placenta in cosmetic products is permissible or not. Hence, this paper focuses on the status of cosmetic products containing placenta according to Islamic perspectives and laws in Malaysia. The qualitative approach through the method of document analysis was used. The study outcomes reveal uncertainty about the halal status of cosmetic products containing placenta. According to the fatwa, placentas obtained from halal animals and slaughtered accordant to Shariah law could be used for beauty purposes. However, placentas taken from human sources are prohibited to prevent exploitation of the human body. Placenta is not listed as a prohibited ingredient in the Guidelines for Control of Cosmetic Products in Malaysia by the National Pharmaceutical Regulatory Agency (NPRA), the Ministry of Health (MOH). However, the Department of Islamic Development Malaysia (JAKIM) has a different status for placenta products and refuses to issue halal certificates for those products.



1. INTRODUCTION

At present, the development of science and technology is in line with society's need for consumer products such as medicines and cosmetics. Cosmetics nowadays can be classified as a 'must-have' item not only for women but also for a minority of men with a metrosexual personality (Nooham et al., 2020; Ahmad et al., 2015). There are various ingredients formulated in the manufacture of cosmetics, including placenta. In biological definition, placenta is used in mammals to pass nutrients from mother to foetus; and has been seen as a source of nutrition (Burton and Jauniaux, 2015). The purpose of placenta used in cosmetic products is to nourish, whiten, and provide antioxidants that can help skin self-repair. The main concern with using placenta in cosmetic products is its origin, whether it comes from human or animal placenta. When it comes to animal sources, it is important to know if *halal* animals are slaughtered according to *Shariah* law and sourced from living sources or vice versa.

From the Islamic perspective, cosmetic products are not a *ḍarūrah* (necessity) for Muslims. The common use of cosmetic products is mainly for beauty purposes, unlike pharmaceutical drugs, which are categorised as *ḍarūrah* in *Maqasid Shariah* (Ahmad and Riduwan, 2019). Basically, Islam permits Muslims to use cosmetic products as long as there is no *dalil* or evidence of its prohibition. If the source of the placenta is derived from a *halal* source, it is permissible for medical and beauty purposes. However, placenta obtained from *najs* (filthy or unclean) can only be used for medicinal purposes. Therefore, Muslim consumers must be aware of the ingredients used in cosmetics and ensure they are *Shariah*-compliant. This paper focuses on the status of cosmetic products that contain placenta according to Islamic perspectives and laws in Malaysia.

There are several valuation methods used, which cause confusion, misunderstanding, and disagreement in the determination of *halal* status. The Mufti of Federal Territory, which is responsible for determining *halal* and *haram*-related issues, allows the use of placenta for medical and beauty purposes as long as it is derived from *halal* animals and slaughtered in a *Shariah*-compliant manner (Mufti of Federal Territory, 2019). In addition, placenta is not listed as a prohibited ingredient in the Guidelines for Control of Cosmetic Products in Malaysia by the National Pharmaceutical Regulatory Agency (NPRA) and the Ministry of Health (MOH) (NPRA, 2022). However, the Department of Islamic Development Malaysia (JAKIM) has rejected the use of placenta in cosmetic products and has not issued *halal* certificates for any type of these products for certain reasons. Therefore, there are ambiguities about the *halal* status of placenta products that need to be scrutinised.

2. LITERATURE REVIEW

2.1 What is Placenta?

Placenta is a mammalian organ that supports a developing foetus during the gestational period. It provides oxygen and nutrients from its mother to the growing baby and permits the release of carbon dioxide and waste products from the foetus (Vellasamy et al., 2016; Yoshikawa et al., 2013). Placenta is the organ that nourishes and protects the foetus from infections (Burton and Jauniaux, 2015). Then, placenta is expelled from the body during the after-birth process (Yoshikawa et al., 2013). Based on the Council Dictionary Fourth Edition, placenta is defined as the organ connecting the mother and foetus in the womb. It supplies food, including oxygen from the mother to the foetus and removes waste products from the foetus. The term placenta in Arabic is known as *al-Mashiymah*, an adventitial layer of the membrane in which a foetus is in a womb and comes out during the birth process (Majma' al-Lughah al-Arabiyyah, 2014).

