

PLASTIC SURGERY IN HYPOSPADIAS PATIENTS IN SHARIA MAQASHID REVIEW

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ABSTRACT

Recently, Indonesia has been shocked by the problem of hypospadias patients from a former athlete who is also a soldier in the Indonesian Armed Forces (TNI), second sergeant (serda) AM. Treatment for hypospadias patients is based on the type of disability the patient has. Most hypospadias problems require surgery. Surgery is performed by placing the urethra in the correct position, correcting a sunken penis, and repairing the skin around the urethral opening, as the doctor may need to use the foreskin to make corrections. The purpose of this study is to describe the meaning of hypospadias and plastic surgery for hypospadias patients at the level of maqasid sharia. The methodology in this study uses library methods. From the point of view of the problem being studied, this investigation uses an integrity, philosophical, systematic, and general approach to seek this truth and wisdom or the essence of inquiry. The nature of this investigation is descriptive-analytical. The analytical method used in this investigation is descriptive, comparative, and critical analysis. This study found that hypospadias is a congenital urethral abnormality in male children, which is usually accompanied by an abnormal curvature and size of the penis. The law of plastic surgery for hypospadias patients is permissible because it is included in the collection of protection of religion, mind, soul, lineage, and property as maqasid daruriyyat, which is intended to uphold worldly and hereafter benefits. Hopefully, the results of this investigation will enrich the intellectual treasures for Muslim individuals and the public regarding the law of plastic surgery for hypospadias patients.

Keywords: Plastic Surgery; Hypospadias; Sharia Maqashid.



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INTRODUCTION

Surgery is the development of medical science to treat or repair parts of the human body through surgical operations. The science of plastic surgery also aims to treat normal appearance and work and make it perfect in a better condition. Surgery is divided into several special sections such as orthopaedic surgery, urology, neurology, plastic surgery, etc.

The majority of people think that plastic surgery is only oriented to beautify, such as liposuction (liposuction), rhinoplasty (nose surgery), facelift (cheek surgery to tighten), and other surgeries that aim to beautify. On the other hand, the scope of plastic surgery is vast. Plastic surgery is a matter of beauty and reconstruction, such as burns from burns, disorders that give the impression of the face rather than accidents, congenital disabilities, such as cleft lip, and gender abnormalities.

In Indonesia, plastic surgery has experienced a significant increase, especially for cosmetics. The most frequent requests for plastic surgery are rhinoplasty and breast implants, which are for female patients. Even sex swap plastic surgery is also starting to spread because celebrities support it in the entertainment world. These cases have urged the Indonesian Ulama Council to issue a fatwa on plastic surgery. The stipulation of haram law is also for the act of helping people change their gender. This is also following the rules of fiqh, which is included in the prohibition if there is a prohibition on cases that support something.

Some consider surgery as an absolutely forbidden prohibition by referring textually to the words of Allah Subhanahu wa Ta'ala in the Qur'an surah al-Nisa' verse 119:

وَأُضِلُّنَّهُمْ وَلَا تُمَنِّبُهُمْ وَلَا تُرْمِزُهُمْ فَلْيُبَيِّنَنَّ آذَانَ الْأَنْعَامِ وَلَا يَمُرَّهُمْ فَلْيَعْبِرَنَّ خَلْقَ اللَّهِ ۚ وَمَنْ يَتَّخِذِ الشَّيْطَانَ وَلِيًّا مِنْ دُونِ اللَّهِ فَقَدْ خَسِرَ خُسْرَانًا مُبِينًا

And I will mislead them, and I will arouse in them [sinful] desires, and I will command them so they will slit the ears of cattle, and I will command them so they will change the creation of Allah." And whoever takes Satan as an ally instead of Allah has certainly sustained a clear loss.¹

And in the hadith

¹Departemen Agama RI (2010). *Al-Quran Tajwid Dan Terjemahan*. Bandung: CV. Penerbit Diponegoro, 2010, p. 97.

