

# Comparative Legal Analysis of Beauty Clinic Services between Indonesian Law and Islamic Law

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## Abstract

*In line with the evolving needs of consumers who strive to improve their facial and physical appearances, beauty clinics frequently introduce new services supported with new technological devices. Some forms of esthetical treatment introduced in the market have risen controversy in terms of their legality. This article aims at exploring the legality of esthetic treatment provided by beauty clinics. This normative legal research employs comparative approach. Comparison is made between Indonesian law and Islamic Law. It is found that Islamic law has different approach in addressing the issue of the legality of esthetic treatment provided by beauty clinics as compared to Indonesian law. While the Indonesian law tends to liberate various forms of esthetic treatment, Islamic law gives a restriction. By virtue of the principle of freedom of contract as intended in Article 1338 of the Indonesian Civil Code, any esthetic treatment can be carried out when it is made based on a valid contract between the contracting parties. On the other side, Islamic Law prohibits particular esthetic treatment especially when it falls under the category of changing what Allah has created.*

**Keywords:** beauty clinic, esthetic treatment, Indonesian law, Islamic law

## 1. Introduction

Tendency to look beautiful constitutes an intrinsic and natural desire for women. From historical perspective, surgery to improve physical appearance has existed in Alexandria and in ancient Rome.<sup>1</sup> The constant reference to beauty ideals in all facets of contemporary culture, including work, sex, and religion as well as the constant exposure to images of “beautiful” women, which are ubiquitous in the mass media as the ideal, make a search for a categorical view a necessity.<sup>2</sup>

Women nowadays are much different from those in earlier time where most of them are working and have the same opportunity with their fellow men in achieving career. Such women really pay attention on their appearance, health, and personality. In regard to physical appearance, they are constantly looking to improve what they have or give themselves a whole new look start from the root of the hair to the tip of their toes.<sup>3</sup> They drop by the nearest hair

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<sup>1</sup> Hamid Reza Salehi and Ann Marie Mangion, 'Legal Aspects of Cosmetic and Plastic Surgery', *International Journal of Advanced Studies in Humanities and Social Science*, 3.2 (2014), p. 97 <[https://www.ijashss.com/article\\_83556\\_a0fd04ae3ccc4c3423c2554ac2d83450.pdf](https://www.ijashss.com/article_83556_a0fd04ae3ccc4c3423c2554ac2d83450.pdf)>.

<sup>2</sup> Abdulgafar Olawale Fahm, 'Everything has Beauty but not Everyone Sees It': An Islamic Alternative to Assessing Beauty', *Journal of Intercultural Communication Research*, 49.3 (2020), 211–26 <<https://doi.org/10.1080/17475759.2020.1736601>>.

<sup>3</sup> Germano Vera Cruz, 'Cross-Cultural Study of Facial Beauty', *Journal of Psychology in Africa*, 23.1 (2013), 88.

salon and spa to be pampered by stylists and beauticians, to style their hair, massage their body, and get the manicure and pedicure treatment.

Undeniably, contemporary women place beauty as their first priority. They easily spend lots of cash and time every month for enjoying beauty care or esthetic treatment. Consequently, this situation has prompted the rapid growth of beauty industry in many countries, including in Indonesia.

In Indonesia, there are some business players in the field, including beauty salon and beauty clinic. While the former usually provides beauty care only, the latter offers beauty care and esthetic treatments. From the perspective of human resource, beauty salons employ only beauticians, while beauty clinics, on the other side, employ beauticians and also healthcare professionals including pharmacists and medical doctors.

The number of beauty clinic is increasing in Indonesia. Currently, such clinics are available not only in big cities such as Medan, Jakarta, Bandung, Semarang, Surabaya and Denpasar, but also found in smaller cities such as Karawang, Yogyakarta, Surakarta and Madiun. As the beauty industry continues to grow and expand, it is essential for beauty clinics to provide various services with good quality and at an acceptable price.

In line with the evolving needs of consumers who strive to improve their facial and physical appearances, beauty clinics frequently introduce new services supported with new technological devices. Some forms of esthetical treatment introduced in the market have risen controversy in terms of their legality. Therefore, legal analysis of beauty clinic services constitutes an interesting topic of discussion.