In the past few years, the use of placenta in health and cosmetic products has become popular. There are various cosmetic products formulated in the manufacturing of cosmetics using placenta sources. Burton and Jauniaux (2015) have stated that the functions of the placenta are widely recognised as life-long health. In addition, placenta naturally helps with appearances, such as whitening the skin or wrinkle reduction. Other than containing high protein, placenta is rich in amino acids, vitamins, and minerals, which can moisturise the skin, improve skin texture, and maintain healthy skin (Chakraborty and Bhattacharyya, 2012; Hong et al., 2015; Wakame et al., 2019). A Japanese study by Yoshikawa et al. (2013) also found that the porcine placenta stimulates collagen production in human fibroblast cells. Added to that, a Korean study by Hong et al. (2015) explained that using porcine placenta can reduce epidermal water loss, wrinkle formation, and significantly prevent collagen loss. Therefore, placenta in cosmetic products have been developed by many pharmaceuticals nowadays.

However, there are also minimal concerns in regard to the side effects of placenta. Every placenta extract in cosmetics could lead to skin irritation, redness, feelings of burning, and stinging. Some experts stated that it could also lead to allergic reactions such as rash, fever, itching, etc. However, this reaction is temporary and subsides in a few hours (Sen, 2016). As for placenta injections, there could be reddening or pain at the injection point, heaviness in the upper arm, nausea, or general malaise when it is performed. There might also be side effects of getting an infection from placenta extract (Heerema-McKenney, 2018).

2.2 Halal and Haram of Cosmetic Products

In recent years, consumers have become more interested in cosmetic products as they become more interested in improving their appearances. Cosmetics can be defined as products that are commonly used or placed in contact with various external parts of the human body, such as skin care creams, lotions, perfumes, makeup, and deodorants. The purposes of these products are for improving body odour, changing appearances, and keeping the skin in good condition (NPRA, 2022; DSM, 2019). Therefore, Muslim consumers, like any other consumers, use this product to seek a healthy and better lifestyle (Ali et al., 2019), leading to a growing demand for *halal* cosmetic products among Muslim consumers.

Generally, the term *halal* from the perspective of cosmetic products must be derived from halal ingredients such as plants, soil, water, permissible animals that are slaughtered according to Islamic law, marine animals deemed *halal*, and synthetic materials that are safe for consumers and unadulterated by *najs* (Sugibayashi et al., 2019). *Halal* products are those that are *Shariah*-compliant, do not involve the use of *haram* sources and are not harmful or intended for harmful use (Azri et al., 2017). *Haram* products that contain human parts or ingredients derived from human parts or contain animal by-products are forbidden to Muslims (Hashim and Mat Hashim, 2013). The terms *halal* and *haram* are two things that are highly emphasised in Islam. Muslims must ensure whether it is *halal* or *haram*, as described in the Quran and Sunnah. The Prophet (PBUH) said: “What is lawful is that which Allah has permitted, in His Book, and what is unlawful is that which Allah has forbidden in His Book. What He remained silent about is what is pardoned.” (Sunan Ibn Majah. Chapters on Food, No. 3367).

According to Malaysian Standard MS 2634:2019 Halal Cosmetics - General requirements (First revision), *halal* cosmetics can be defined as “cosmetic products that contain ingredients permitted under the *Shariah* law and *fatwa* and fulfil the following conditions: a) do not consist or contain any part of matter of an animal that is prohibited by *Shariah* law and *fatwa* for a Muslim to consume or that has not been slaughtered in accordance with *Shariah* law and *fatwa*; b) do not contain anything which is *najs* according to *Shariah* law and *fatwa*; c) do not intoxicate

according to *Shariah* law and *fatwa*; d) do not contain any part of human being or its yield which are not allowed by *Shariah* law and *fatwa*; e) are not poisonous or hazardous to health; f) have not been prepared, processed or manufacture using any instrument that is contaminated with *najs* according to *Shariah* and *fatwa*; and g) have not in the course of preparing, processing or storing been in contact with, mixed, or in close proximity to any materials that fails to satisfy items a) and b)”).