حدثنا عثمان حدثنا جرير عن منصور عن إبراهيم عن علقمة عن عبد الله: لَعَنَ اللَّهُ الْوَاشِمَاتِ وَالْمُسْتَوْشِمَاتِ وَالنَّامِصَاتِ وَالْمُتَنَمِّصَاتِ وَالْمُتَفَلِّجَاتِ لِلْحُسْنِ الْمُغَيَّرَاتِ خَلَقَ اللَّهُ تَعَالَى، مَا لِي لَا أَلْعَنُ مَنْ أَلْعَنَ النَّبِيُّ صَلَّى اللَّهُ وَسَلَّمَ. وَهُوَ فِي كِتَابِ اللَّهِ: وَمَا أَتَكُمْ الرَّسُولَ فَخُذُوهُ إِلَىٰ فَاثْمَهُوا.²

"Uthman and Jarir recited a hadith to us which was taken from Mansur, from Ibrahim from 'Alqamah from Abdillah: Allah curses whoever makes a tattoo and those who ask for a tattoo, the one who plucks eyelashes and who asks for the eyelashes to be removed, and the one who plucks the eyelashes and stretch the teeth to get a beauty that changes the creation of Allah Subhanahu Wa Ta'ala. Have I not cursed anyone whom the Messenger of Allah cursed while it is mentioned in the Qur'an, "whatever the Messenger gives you, accept it, and whatever is forbidden then leave it"

From this hadith, it can be understood that all forms of surgery to change the creation of Allah Subhanahu Wa Ta'ala are forbidden. However, the times have influenced developing Muslim-majority countries to follow treatment with plastic surgery. The practice carried out by the community in this Muslim-majority country cannot be easily judged as a prohibition because some do plastic surgery, not for cosmetics or perform surgery because of an emergency and need.

Sheikh Ibn Hajar al-Asqalani explained in Fath al-Bari Syarh Sahih al-Bukhari that all changing the shape of beauty are despicable. It is different if changing the form due to necessity; for example, for treatment, is permissible. Opinions like this seem relative and subjective due to personal needs and benefits. For this reason, a theory is needed that can be used to structure this investigation by mediating the subjectivity between the views of some groups who view plastic surgery as something positive and some who view plastic surgery as something negative.

Plastic surgery, in some circumstances, can get negative things, according to the explanation of some experts. Therefore, it should only be used as a solution for urgency or emergencies. So following the explanation of Sheikh Ibn Hajar al-Asqalani regarding the hadith of the Prophet *Sallallahu 'alaihi wa sallam*, it is appropriate to change the form because of necessity or urgent circumstances.

Recently, in Indonesia, there has been a stir with cases of plastic surgery for repair or gender enhancement or commonly known as hypospadias. It started with news about a hypospadias patient from a former athlete, a soldier, second sergeant (*serda*) AM. The

²Al-Hafiz Ahmad bin AlibinHajar al-Asqalani (2011).*Fath al-Bari bi Syarh Sahih al-Bukhari*. Juz. XIII. Cet. ke IV, Hadithno. 5678, Riyaz: Dar al-Taybab. p. 445.

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certainty that Serda AM was declared a man was conveyed by General AP as KSAD (Army Chief of Staff) in Jakarta on Tuesday, 9 March 2021. At the same time, the Army Chief of Staff was guaranteed to facilitate various documents for changing names and gender in the administrative and population data of the second sergeant, AM.³

Treatment for hypospadias patients depends on the type of disability the patient has. Most cases of hypospadias require surgery. Usually, surgery is performed when the patient is 18 months old or at least three months old. It is found in some surgeries that it is done several times gradually. Surgery is intended, among others, by placing the urethra in a suitable place, repairing a sunken penis, repairing the skin of the penis around the urethra because the doctor may need to use the foreskin to carry out corrective actions.