## 2. Research Method

The type of research is normative empirical legal research that uses both primary and secondary data. The primary data were collected through observation and interview, while the secondary data were collected through library study. Interviews were carried out with the stakeholders of beauty clinic in various cities including Jakarta, Karawang, Bandung, Semarang, Surakarta, Surabaya, Madiun and Yogyakarta. In addition to the field study, the author has studied various legal materials, especially primary and secondary legal materials.

## 3. Discussion and Analyses

### 3.1. Law Relating to Beauty Clinic

The regulatory framework for cosmetic or esthetic treatments aims to ensure the safety and well-being of individuals seeking beauty treatments. This framework includes guidelines and regulations that set standards for hygiene, sanitation, equipment safety, and the qualifications and expertise of beauty practitioners.<sup>4</sup> Law governing beauty clinic plays a vital role in protecting consumers and ensuring that beauty clinics adhere to high standards of safety and quality. By following beauty clinic law and regulation, beauty clinics can provide a safe and professional environment for clients to receive cosmetic or esthetic treatments.

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<sup>4</sup> Keng Boon Harold Tan, 'Aesthetic Medicine: A Health Regulator's Perspective', *Clinical Governance: An International Journal*, 12.1 (2007), 13-25 <<https://doi.org/10.1108/14777270710725364>> <<https://www.emerald.com/insight/content/doi/10.1108/14777270710725364/full/pdf?title=aesthetic-medicine-a-health-regulators-perspective>>

The compliance of beauty clinic with law and regulation is important not only in regard to ensure the safety and well-being of clients, but also helps maintain the reputation and credibility of the beauty clinic, as well as prevents legal issues and potential penalties.<sup>5</sup> In addition, this also helps build trust and confidence among clients, as they know that the clinic is operating within legal boundaries. Hence, by adhering to the law and regulation, practitioners can provide assurance of their competence and commitment to the health and safety of their clients.<sup>6</sup>

Unfortunately, so far there is no specific law governing beauty clinic in Indonesia. As a form of clinic, beauty clinic is subjected to the existing regulation governing clinic namely the Health Minister Regulation Number 9 of 2014. Under this Regulation, clinic is defined as a healthcare facility that provides primary and/or specialized medical service for individual. A clinic employs various healthcare staffs and led by a medical personnel.

Based on the level of healthcare service provided, clinic is distinguished between *Klinik Pratama* (Primary Clinic) and *Klinik Utama* (Principal Clinic). While the former provides primary healthcare service, the latter provides specialized and/ or sub-specialized healthcare service. All healthcare staffs of a clinic must work in accordance with their specific competences and possess relevant practicing licenses.

A clinic should be supported with adequate medical and non-medical equipment in accordance with the forms of healthcare service provided. The mentioned medical and non-medical equipment should comply with the standard of quality, standard of security and standard of safety. In addition, particular clinic should also provide pharmaceutical services.

Although involving medical personnel as well as pharmacist in its operation, nevertheless beauty clinic has some features that make it different from the common or ordinary clinic. As a healthcare facility, the common clinic provides healthcare service, whereas beauty clinic provides beauty care and esthetic treatment. Different from the common clinic which usually serves individuals who have health problems, beauty clinic serves individuals who pursue a better physical appearance.

Beauty clinic offers opportunity to individuals for maintaining, improving and even changing their physical appearance. For this purpose, some beauty clinics offer esthetic treatments in the form of esthetic plastic surgery. Such a beauty clinic is equipped with imagining ability (goniometry), manual skills (skills) and artistic soul (art).<sup>7</sup> Modern technological devices enable beauty clinics to provide various forms esthetic treatment that help individuals getting appearance as they wish.

There are several types of beauty clinic as follows:<sup>8</sup>

- a. Primary Beauty Clinic that provides limited medical treatment held by medical doctor or dentist. This type of beauty clinic is led by a doctor who has an esthetic competency.

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<sup>5</sup> SR Mousavi, 'The Ethics of Aesthetic Surgery', *Journal of Cutaneous and Aesthetic Surgery*, 3.1 (2010) <<https://doi.org/10.4103%2F0974-2077.63396>>

<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2890136>>.