Naturally, there would be a high demand for *halal* cosmetics from Muslims as *halal* products are very significant in Islam (Swidi et al., 2010). This apparently prompted marketers operating cosmetic products to meet the needs of their customers by applying for *halal* certificates from the authorities of the country (Hussin et al., 2013). In Malaysia, to authenticate *halal* certificates from JAKIM, products must meet the requirements of Malaysian Standard MS 2634:2019 (DSM, 2019) and the Halal Certification Procedure Manual - Domestic 2020 (MPPHM, 2020). The *halal* certification ensures that products are good and high quality, safe, *halal* and *ṭayyibān* to be used.

From Islamic perspective, there are several methods of *legal maxims* (*qawaid al-Fiqhiyyah*) that can relate to the determination of *halal* and *haram* aspects of cosmetic products containing placenta. The first method is *al-aṣlu fī al-asyā’ al-ibāḥah*, meaning the origin of things that have been created is permissibility. Basically, using cosmetic products should be based on *nass* (authentic source) in Islam. There is no particular verse about using placenta in cosmetic products based on the *Quran* and *hadith*. However, there is a general principle that *Allah* permits Muslims to benefit from anything good or *ṭayyibān* on this earth. According to al-Sayuti (1990), the origin of things that have been created is permissible until there is a proposition that forbids it. This method shows the permissibility of things, including the use of cosmetic products. Nothing is *haram* except for the things that are clearly prohibited by *Shariah*. The issue of using cosmetic products that contain placenta should be considered based on the derived sources. If the sources are obtained from a *halal* source, they are permissible to use, and if they are obtained from a *haram* source, it is prohibited from being used.

Another method is *al-taḥrīm yatba’ al-khubthu wa al-ḍarar*, which translates to the prohibition of things due to their impurity and harmfulness. Based on this method, a cosmetic product can be *halal* or *haram* in Islam. Therefore, Muslims must consider the effects of the cosmetic products they used, whether they are harmful or beneficial to them. If something is entirely harmful, it is *haram*, and if it is entirely beneficial, it is *halal*. If something brings more harm than its benefit, it is also categorised as *haram*, while *halal* is what brings more benefit than *haram* (Al-Qaradawi, 2013). It has been mentioned in the *Quran* that “They ask thee concerning wine and gambling. Say (O Prophet): In them is great sin and some benefit for human beings, but the sin is greater than the benefit.” (Al-Quran, al-Baqarah 2: 219).

The following *fiqh* method is *an-nīat al-ḥasanah lā tubarir al-ḥarām* which means that good intentions do not make *haram* acceptable. It is important since intention is the first thing that is highlighted in Islam. If the intention is good, the action is good; if it is bad, the action is bad (Muhammad Azzam, 2005). His messenger (PBUH) Allah said: “(The value of) an action depends on the intention behind it.” (Hadith Al-Bukhari. Chapter: The intention in taking oaths, No. 33). Thus, good intention is essential for worship and obedience to *Allah*. For instance, a person who intends to use cosmetic products for *taḥsīniyyah*, is permissible in Islam. It is because a good intention accompanies any permissible action of the believer; leading their action becomes an act of worship. On the contrary, the case of the *haram* is entirely different (Al-Qaradawi, 2013). For example, the use of cosmetic products containing human placenta is *haram*, and the status remains regardless of how good one’s intention or purpose is.

