

ABSTRACT

Mira Marlina (1203040069) 2024, “The Law on Establishing Breast Milk Banks According to the Fatwa of the Singapore Ulema Council and the 2017 Fatwa of Negeri Sembilan”

Breast milk is a staple food source that is important for children's growth and development, because the contents inside are believed to have good nutritional content which can encourage the growth of brain cells and the development of the nervous system. However, not all babies get breast milk from their biological mothers due to various factors. Therefore, breastfeeding can be done by donating breast milk. Therefore, to store donated breast milk, it is necessary to have an institution that can accommodate the breast milk. One of them is by establishing an ASI Bank.

This research aims to describe and analyze: 1) What factors are behind the Fatwa of the Singapore Ulema Council and the 2017 Negeri Sembilan Fatwa. 2) Legal arguments and basic legal considerations for the Singapore Ulama Council Fatwa and the 2017 Negeri Sembilan Fatwa. 3) Legal Impact and Implications arising from the Fatwa of the Singapore Ulema Council and the 2017 Fatwa of Negeri Sembilan.

The framework of thinking in this research uses the Maslahah Mafsadah theory to help explain and conclude regarding the Law on Establishing Breast Milk Banks according to the Fatwa of the Singapore Ulema Council and the 2017 Fatwa of Negeri Sembilan.

The research method used in this research is a descriptive method with a normative juridical approach. This type of research is used to describe a phenomenon with accurate data that is studied systematically. The data collection technique used is Library Research to collect various information and data in depth.

Based on the research results, it was concluded that the Fatwa of the Singapore Ulema Council condemning establishing a breast milk bank is permissible because the existence of a breast milk bank can help the development and growth of babies who do not receive breast milk from their biological mothers due to various factors, especially for premature babies. Meanwhile, the Negeri Sembilan Fatwa condemns the existence of breast milk banks as not being permitted, because they are closely related to the mixing of lineages and the prohibition of marriage. Legal arguments and basic legal considerations according to the Fatwa of the Singapore Ulema Council and the 2017 Negeri Sembilan Fatwa are to take the main reference from the Al-Qur'an, Sunnah, Ijma' and Qiyas as the opinion of the Ahl - Sunnah Wal Jamaah ulama as a source of law. The impacts and legal implications that arise as a result of the existence of breast milk banks are that they cause mixing of lineages and prohibition of marriage, there are limitations related to the clear identity of donors and there is uncertainty regarding the level of milk supply.

Keywords : Breast Milk, Breast Milk Bank, Singapore MUI Fatwa, Negeri Sembilan Fatwa