<sup>6</sup> Anastasia Tri Yuli Susanti, 'Literature Review: Legal Aspects of Consumer Protection for Cosmetics Users', *Proceeding of the International Conference on Law, Economy and Health (ICLEH)*, (2020)

<<https://doi.org/10.2991/aebmr.k.200513.110>> , published by Atlantic Press 20 May 2020

<<https://www.atlantis-press.com/proceedings/icleh-20/125940555>>

<sup>7</sup> Yefta Moenadjat, *Hal yang Perlu Diketahui oleh Masyarakat Awam mengenai Bedah Plastik* (Jakarta: Balai Penerbit FKUI, 2001).

<sup>8</sup> Moenadjat, p.14.

- b. Principal Beauty Clinic that provides limited medical treatment including invasive procedure without anesthesia, performed by medical doctor or dentist or specialist. This type of clinic is led by a medical doctor.
- c. Specialist Beauty Clinic that provides limited medical treatment including invasive procedure without narcotics, performed by a specialist or an orthodontist. Such a clinic is also led by medical doctor.

The owner of a beauty clinic can be individual or corporation.<sup>9</sup> Every beauty clinic should employ a medical doctor who possess an esthetic competency obtained from relevant additional courses. Beauty clinic should install name plate containing at least its name, category/type and license number. Beauty clinics are allowed to promote their services as long as it is not in contradiction with the existing social and legal norms.

In the absence of a specific regulation on beauty clinic in Indonesia, there have been initiatives to govern this distinctive clinic in the form of guidelines from both the Ministry of Health and the local governments. While the guideline issued by the Ministry of Health is nationally applicable, the guidelines from the local governments is applicable only in their respective regions. Nevertheless, these guidelines do not address some fundamental issues relating to the operation of beauty clinic such as: the organization of beauty clinic; the scope of allowed medical procedure; the requirements pertaining to equipment, drug, health workers, beautician, cosmetic products; the standardized informed consent model; and the training center authorized to issue certificate for beautician. In addition, the issue of legal protection for the patients before, during, and after treatment remains unclear.

### 3.2. Beauty Clinic Service

Beauty clinic provides wide range of services such as consultation, examination and medical treatment that deals with varying beauty-related conditions.<sup>10</sup> Based on the observation made by the author, there are some steps for the consumer or client to follow in dealing with beauty clinic.

#### a. Admission

In their first visit, the clients should first register in customer service counter for obtaining membership and then they can register for getting particular treatment and or buying cosmetic products.

#### b. Consultation with doctor

In this stage, the clients consult their facial or bodily problems with the doctor and then proceed with the taking of picture on relevant facial or bodily parts. This procedure is necessary for the purpose of 'before and after' evaluation. The output of this consultation is a recommendation for taking particular treatment or getting particular cosmetic products and/or drug in accordance with the clients' condition and need.

#### c. Treatment

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<sup>9</sup> Moenadjat.

<sup>10</sup> Direktorat Jenderal Bina Pelayanan Medik Kementerian Kesehatan RI, 'Pedoman Penyelenggaraan Klinik Kecantikan Estetika', *Kementerian Kesehatan RI, Jakarta*, (2007), 6.

After consultation, the following stage is either getting cosmetic product of undergoing particular treatment. The length of time in waiting for treatment is approximately one hour in crowded time. Some beauty clinics provide free food and beverage to prevent the patients from feeling bored during the queue.

d. Delivery of the prescribed cosmetic products or drugs.

In some beauty clinics, the delivery of the prescribed cosmetic products or drugs is made in pharmaceutical counter and in some others is made in customer service counter. It is necessary to be noted that based on the guidelines of beauty clinic organization, the beauty clinic should have pharmacists that manage and explain the appropriate use of cosmetic products and drugs.<sup>11</sup>

e. Self-treatment at home

After getting intended treatment and the prescribed cosmetics products, the clients leave the beauty clinic and carry out self-treatment. The common products received from the beauty clinic include soap, freshener, day cream, night cream, eye cream, neck cream, serum, body lotion, and other cosmetic products as prescribed.