The next *fiqh* methods are *al-masyaqqah tajlibu al-taīsīr* (hardship shall bring alleviation), and *al-ḍarar yazāl* (harm should be removed). These two methods are related to the method in *fiqh*, *al-ḍarūrah tubīh al-mahzūrāt*, which means necessity dictates exceptions. Allah SWT said in the Quran: “He has already explained to you what He has forbidden to you - except when compelled by necessity.” (Al-Quran, al-An’am 6: 119). This verse shows that Allah has explained what is forbidden and what is allowed in necessary circumstances. For instance, whoever is forced to eat dead animals or pork due to starvation in considerable quantities, drinks alcohol because they are choking or under total coercion, and whoever is coerced into killing or cutting other people’s organs (Muhammad Azzam, 2005). It is the same situation when using cosmetic products that contain placenta. For example, if someone suffers from a serious skin disease and only *haram* substances can cure it, it is then permissible even if it has been initially prohibited. However, if the use of cosmetic products that contain *haram* sources is only for beauty purposes and not in a *ḍarūrah* situation, it is *haram* to be used.

Islam has indicated the range of what is prohibited and what can lead to prohibition. However, the principles established by Islam do not disregard the possibility of human life being in a *ḍarūrah* situation. Thus, in this situation, whoever is in harm or distress may be given an exception to remove the biggest harm. Islam permits the use of the *haram* under the *ḍarūrah* for Muslims and following Islamic principles. The purpose is to make life easier and lift Muslims’ burdens. Then Allah SWT said in the Quran: “Allah intends for your ease and does not intend for your hardship.” (Al-Quran, al-Baqarah 2: 185).

3. METHODOLOGY

This study used a data collection method through document analysis based on Islamic perspectives and Malaysian law on the issue of whether the placenta used in cosmetic products is derived from a permissible source or not. Based on the law of Islamic *Shariah*, this study involved discussions by Islamic scholars from several books and journals that have discussed *halal* and *haram* perspectives. To identify the status of cosmetic products that contain placenta according to the law in Malaysia, this study also included clarification and regulation from the *Mufti* of the Federal Territory, the National Pharmaceutical Regulations Agency (NPR), the Ministry of Health Malaysia (MOH), JAKIM, and the Department of Standards Malaysia.

4. RESULTS AND DISCUSSION

4.1 The Law of Cosmetic Products that Contain Placenta from an Islamic Perspective

All Muslims in the world have long been practicing using *halal* products. It is in accordance with the command of Allah SWT, that Muslims must only consume or use *halal* products, as mentioned in numerous surahs in the Quran. One of the verses that Allah has said in Surah al-Baqarah is: “O mankind, eat whatever is on earth [that is] lawful and good and do not follow in the footsteps of Satan. Indeed, he is to you a clear enemy.” (Al-Quran, al-Baqarah 2: 168). Based on this verse, Muslims are commanded to consume *halal* and *tayyib* foods that Allah has provided on this earth. Therefore, *halal* and *haram* aspects should be considered, particularly when it comes to *haram* or *syubhah* things. Likewise, the use of placenta in cosmetic products should be scrutinised to determine whether it is allowed in Islam or not.

4.1.1 Placenta Derived from Humans or Animals

Halal and *haram* aspects of cosmetic products should be considered with regard to the sources from which the material is derived. Placenta used in cosmetic products can be derived in two conditions, either from humans or animals. Some scholars have discussed that placenta derived

from a human is *tāharah* (pure), and one of the scholars stated in his book: “The severed part of the living thing, and its placenta; is like (the law) of the living thing from the view of pure and impure. Therefore, the hand of man is pure, and the cow is impure” (Al-Anṣarī, 2001). Based on this statement, each part of the human body is pure, even if the placenta from a dead human is also considered *tāharah* and not a *najs* (Al-Mawsū‘ah al-Muyasirah fī Fiqh al-Qadāyā al-Mu‘aṣirah, 2014; Al-Ramlī, 1984). Thus, if a placenta is derived from a human source, it was originally pure, but it doesn't mean it is *halal* to be used in cosmetic products. This exemplifies the honour of the human body, as each part of the human body, including the placenta, is not a *najs*. As Allah mentioned in the *Quran* : “Indeed, we have dignified the children of Adam, carried them on land and sea, granted them good and lawful provisions, and privileged them far above many of Our creatures.” (Al-Quran, al-Isra’ 17: 70). Therefore, the use of placenta from human sources is prohibited to protect human honour.