As Muslims who are obliged to adhere to Islamic law in all their activities, surgery on hypospadias patients should be a phenomenon that requires an Islamic legal perspective, because hypospadias is not the same thing as transgender or gender swap surgery. Where transgender is a concept disorder in the identity of a man who prefers to show the role of women in everyday life, so here first it is appropriate to know what the purpose of hypospadias plastic surgery is to be able to know the law. As scholars say:

الحكم منوط بالإسم

"A law depends on its name".⁴

From the background, the study of plastic surgery of hypospadias patients, which was stirred up in the discussion of the Indonesian people, became something interesting to be used as a study with the level of Maqasid Syari'ah according to the implementation of hypospadias plastic surgery which can be mistaken for reconstruction or cosmetics.

METHODS

³ Triyasni. Infografis Aprilia Manganang, Hypospadias Berujung Kepastian. Liputan6. Link: <https://www.liputan6.com/news/read/4503682/infografis-aprilia-manganang-hypospadias-berujung-kepastian> accessed on March 11, 2021.

⁴Muhammad Khathib al-Syarbayni (2009). *Mughni Muhtaj ila Makrifat Ma'ani Alfazh al-Minhaj. juz. I*, Beirut: Dar al-Fikri. p. 70. Abdul Aziz Dahlan (1966), *Ensiklopedi Hukum Islam*, Jakarta: Ichtiar Baru Van Hoeve, p. 1695. See also at <http://nahdlatululama.id/blog/2017/12/28/syekh-al-khatib-asy-syarbini/>, accessed on June 10, 2021.



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This research is library research, namely: a series of activities relating to collecting library data, reading, recording, and summarizing the research material.⁵ Sources of investigation are not limited to books or books but also documentation, the internet, magazines, journals, and newspapers. Library research aims to get various theories, evidence, laws, views, principles, ideas, and so on. Which can analyze and solve the problem being studied.⁶ That is research by examining various independent studies related to the subject being studied. The final result of the investigation is to find the law against the problem that has been described.

The researcher, in this case, applies two data sources, namely primary data and secondary data. From the perspective of the problem being studied, this investigation uses an integrative approach that discusses the level of need. Philosophical approach, namely thinking deeply, systematically, and in general to find the core of truth and wisdom or the essence of research.⁷

While the nature of the research, the researcher uses analytical descriptive to describe hypospadias and the law of plastic surgery for hypospadias patients at the level of maqasid Syari'ah to obtain comprehensive and solid information. Because this research is library research, collecting data can be practised by combining interviews, observations, and analysis in data collection.⁸

RESULT AND DISCUSSION

Based on the author's findings, there are three models of plastic surgery in the medical world about sex surgery, sex exchange surgery, sex repair or refinement surgery, and surgical removal of one of the multiple sexes. In this paper, the author will only describe the surgical repair or refinement of sex.

Hypospadias

⁵ Mestika Zed (2004). *Metode Penelitian kepustakaan*. Jakarta: Yayasan Obor, Indonesia, p. 3

⁶ Sutrisno Hadi, *Metode Rresearch*, (2001) Jilid I. Yogyakarta: Ando Offset, p. 20.

⁷ Sutrisno Hadi, *Metode Rresearch*, p. 47.

⁸ Iskandar, *Metodologi Penelitian dan Sosial (Kuantitatif dan Kualitatif)*, (2009), Jakarta: Gaung Persada, p. 134-135.

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Galen was a doctor from Greece and became a gladiator doctor and a personal physician to Emperor Marcus Aurelius in Rome, and he was the first to mention the word hypospadias. The word hypospadias is taken from the Greek "Hypo," which means under, and "Spadon," which means abyss. Hypospadias is one of the most common congenital disabilities in men and the most common defect in penis development.⁹