There are some legal issues pertaining to the above procedures. It is found that there are some clients who directly bought the products without prior consultation. This should not be allowed because particular cosmetic products or drug should be used under supervision and monitoring from medical doctor. Furthermore, some beauty clinics assign general practitioner as a consultant instead of specialist, such as dermatologist. This is found especially in the branches or subsidiaries of beauty clinics. Such an action is actually against the law since it is required that the consultation should be provided by medical doctor possessing relevant competency.

In addition, it is also identified that some drugs and cosmetic products used in beauty clinics contain hazardous materials such as steroid, mercury and hydroquinone. Some products are not registered in Drug and Food Supervisory Agency (*Badan Pengawas Obat dan Makanan/BPOM*), moreover if the products are the result of a mixing process or commonly called '*krim racikan*' (mixed cream).

### 3.3. Beauty Clinic Services under Indonesian Law

The nature of legal relationship between a beauty clinic and its consumer is that of contractual relationship, a form of legal relationship established through a contract. A contractual relationship is characterized by the existence of a consensus between the contracting parties. This contractual relationship bears a form of legal obligation known as contractual obligation. This contractual obligation binds both contracting parties in the sense that each party may insist on the performance of the contractual obligation from another party.

A contract is valid when it meets the requirements intended in Article 1320 of the Civil Code as follows:

- a. There is a consensus between the contracting parties;
- b. The contracting parties have legal capacity;
- c. There is particular object of contract; and
- d. The contract is made based on a rightful purpose.

Article 1338 of the Civil Code provides that any valid contract applies as a law for the contracting parties. This Article implies the principle of freedom of contract. By virtue of this principle, a person may enter into any form of contract as far as it does not contravene the

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<sup>11</sup> Susanti.

existing social and legal norms. This can be the legal basis for beauty clinic and its customers to establish a contract on the performance of esthetic treatments.

Contract on esthetic treatment begins with an offer of particular esthetic treatment from the beauty clinic to its client. Beauty clinic will give relevant information to the client and then ask for a consent from the client (informed consent). The document of informed consent represents the element of consensus in a contract between beauty clinic and its client. The object of this contract is particular form of esthetic treatment. The following requirement of a valid contract is rightful purpose. Various forms of esthetic treatment are considered as rightful in Indonesia, including plastic surgery for esthetic purpose.

The procedure of plastic surgery for esthetic purpose is recognized under the Health Act 2023. Section 137 of the Act provides that plastic surgery for reconstruction and esthetic purposes can only be carried out by competent and authorized medical expert. In addition, this procedure should not contravene the existing norms and should not be carried out for the purpose of changing personal identity.

Esthetic plastic surgery has become common medical procedure in Indonesia nowadays. Many Indonesian celebrities have engaged in plastic surgery to improve their physical appearances. There are wide ranges of physical changes obtained through plastic surgery, from the simple to drastic changes, either changing of facial appearance or bodily appearance. It seems that there is no legal question regarding these physical changes. In line with the principle of freedom of contract, Indonesian law tends to liberate various kinds of esthetic treatment including those which bring about physical changes conducted through the procedure of plastic surgery.

### 3.4. Beauty Clinic Services under Islamic Law

The use of cosmetics and beauty treatments has become one of the most glaring public expressions that has concurrently influenced the way urban middle-class Muslim women perceive themselves; beauty and piety. The understanding and practices of beauty and piety are becoming increasingly complex in urban areas. The *halāl* lifestyle has played an important role in strengthening Islamic identity in contemporary Indonesia.<sup>12</sup>

Indonesia is a country where the majority of its population are Moslem. As such, it is relevant to view any issue from Islamic perspective. Islam is a religion as well as a way of life. It governs all aspects of human life as an individual and also as a member of the society. Not only governs the relationship between man and Allah (*hablun minallah*) but also governs the relationship between man with his fellow man (*hablun minannas*).<sup>13</sup>

Islam has laid down guidelines for Moslems in undergoing their daily lives. These guidelines are derived from the Quran, the Sunna of the Prophet and also Ijtihad of the Moslem scholars (*Ulemas*). All together are the sources of Islamic law upon which all Moslems should refer to in determining the legal status of particular conducts. They are the ultimate references

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<sup>12</sup> Yanwar Pribadi and Muhammad Adlin Sila, 'Intertwining Beauty and Piety: Cosmetics, Beauty Treatments, and Halāl Lifestyle in Urban Indonesia', *Ulumuna*, 27.1 (2023), 33–64 <<https://doi.org/10.20414/ujs.v27i1.588>>.