Even though Muslims are prohibited from using impure or *najs* sources for food or beauty purposes, there is some leniency in using *najs* for medical purposes (Salleh et al., 2018). This is based on the method of *darūrah*, particularly when there are no *halal* sources to substitute for the *haram* sources. According to *Shafi'i Madhhab* (School of thought), *darūrah* is distinct from any other common situation, which is acceptable for Muslims to eat a carcass if one is in a life-and-death situation (Ḥammad, 2004). *Najs* are only allowed for medical purposes when *halal* sources are exceptionally difficult to obtain.

4.1.2 Placenta Derived from Halal Animals or Haram Animals

Muslims should consider whether it is *halal* or *haram* if the placenta is derived from an animal source. In cases where a placenta is derived from a *haram* animal such as pig, the law of its usage is also *haram*, unless in a *darūrah* situation. Allah has stated in the *Quran*: “He has only prohibited for you carrion, blood, the flesh of swine and that upon which a name of someone other than ‘Allah’ has been invoked.” (Al-Quran, al-Baqarah 2: 173). Islam forbids this animal because it is harmful to humans. According to al-Fauzan (2011), a pig is prohibited in any circumstance since it is an impure animal. This animal is generally forbidden in Islam, especially in food or beauty products due to its unpleasant behaviour – it devours dirt. Furthermore, it also has a negative impact on the purity and *ṭayyibān* things consumed or used.

Nonetheless, there are numerous types of *halal* animals that can be consumed and used in Islam. This includes what Islam allows in terms of producing products derived from *halal* animal sources. For instance, *halal* animals can benefit from farm animals such as camels, cows, and sheep (Al-Sharbīnī, 1994). Allah SWT has said: “O you who have believed, fulfil [all] contracts. Lawful for you are the animals of grazing livestock except for that which is recited to you - hunting not being permitted while you are in the state of ihram.” (Al-Quran, al-Ma'idah 5: 1). In addition to that, placenta derived from a horse is also allowed by the majority of *madhhabs* except *Madhhab Hanafi* (Al-Fauzan, 2011). This can be proven by the original law, which stated that eating horse meat is acceptable (Mufti of the Federal Territory, 2020). As a result, it is permissible to use horse placenta.

In this regard, *madhhab* scholars have different perspectives on whether placenta from *halal* animals can be used or not, and the scholars value placenta in terms of cleanliness and purity. According to *Shafi'i Madhhab*, only placenta derived from human sources is pure; otherwise, it is considered *najs*. Therefore, the use of animal placentas is prohibited. However, according to *Maliki Madhhab*, it differs in the purity of the animal placenta. Ibn Rushd said that the placenta is pure and allowed to be used (al-Mawsū‘ah al-Fiqhiyyah al-Kuwaitiyyah, 2006). Therefore, when the law states that it is pure and can be used, it also includes the use of the product, either

internally or externally. It is also used for selling, conducting business, and engaging in its production (Abdullah & Ahmad, 2018). However, when it comes to placentas derived from *halal* animals, it is necessary to consider whether they are derived from living or dead animals.

4.1.3 Placenta Derived from Living Animals or Dead Animals

Scholars have discovered that the law of obtaining placenta or severed parts of *halal* animals should be based on its sources, whether the animal is still alive or dead. The majority of scholars agree that placenta-derived from living animals is *najs*, although it is derived from *halal* animals. According to scholars of *Shafi'i Madhhab*, placentas that are severed from animals either when they are still alive or after death, whether they are severed by humans who have cut them off or naturally died are still considered carcasses (Al-Ramlī, 1984). As Allah has said: Say, "I do not find, in what has been revealed to me, anything (out of the cattle under discussion) prohibited for anyone who eats it, unless it is carrion or blood that pours forth, or flesh of swine - because it is impure - or there be an animal slaughtered sinfully by invoking on it the name of someone other than Allah. However, if anyone is compelled by necessity, neither seek pleasure nor cross the limit" (Al-Quran, al-An'am 6: 145). Hence, placentas derived from living animals are considered carcasses and *haram*. Indeed, every carcass is unclean and *najs*, except there are propositions that exclude it.