Hypospadias is a congenital disability in the form of an opening of the urethra (urinary tract from the bladder that exits the body), which is located on the ventral (stomach) and proximal (closer to the trunk or base) tip of the penis. In hypospadias, there is no ventral prepuce (a fold of skin that covers the tip of the penis) so that the dorsal prepuce (the backside of a body part) becomes excessive (dorsal hood) and has a chordee habit (the penis moves obliquely to the abdomen). Sometimes there is urethral meatus stenosis (narrowing of the urinary tract from the bladder out of the body), and congenital anomalies such as maldescent testis (insensitive reproductive organs) or inguinal hernia (protrusion of organs, such as the intestines and tissue in the abdomen into the groin area). The urethral meatus is located from the glandular (glands) to the perineal (part of the body).¹⁰

Some explain hypospadias as an abnormality in the location of the urethra and include a congenital abnormality found in boys, which is characterized by the anatomical position of the opening of the urinary tract on the ventral or anterior part of the penis, usually with a concave penis and shorter size than ordinary men. Its location is quite diverse around the ventral part of the penis or in the perineum due to the urethral plate attachment failure. Severe hypospadias is defined as a state of hypospadias accompanied by the external urethral opening between the proximal penis to the junction of the penis and scrotum and has chordees.¹¹

The general population of hypospadias varies from 0.37 to 41/10000 male infants. Cases of hypospadias have been reported in various countries, such as Norway, Sweden, England, Wales, Denmark, Finland, Spain, New Zealand, Czechoslovakia, and Australia.

⁹Lisa Örtqvist (2016). *Long-Term Perspectives On Hypospadias*. Stockholm: Karolinska Institutet. p. 1.

¹⁰Joko Malis Sunarno (2009) dengan judul *Distribusi Gen Azoospermia Factor (Azf) Pada Pasien dengan Hypospadias*. Semarang: Universitas Diponegoro. p. 1

¹¹Lisa Örtqvist (2016). Op. cit. p. 1. See also Prof. Ahmed T. Hadidi (2004), *Hypospadias Surgery*. New York: Springer dan Smith ED (1997), *The History of Hypospadias*. Pediatric Surgery International.

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Studies in the United States report that cases are more common in whites than blacks. In Finland, cases are lower at 5/10000 compared to other Scandinavian countries at 14/10000 infants. The incidence of hypospadias accompanied by cryptorchidism is 9%, but it is 32% in posterior hypospadias.¹²

There is also a study of hypospadias about 3.8 out of 1000 births, meaning that 1 in 300 boys suffer from hypospadias.¹³ Cases of hypospadias in Western countries have increased and are estimated to occur in 150-300 male births.¹⁴

Another study states that hypospadias is a congenital malformation in children, while adults have an abnormal sperm count. Other researchers say that sperm quality is not good, testicular cancer, and testicles do not descend. Hypospadias is the underlying cause of the increase in cases of Testicular Dysgenesis Syndrome (TDS). There were no physical problems associated with hypospadias in newborns or adolescents. However, in adult males, chordee will prevent sexual intercourse, penoscrotal or perineal hypospadias can cause infertility, meatal stenosis, difficulty in the flow of urine and cryptorchidism is also common.¹⁵

Factors causing hypospadias

From several studies on hypospadias, it is stated that the cause of hypospadias has not been clearly explained, but other studies have stated that cases of hypospadias are caused by multifactorial. Some cases are obtained due to single-gene mutations or single gene expression disorders, or gene expression disorders. However, Shih and Graham, 2014¹⁶ and Van der Zanden et al., 2012¹⁷ argue that there are factors that occur so that hypospadias disorders occur, namely endocrine, genetic and environmental factors. Hypospadias may occur because of one of these factors or a combination of these three factors.

¹² Joko Malis Sunarno (2009). Op. cit. p. 1.

¹³Prof. Ahmed T. Hadidi (2004), *Hypospadias Surgery: an Illustrated Guide*. European Journal of Plastic Surgery. p. 1.

¹⁴Lisa Örtqvist (2016). Op. cit. p. 27.

¹⁵Lisa Örtqvist (2016). Op. cit. p. 3

¹⁶Erin M. Shih dan Jhon M. Graham (2014), *Review Review of Genetic and Environmental Factors Leading to Hypospadias*, European Journal of Medical Genetics. p. 3

¹⁷Loes Van Der Zanden (2012), *Aetiology of Hypospadias from Genes to Environment and Back*. Dutch: Ipdksmp Drukkers, Nijmegen, p. 187-189.