<sup>13</sup> Mohammad Daud Ali, *Pendidikan Agama Islam* (Jakarta: Gramedia Pustaka Utama, 2000).

for finding the answer on what is right and what is wrong, what is allowed and what is prohibited. By complying with these sources Moslems will be on the right way and safe.<sup>14</sup>

Moslems' behaviors are bound by the Islamic teaching. These include the way they perceive and improve their physical appearances. In regard to this, Islam provides basic principles that guides Moslems in dealing with various esthetic treatment offered by beauty clinics. In Islam, any form of esthetic treatment is allowed as long as it is made for the purpose of medication, for emergency reason, or for achieving advantage (*maslahah*) and preventing disadvantage (*mudharat*).

As mentioned above, procedure taken for medication purpose is allowed. This may answer the question on the legality of both tissue and organ transplantation procedure. The decree issued by the International Fiqh Academy of Organization of Islamic Conference (OIC) in 1985, stipulated that, according to sharia, taking an individual's part of body to be transplanted into the same body is allowed, for example taking some of skin or bone to be moved to other part of the same body.<sup>15</sup>

The Council of the International Islamic Fiqh Academy of Organization of the Islamic Conference (OIC) in its 4<sup>th</sup> session in Jeddah, Kingdom Saudi Arabia on 6-11 February 1988 stipulated that, according to sharia, transplanting organ from one part onto other part of same body is allowed, provided that the advantage obtained from this procedure is surely more than the adverse effect resulting. In addition, it also stipulated that this procedure may be implemented to replace a lost organ, to repair the damaged one, or to remove the defect constituting the source of psychological and physical illnesses.<sup>16</sup>

Procedure taken for emergency reason is also allowed. The question is then what is considered as emergency reason. Islamic law recognizes five fundamental interests that should be protected namely: (1) religion (*al-din*); (2) life (*al-nafs*); (3) offspring (*al-nasl*); (4) mind (*al-aql*); and (5) property (*al-mal*).<sup>17</sup> Certain actions motivated by compulsion (*al-dharurah*) in attempt to protect any of these interests are legally justified.<sup>18</sup>

It is explained in *Asybah wan Nazhair* that emergency (*dharurah*) can justify prohibition without reducing it. A situation reaches the criteria of emergency (*dharurah*) when the maximum limit has been achieved, for example if an individual does not consume prohibited food, he/she will die or almost die. In this case, consuming prohibited food is allowed.<sup>19</sup> This principle can be adopted to justify particular medical procedure that are made based on emergency reason. As highlighted in seminar on *Fiqh* held by Indian Fiqh Academy in Delhi in March 1989, replacing one part of an individual's body with another part based on urgent need is justified.<sup>20</sup>

<sup>14</sup> V. Rispler-Chaim, 'Islamic Medical Ethics in the 20th Century', *Journal of Medical Ethics*, 15.4 (1989), 203-8 <<https://doi.org/10.1136/jme.15.4.203>>.

<sup>15</sup> Abu Fadl Mohsin Ebrahim, 'Kloning, Eutanasia, Tranfusi Darah, Transplantasi Organ, dan Eksperimen pada Hewan (Telaah Fiqih dan Bioteka Islam)', in *the Fiqh Academy, Developing a Religious Law in Modern Times* (India: The Islamic Foundation, 2001), p. 178.

<sup>16</sup> Resolution Number 26 (1/4): A Human Receiving the Organs of Another Human, Dead or Alive (Organ Transplantation), *International Islamic Fiqh Academy*, (1988) <<https://iifa-aifi.org/en/32287.html>>.

<sup>17</sup> Resolution Number 26 (1/4), p.42., as cited in Muhammad Abu Zahrah, *Ushal al-Fiqh*, (Kairo: Dar al-Fikr al-Arabi, n.d.), p. 220.

<sup>18</sup> Resolution Number 26 (1/4), p. 41.

<sup>19</sup> Abul Fadl Jalaluddin Abdurrahman, *Asybah wan Nazhair*, (Mesir, Juz 3), 89.

<sup>20</sup> Ebrahim.