According to Al-Sharbīnī (1994) and Al-Anṣarī (2001) of *Shafi'i Madhhab*, the determination of the carcass is due to the severed body parts of the living animal and its placenta. However, Ṭāhir (2007) of *Maliki Madhhab* explained that the carcass was due to severed parts of the body or died without being slaughtered according to *Shariah*. Al-Maqdisi (1994) of *Hanbali Madhhab* also explained that when an animal body is severed without being slaughtered, it is a carcass and impure. According to al-Kāsānī (2002) of *Hanafi Madhhab*, *halal* carcasses come from sea animals. It was narrated from 'Abdullah bin 'Umar that the Messenger of Allah (PBUH) said: "Two kinds of dead meat have been permitted to us: fish and locusts" (Sunan Ibn Majah. Chapters on Hunting). Therefore, other than these two types of animals, the part of the animal's body that is severed from its mother while still alive and has blood is considered *najs*. This is because a thing is considered pure if there is no blood on it, and the meat is also *haram*, regardless of how little or much blood is on it (Al-Mugharbī, 2003).

Thus, it can be stated that the law of using placenta derived from living animals is considered a carcass and is prohibited from being used except in the case of *darūrah*. However, in *Maliki Madhhab*, Ibn Rusyd said, what has been severed from the body is *halal* to be consumed only if it has been slaughtered. In contrast, Abdul Hamid al-Saigh, who is also a scholar in *Maliki Madhhab*, stated that it is not permissible to consume placenta (Al-Dasūqī, nd). However, placenta derived from living animals is *haram* according to *Shafi'i Madhhab*.

4.1.4 Placenta Derived from Slaughtered or Unslaughtered Animals

The law of placentas derived from dead animals refers to how the animals died. The majority of scholars agree that placentas obtained from dead animals and unslaughtered according to *Shariah* are unclean and considered carcasses (Al-Ramlī, 1984). There are no animals that can be consumed or utilised without slaughter according to *Shariah*. Allah SWT said in the *Quran*: "Prohibited for you are: carrion, blood, the flesh of swine, and those upon which (a name) other than that of Allah has been invoked (at the time of slaughter), animals killed by strangulation, or killed by a blow, or by a fall, or by goring, or that which is eaten by a beast unless you have properly slaughtered it" (Al-Quran, al-Ma'idah 5: 3). Thus, all types of carcasses are considered *najs* and *haram* to be consumed or used in Islam. The basis of this determination is similar to the law of placenta obtained from living animals.

However, the majority of scholars, except Imam Abu Hanifah, agree that placenta obtained from dead animals and slaughtered according to *Shariah* is pure. In this statement, Allah SWT has referred to halal animals that are slaughtered in accordance with certain slaughter requirements. The Prophet (PBUH) said: “As long as it causes blood to flow, and Allah’s Name has been mentioned over it, then eat it, provided that it was not done with a tooth or nail. And I will tell you why: As for the tooth, it is a bone, and as for the nail, it is the knife of the Ethiopians.” (Jami’ at-Tirmidhi. The Book on Hunting. Chapter: What Has Been Related About Slaughtering with Reeds and the Like, No. 5475). The purpose of slaughter is to protect humans and prevent any harm from occurring to the human body. Therefore, the method of slaughter should adhere to the *Shariah* requirements to ascertain *halal* and *ṭayyibān* products, whether the meat of the animal itself or any other part of the animal can be used without hesitation.