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1. Endocrine Factor

The most potential cause of hypospadias is endocrine factors because androgens strongly influence the shape of the urethra in men, so there is a possibility that the leading cause of hypospadias is androgen metabolism disorders.

2. Genetic Factors

Cases of hypospadias patients from patients who have a father with hypospadias is also 7%. Hypospadias cases without a sibling or family history of hypospadias were 12%. If a family with two people sufferers of hypospadias and one of them is the father, then having a child with hypospadias increases to 26%. Hypospadias cases were found to be 8.5 more likely to be monozygotic twins. Most mutations occur in individuals with proximal hypospadias, and this case shows that proximal hypospadias has a more monogenic or polygenic etiology, while distal hypospadias has a multifactorial aetiology. The prominent candidate genes for hypospadias are those involved in external male genital development, and mutations are present in more than 60 genes involved in genital development.

3. Environmental factor

Several studies reported a relationship between premature infants, low birth weight (LBW) infants, maternal age during pregnancy, and a history of maternal hypertension with hypospadias. The relationship between prematurity and LBW with the incidence of hypospadias, from the univariate analysis of prematurity and LBW, influences cases of hypospadias. LBW can signify fetal growth restriction because the mother's placenta lacks enough nutrients, and hCG production is also reduced, affecting androgen synthesis. Maternal age during pregnancy has a relationship with the incidence of hypospadias; the tendency of hypospadias is 4.17 times higher in mothers with ages exceeding 35 years. Mothers who are pregnant at more than 35 years have a weak placental blood flow as a risk due to spasm of the blood vessels. So, nutrients cannot reach the fetus properly, resulting in an inhibition of fetal growth and metabolism. A vegetarian diet carried out during pregnancy showed statistical results that were not associated with hypospadias.

Some literature states a relationship between the incidence of hypospadias and environmental exposures related to chemicals, namely destructive toxins, chemicals that can affect the development and maturation of sexual function and fetal reproduction.



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Destructive poisons are contaminants or materials that are often encountered in everyday life. Exposure to harmful toxins in pregnant women can result in changes such as urogenital malformations, decreased sperm quality and breast cancer. Several studies have shown increasing cases of hypospadias in families who live close to landfills in Europe and mothers who have a history of occupational exposure to harmful toxins have a greater risk of giving birth to children with hypospadias disorders. This study was corroborated by another study which showed that mothers who had a history of eating organic vegetables did not have children with hypospadias disorders.

Plastic Surgery for Hypospadias Patients at the Maqashid Syariah Level

In general, it is often formulated that establishing Islamic law is to realize the benefit of humans in the world and the hereafter by utilizing all potential goodness and preventing or rejecting all things that are useless for life and lead to evil.¹⁸ It can be concluded that the purpose of establishing Islamic law is to maintain the benefits and prevent the harm of human life both spiritually and physically, individually and socially.

The purpose of Islamic law can also be referred to as maqasid shari'ah. Maqasid sharia is formed from 2 words *maqasid* and *sharia*. Maqasid is the plural word of *maqсад* (Arabic; مقصد) which means intent and purpose, while sharia is the provisions and laws of Allah that are set to guide humans to achieve happiness in the world and the hereafter.¹⁹

The essence of the application of sharia is to realize the benefits and benefits for humans. This benefit can be realized if the five main elements can be realized and perpetuated. The five main elements, said Sheikh al-Syatibi, are guarding the soul, mind, lineage, property and religion. To realize and maintain this main element, Sheikh al-Syatibi divides it into three objective stages of maqasid or sharia objectives²⁰: benefits necessities, benefits of goods and benefits of improvements. So all things that contain this protection are benefits, and vice versa; all things that destroy or eliminate good things are harmful, and

¹⁸Abd. Latif Muda, Rosmawati Ali (2001), *Perbahasan Usul al-Ahkam*, Kuala Lumpur: Pustaka Salam Sdn Bhd, p. 242.