Procedures taken for the purpose of self-beautification is not allowed. Allah does not like any form of exaggeration, including the way human beings appear themselves in front of the public. Self-beautification intended to deceive others, to show-off (*riya*), and for indecent purpose is prohibited. Surah an Nisaa verse 14 mentions:

“Surely the hypocrites try to deceive Allah, whereas, in fact, He has reverted their deception to them. And when they stand up for worship (shalat) they stand reluctantly, merely to be seen by people and do not remember Allah but a little.”

This verse teaches among others the prohibition of what so-called *riya'* that is looking for attention from people, instead from Allah.

Procedures that change what Allah has created is prohibited. Allah does not like any action to change what He has created, even He curse human doing so. In Surah an Nisaa verses (118) and (119) Allah says:

“Allah did curse him, but he said: "I will take of Thy servants a portion Marked off. And I will mislead them, and I will create in them false desires; I will order them to slit the ears of cattle, and to deface the (fair) nature created by Allah. Whoever, forsaking Allah, takes satan for a friend, hath of a surety suffered a loss that is manifest.”

These verses underlie the legal bases in the Quran concerning the prohibition of changing what Allah has created.

The prohibition of changing what Allah SWT has created is also found in the Sunna of the Prophet Mohamed. In a hadith narrated by Bukhari and Muslim, it is highlighted that the Prophet cursed the people who file their teeth to look beautiful and change what Allah SWT has created. Filing teeth here means splitting or sharpening the teeth.<sup>21</sup> In different hadiths, the Prophet prohibit stretching teeth, plucking eyebrow, and castrating genitals.<sup>22</sup>

Abdul Azis Masyhuri has made a comprehensive study on juristic opinion from the Moslem jurists (*fuqaha*) relating to the issue of changing what Allah has created from reliable Islamic law references as follows:<sup>23</sup>

Imam al-Qurthubi in his book on Tafsir al-Quran highlights the opinion of Abu Ja'far at-Thabari who said, Hadith from Ibnu Ma'sud gives a guidance on the prohibition of changing what Allah has created, in the form of either adding or reducing. Furthermore, according to Abu Ja'far, even someone who has more fingers or more limbs, he or she may not cut or remove them, because that includes changing the creation of Allah SWT, unless the additional members are painful, there is no sin to do so.

The book entitled Tafsir al-Munir highlights the commitment of satan to mislead human being. Satan said, “indeed I will order them to change, then they will change what Allah SWT has created in the term of form or nature, such as: castrating male slaves, gouging out their eyes, cutting off their ears, making tattoos, and attaching their hair (wearing hairpieces).”<sup>24</sup>

The book entitled al-Jam'li Ahkam al-Qur'an highlights the prohibition of resembling the opposite sex. The Prophet said, “*al-Mutarajjilat*, the women resembling men in terms of

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<sup>21</sup> Akmal Haji Muhammad Zain, *Halal dan Haram* (Kuala Lumpur: Al-Hidayah, 2004) p.187.

<sup>22</sup> Zeid Husein Al-Hamid, *Awas Ini Larangan Allah* (Semarang: Cahaya Indah, 1994).p. 100.

<sup>23</sup> Abdul Aziz Masyhuri, *Masalah Keagamaan* (Hasil Muktamar dan Munas Ulama Nahdlatul Ulama Kesatu/1926 sampai dengan Ketigapuluh/2000), (Jakarta: Qultum Media, 2004).

<sup>24</sup> Masyhuri.



dressing and behaving are cursed since this is considered of relieving what Allah SWT has created from its origin place. This prohibition also applies to men.<sup>25</sup>

The book entitled *Mauhibah* discusses a relevant Hadith narrated by Ibnu Umar explaining that Allah curse women having their hair attached with hairpiece, people who make tattoo and who have their body tattooed.<sup>26</sup> Such a discussion is also found in the book entitled *Fathul Bari*. It is explained that Allah has cursed women who make tattoo, shave their face (e.g. eyebrow and eyelash) and sharpen their teeth for self-beautification purpose through changing what Allah has created. It implies that the procedure made for the purpose of self-beautification is prohibited, but when it is made for the purpose of medication is acceptable. Such legal analyses are also found in the book entitled *Mauhibah, Tafsir Baidhawi, Tafsir Showi, Khozin, and Husnus Syair fi Ahkami man Tayabbaha bil Ghair*<sup>27</sup>

From different perspective, the action of changing what Allah has created can be seen as an expression of dissatisfaction. Meanwhile, Allah creates human beings as the most perfect creatures.<sup>28</sup> It has been highlighted in Surah at Tin verse 4 which means, "Indeed We created humans in the best form." In terms of physical appearance, Islam initially encourages individual to proud of her or himself as this reflects an ultimate appreciation to Allah as the Creator (*al-Khaliq*).