According to Al-Zuḥailī (1985), all Muslim jurists agreed that slaughter must be accomplished by cutting two veins, *mari'* and *halkum*. However, there is disagreement among scholars regarding the minimum limit that must be cut off. *Hanaḥī Madhhab* states that it is obligatory to cut three out of four; *halkum, mari'*, and blood veins. Therefore, if the slaughterer leaves one of them, then the slaughter is *halal* and can be consumed or used. On the other hand, *Maliki Madhhab* states that slaughter must cut the *halkum* and both veins (*waddajain*). In his statement, there is no need to cut *mari'*. This statement is nearly identical to Hanafi's. According to *Shafi'i* and *Hanbali Madhhabs*, the slaughter must be done by cutting both *halkum* and *mari'* because life ends with neither of these two. Then, it is sunnah to cut both veins, which are two veins on the right side of the neck (carotid artery and jugular vein), as a courtesy in slaughter and to prevent any disputes.

4.1.5 Placenta Follows the Law of Foetus

According to some scholars, placenta is a part of the foetus, so if the foetus is *halal*, so is the placenta. The determination of the uncleanness or purity of the foetus depends on the mother, whether *halal* or not. If the mother is *halal* and slaughtered according to *Shariah*, then the foetus and placenta are also *halal*. As narrated by *al-Tirmidhi* and classified as Hasan by Ibn Hibban, the placenta follows its mother; if the mother is *halal*, then the placenta is also *halal*, because it is part of the mother's body (Al-Anṣarī, 2001; Al-Sharbīnī, 1994). Similarly, according to Al-Ramlī (1984), the placenta follows its mother and must have *hayat mustaqirrah*, which indicates that there is some movement of that animal, and its blood is still flowing strongly even after it has been severed.

Some scholars, on the other hand, believe that the placenta is a separate organ that is not a part of the foetus or mother of the animal. This view is narrated by Al-Qalyūbī and 'Umairah (1995) of the Shafi'i Madhhab, who said: “including the definition of ‘udhwu (organ) is nails and hair, although a strand of hair, which is from the strongest opinion. Whereas the placenta, referred to by the Arabs as al-Khalash, is the same as the organ because it is cut from the foetus, until it separates from the foetus. Whereas the placenta in which the foetus is in it is not part of the mother, nor is it part of the foetus.”. Therefore, they believe that the placenta is not a part of the foetus.

After discussing all the arguments, the determination of whether the placenta is pure or impure depends on the sources derived. Except in a *ḍarūrah* condition, human placenta cannot be used and is considered *haram*. However, placentas can be eaten or used if they are derived from *halal* animals and slaughtered according to *Shariah* compliance. Placenta derived from living *halal* animals is impure and *haram* to use. Likewise, placenta derived from *halal* animals and not

slaughtered according to *Shariah*, as well as placenta derived from *haram* animals, are both prohibited.

4.2 Law towards Cosmetic Products that Contain Placenta in Malaysia

4.2.1 Mufti of the Federal Territory

The awareness of using cosmetic products is currently increasing among the Malaysian communities, which will be very significant for them to use these products. Therefore, various cosmetic products have been marketed in Malaysia due to the increasing demand for these products nowadays. However, every production of cosmetic products must comply with the laws of the authorities regarding the production of these products. In Malaysia, the law on cosmetic products that contain placenta ingredients is allowed by the Federal territorial *fatwa* based on *Irsyad Al-fatwa* Series 281. It refers to Lajnah al-Iftaa' Jordan (2013) fatwa no.2797 that there is no harm in using an animal placenta for manufacturing medical and cosmetic products. The use of placentas from *halal* animals that have been slaughtered according to Islamic law is permitted for medical and beauty purposes. As for the use of placenta, using human or animal placenta that is *najs* is prohibited for beauty purposes. However, if there is a medical need to treat a disease, then the law of treating using human placenta is permitted only in *darurah* or desperate situations (Mufti of Federal Territory, 2019).