¹⁹Hasbi Umar (2016). *Filsafat Hukum Islam Kontemporer*. Medan: Perdana Publishing, p. 161.

²⁰Lily Yanti dan Baharuddin Ahmad (2015), *Eksistensi dan Implementasi Hukum Islam di Indonesia*, Yogyakarta: Pustaka Pelajar, p. 18.

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removing harmful are benefits.²¹ Meanwhile, maqasid goods are intended to complement maqasid necessities and maqasid improvements as a complement to maqasid goods.²² This includes in two cases: namely guarding against the side of realizing and against the side of rejecting that eliminates.²³

Based on the type of plastic surgery in general, with a study of application and definition divided into cosmetics and reconstruction, hypospadias patients also relate to these two types of plastic surgery in the legal study of plastic surgery. As it is easy to understand reconstructive surgery as an attempt to return the individual to a normal state, and cosmetic surgery as an attempt to go beyond his usual limits, so the legal studies are adapted to maqasid sharia (looking at the influence in a person's life, the scope and strength of the argument). And the basic principles of the Shafi'i school by emphasizing that the benefits of necessities must take precedence over the benefits of hajiyyat and the benefits of goods must prioritize improvements and the benefits that are whole/integrate must be prioritized over partial benefits and definitive benefits take precedence over the benefits that are presumptive and delusional. This adjustment is based on the principles of the Shafi'i school of fiqh

الأمور بمقاصدها

"all actions depend on the intention."²⁴

Hypospadias is a case that causes harm to patients who experience it, even though it is natural and not attempted. Moreover, technological support and the development of medical science can support plastic surgery for hypospadias patients to eliminate the dangers of a more definite cure. As the basic principles of the Shafi'i school:

الضرر يزال

"The harmful should be removed/abolished."²⁵

²¹Al-Ghazali (2000), *Al-Mustasfa fi 'ilm al-Usul*, Beirut: Dar al-Kutub al-'Ilmiyyah, p. 174.

²²Al- Syatibi (2004), *Al-Muwafaqat fi Usul al-Syari'ah*, Beirut: Dar al-Kutub al-'Ilmiyyap. p. 10.

²³Al-Syatibi (2004), Op. cit, p. 6.

²⁴Jalaluddin al-Suyuti (1958), *Al-Asybah wa al-Nazhair*, Beirut: Dar al-Fikr, p. 6. Lihat juga Abdullah al-Hadrami al-Syahari (t.t), *Idhahul Qawaid al-Fiqhiyyah li Thullab al-Madrasah al-Shawlatiyyah*, Surabaya: al-Haramain, p. 12.

²⁵Jalaluddin al-Suyuti, Op. cit. p. 57. Lihat juga Abdullah al-Hadrami al-Syahari, Op. cit, p. 27

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The purpose of the harm that should be removed is the harm that has occurred. Therefore, something that has become harmful or may become harmful in the future must be abolished.²⁶

The *maqasid* sharia theory is also supported by the following principles:

درؤ المفاسد مقدم على جلب المصالح

"Preventing harm takes precedence over bringing benefits."²⁷

This rule understands that if disagreements between things can lead to good and damage, then its implementation should prioritize preventing damage rather than getting a few benefits.²⁸

Therefore, it is a disadvantage for hypospadias patients to allow plastic surgery because this case may be included in the collection of maintenance of the soul, lineage, mind, property, and religion as the purpose of the need to uphold worldly and hereafter benefits so that if plastic surgery is not performed for hypospadias patients, it is possible to cause a steady loss of benefit in the sense of being disturbed in carrying out the obligatory duties of a mukallaf. What distinguishes the level of necessities from goods is their influence on human life. However, in this situation, plastic surgery is needed to provide convenience and eliminate difficulties in the life of the mukallaf such as plastic surgery that can improve the benefits and functions of the limbs, for example, which realizes the effort of the mukallaf to return to a normal state of health.