4.2.2 National Pharmaceutical Regulatory Agency (NPR), Ministry of Health Malaysia

According to Guidelines for Control of Cosmetic Products in Malaysia (2022), cosmetic products in Malaysia are regulated under the Control of Drugs and Cosmetic Regulations (CDCR) 1984, which were promulgated under the Sale of Drugs Act 1952. They are controlled through a notification procedure starting from the 1st of January 2008. The cosmetic notification holder (CNH) is required to comply with all requirements stated in the guideline and to make a declaration upon notification to the Director of Pharmaceutical Services through the National Pharmaceutical Regulatory Agency (NPR). For cosmetic products containing specific ingredients, such as ingredients derived from placenta, there should be safety tests that are quality tests for products containing specific ingredients (NPR, 2018). Therefore, cosmetic products are allowed to get approval to be on the market if they meet the evaluation criteria based on the safety and quality aspects of the product. The evaluation is based on the application that was submitted to the authorities for approval (Abdullah & Ahmad, 2018).

4.2.3 Department of Islamic Development Malaysia (JAKIM)

On the other hand, JAKIM is the authority that has the largest role in determining the *halal* status of cosmetic products for Muslims and has different valuations of cosmetic products that contain placenta. JAKIM has established several guidelines for the manufacturing and handling of *halal* cosmetics. A Malaysian Standard of Halal Cosmetics has been issued by the Department of Standards Malaysia (DSM), which is MS 2634: 2019 Halal Cosmetics-General requirements (First revision). Referring to this standard, cosmetic products must not consist of or contain any part of an animal that is prohibited by *Shariah* law and *fatwa* for a Muslim to consume or that has not been slaughtered in accordance with *Shariah* law and *fatwa*. Besides, cosmetic products should not contain anything that is *najs* or does not contain any part of a human being or its yield, which is not allowed by *Shariah* law and *fatwa*. Also, the ingredients used are not poisonous or hazardous to the health of consumers (DSM, 2019). Based on this standard, *najs* refer to matters that are impure according to *Shariah* law and *fatwa*, and placenta and excrement are some of the matters that have been categorised as *najs*.

In addition, to obtain halal certification for cosmetic products in Malaysia, production must follow the guidelines or procedures provided by JAKIM and the Malaysian Halal Certification Procedure Manual 2020 (MPPHM 2020). Referring to this procedure, MPPHM 2020 has stated in Part 4 of Requirement for Certification - Specific requirements that each cosmetic product must follow the requirements of Guidelines for Cosmetic Good Manufacturing Practice (GMP) and Guidelines for Control of Cosmetic Products in Malaysia. MPPHM 2020 also follows the MS 2634: 2019 Halal Cosmetics-General Requirements (First Revision), Control of Drugs and Cosmetics Regulations 1984, Guidelines for Control of Cosmetic Products in Malaysia 2017, as well as other latest legislation and regulations enforced by the relevant authorities shall comply with. Notification details from NPRA should also be submitted for each cosmetic product applied for halal certification (MPPHM, 2020).

5. CONCLUSIONS

In a nutshell, after reviewing the requirements and procedures established by the Malaysian authorities, there are contradictions among the Mufti of the Federal Territory, NPRA, and JAKIM regarding the approval of placenta use in cosmetic products. As mentioned earlier, the use of placenta in cosmetic products is permitted by fatwa under certain conditions. In addition, the NPRA allows the use of placentas in cosmetic products as long as they meet the safety and quality requirements. Therefore, MOH has allowed products containing placentas for medical and beauty purposes. JAKIM, on the other hand, has a different status for cosmetic products containing placentas. It is not permitted to get authentication of halal certification of cosmetic products derived from placenta as they contain impure ingredients. Based on MS 2634:2019, under clause 3.6.1 regarding *najs*, according to *Shariah* law and fatwa, *najs* is any liquid or objects discharged from the orifices of human beings or animals, such as urine, blood, vomit, pus, amniotic fluids, placenta and excrement, sperm and ova of pigs and dogs, except sperm and ova of other animals. Therefore, cosmetic products containing placenta are not going to get the *halal* certificate from JAKIM.

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CONFLICT OF INTEREST

Authors have no conflict of interest to declare

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