Unlike the case with plastic surgery in the level of improvement because in this condition, the mukallaf improves his appearance from the standard of health, in the sense that without doing plastic surgery, it will not interfere with his life. It is just doing plastic surgery to exaggerate his appearance. Even if those who perform plastic surgery at the improvement level are people from low-class economic groups, then this attitude will hit the benefit of necessities from the side of property protection because guarding property against the side of rejecting what eliminates the benefit of necessities includes wasting property and destroying

²⁶Abd. Latif Muda, Rosmawati Ali (2000). Op. cit. p. 174.

²⁷A.Djazuli (2007), *Kaidah-kaidah Fikih*, Jakarta: Kencana Prenada Media Group, p.29.

²⁸Abd. Latif Muda, Rosmawati Ali (2000). Op. cit. p. 175.

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property.²⁹ Therefore, in determining the benefit, it must always lead to the intention of the sharia, Allah *Subhanahu wa ta'ala*, as the Wisest Substance.

The study of maqasid sharia in the level of maintaining *al-usul al-Khamsah*: mind, soul, lineage, property and religion regarding plastic surgery for hypospadias patients is as described below:

Plastic surgery for hypospadias patients to correct or perfect gender from a religious perspective for a hypospadias patient is following the orders of the Prophet *sallallaahu 'alaihi wa sallam*, namely the command to seek treatment:

كُنْتُ عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَجَاءَتِ الْأَعْرَابُ، فَقَالَ: يَا رَسُولَ اللَّهِ، أَسْتَدَاوِي؟ فَقَالَ: نَعَمْ يَا عَبْدَ اللَّهِ، تَدَاوُوا، فَإِنَّ اللَّهَ عَزَّ وَجَلَّ لَمْ يَضَعْ دَاءً إِلَّا وَضَعَ لَهُ شِفَاءً غَيْرَ دَاءٍ وَاحِدٍ. قَالُوا: مَا هُوَ؟ قَالَ: أَهْرَمُ

*I was with the Prophet sallallaahu 'alaihi wa sallam. Moreover, there came a group of inland Arabs. They asked: O Messenger of Allah, can we seek treatment? The Prophet replied: "Yes, O servant of Allah, seek treatment, because Allah the Most Great and Noble does not create a disease for which there is no cure, except a disease." They also asked: "what disease is it?" The Prophet replied: "becoming senescent." HR. Ahmad, Abu Daud, Ibn Majah, al-Bukhari, in al-Adab al-Mufrad, and al-Tirmidhi. He said that this hadith is *hasan sahih*.³⁰*

Some additions to the hadith in the Qur'an are mentioned about the importance of maintaining personal health and prohibiting things that may endanger oneself. Allah says in the Qur'an:

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

"And spend in the way of Allah and do not throw [yourselves] with your [own] hands into destruction [by refraining]. And do good; indeed, Allah loves the doers of good."³¹

By performing hypospadias plastic surgery, the patient can carry out the things that Islam has assigned to him properly and perfectly. Even fellow Muslims who help hypospadias

²⁹Ahmidan Ziyad Muhammad (2004), *Al-Maqasid al-Syari'at al-Islamiyyah*, Beirut: Al-Risalah, p. 204.

³⁰Al-Hafid Ahmad Ibnu Ali Hajar al-Asqalani (2011), *Fath al-Bari bi Syarh Sahih al-Bukhari*, Juz. XIII, Cet. ke IV, hadith no. 5678, Riyad: Dar al-Taybah, p. 444.

³¹Departemen Agama RI (2010). Op. cit. p. 30.

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patients perform sex correction and enhancement surgery can be considered helping each other in goodness. The word of God in Surah al-Maidah verse 2:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ عَوَاتِقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

"And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is severe in penalty."³²

Plastic surgery for hypospadias patients to correct or perfect sex in terms of maintaining the soul and mind for a hypospadias patient is in line with the orders of the Prophet *sallallaahu 'alaihi wa Sallam*; the past command to seek treatment because practising this hadith is not only valuable to uphold the commands of the Prophet *sallallaahu 'alaihi wa Sallam*, it is also beneficial for the patient's soul hypospadias. If the hypospadias patient ignores the treatment of repairing and perfecting his gender, it can cause harm to him from the psychological and social side of his association in society which allows him to become the target of gays who are understood as people have personality problems.³³

Ibn Assyria said that the essential protection of the soul is an act of salvation, such as treating the sick.³⁴ All efforts that have a purpose for protecting the soul are good deeds; because of that, *Allah Subhanahu wa Ta'ala* obligates to take care of the soul, including treatment when sick. In comparison, all work that can damage and destroy the soul is a bad deed that Allah forbids. In this case, Allah forbids oneself to fall into destruction or damage, as Allah mentions in Surah al-Baqarah verse 195:

وَلَا تُلقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ .

"and do not throw [yourselves] with your [own] hands into destruction [by refraining]."³⁵

The author describes plastic surgery for perfection and improvement in terms of maintaining the soul and mind in a discussion because the two foremost of *maqasid sharia* are always related, as explained earlier, which can be a disadvantage for hypospadias patients from a psychological and social perspective.

³²Departemen Agama RI (2010). Op. cit. p. 106.

³³Kutbudin Aibak (2017). *Kajian Fiqh Komtemporer*. Yogyakarta: Kalimedia. p. 140

³⁴Muhammad Tahir Ibnu Asyur (2005), *Maqasid al-Syariat al-Islamiyyah*, Kairo: Dar al-Salam. P. 78.

³⁵Departemen Agama RI, Op. cit, p. 30.

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Plastic surgery of hypospadias patients for sex enhancement and improvement in maintaining offspring can be a solution rather than a barrier in achieving the goal of marriage due to deficiencies and defects in the form of the sexes and their functions. So by doing plastic surgery for hypospadias patients, it will help refine and improve sex so that it can solve the case of getting offspring.

Plastic surgery of hypospadias patients for the improvement and improvement of sex from the side of property protection may be a solution for patients in avoiding disputes regarding inheritance because the condition of hypospadias patients is sometimes unacceptable as a man and this case makes hypospadias patients unable to maintain their inheritance rights at the level of a man. Then plastic surgery can guarantee the legal certainty of inheritance rights received by hypospadias patients as the level of a man.

CONCLUSION

From the description above, it can be concluded that:

1. Hypospadias is a congenital birth defect in the form of openings of the urethra (urinary tract from the bladder that exits the body), which is located in the ventral (stomach) and proximal (closer to the trunk or base) tip of the penis. In hypospadias, there is no ventral prepuce (the fold of skin that covers the tip of the penis), so the dorsal prepuce (the backside of a body part) becomes dorsal (dorsalhood) and often coincides with chordee (the penis moves obliquely to the abdomen). Sometimes there is urethral meatus stenosis (narrowing of the urinary tract from the bladder out of the body) and congenital anomalies in the form of a maldescent testis (insensitive reproductive organ) or inguinal hernia (protrusion of organs, such as the intestines and tissues in the abdomen, into the groin area). The urethral meatus is located from the glandular (glands) to the perineal (part of the body).
2. The factors causing hypospadias have not been clearly explained. However, among several studies, some say it is multifactorial due to single gene mutations, single-gene expression disorders, or gene expression disorders—other factors involved in the occurrence of this hypospadias disorder, namely endocrine, genetic and environmental factors. Hypospadias may occur due to one of these factors or a combination of these three factors.
3. Plastic surgery for hypospadias patients is permissible because it is included in maintaining religion, reason, soul, lineage and property as maqasid daruriyyat to uphold



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worldly and hereafter benefits. Until plastic surgery for hypospadias patients is not carried out, it may cause a stable loss of benefit in the sense of being disturbed in carrying out the duties of a *mukallaf* (the accountable person in Islam).

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