The advice to proud of oneself as mentioned above by no means that Islam completely prohibits Moslems to enjoy esthetic treatment offered by beauty clinics. However, there is a restriction in doing so. The esthetic treatment in question should not enter into the category of changing what Allah has created since such an action is prohibited. When the purpose of particular esthetic treatments is essentially for beautification, it cannot be categorized as emergency situation which leads to legal justification.<sup>29</sup> therefore, procedures such as whitening injection or infusion, and rhinoplasty using implant are prohibited under Islamic law since they fall under criteria of changing what Allah has created. The prohibition of changing what Allah has created also applies to those helping the process, for example medical doctors who work in beauty clinics.<sup>30</sup>

#### 4. Conclusion

Islamic law has different approach in addressing the issue of the legality of esthetic treatment provided by beauty clinics as compared to Indonesian law. While the Indonesian law tends to liberate various kinds of esthetic treatment, Islamic law gives a restriction. By virtue of the principle of freedom of contract as intended in Article 1338 of the Indonesian Civil Code, any esthetic treatment can be carried out when it is made based on a valid contract between the contracting parties. On the other side, Islamic Law prohibits particular esthetic treatment especially when it falls under the category of "changing what Allah has created."

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<sup>25</sup> Masyhuri, p. 7.

<sup>26</sup> Masyhuri, p. 9.

<sup>27</sup> Masyhuri, p. 13.

<sup>28</sup> Mohammad Daud Ali.

<sup>29</sup> Al Qarafi, 'Al Furuq', in *Nazar Bakry, Fiqh dan Ushul Fiqh* (Jakarta: Raja Grafindo Perkasa, 1994), p. 121.

<sup>30</sup> Some scholars argue that the prohibition is actually not absolute in the sense that it is rather an objection of exaggeration and extremism since it has been mentioned that Allah is beautiful and loves beauty. See Bishara S. Atiyeh, Mohamed Kadry, Shady N. Hayek.

## References

- Abdurrahman, Abul Fadl Jalaluddin, *Asybah wan Nazhair* (Mesir, Juz 3), 89.
- Al Qarafi, *Al Furuq*, in *Nazar Bakry, Fiqh dan Ushul Fiqh* (Jakarta: Raja Grafindo Perkasa, 1994), p. 121.
- Al-Hamid, Zeid Husein, *Awas Ini Larangan Allah* (Semarang: Cahaya Indah, 1994).p. 100.
- Ali, Mohammad Daud, *Pendidikan Agama Islam* (Jakarta: Gramedia Pustaka Utama, 2000).
- Cruz, Germano Vera, 'Cross-Cultural Study of Facial Beauty', *Journal of Psychology in Africa*, 23.1 (2013), 88.
- Direktorat Jenderal Bina Pelayanan Medik Kementerian Kesehatan RI, *Pedoman Penyelenggaraan Klinik Kecantikan Estetika* (Jakarta: Kementerian Kesehatan RI, 2007), 6.
- Ebrahim, Abu Fadl Mohsin, *Kloning, Eutanasia, Tranfusi Darah, Transplantasi Organ, dan Eksperimen pada Hewan (Telaah Fiqh dan Bioteka Islam)*, in *the Fiqh Academy, Developing a Religious Law in Modern Times* (India: The Islamic Foundation, 2001), p. 178.
- Fahm, Abdulgafar Olawale, 'Everything has Beauty but not Everyone Sees It': An Islamic Alternative to Assessing Beauty', *Journal of Intercultural Communication Research*, 49.3 (2020), 211–26 <<https://doi.org/10.1080/17475759.2020.1736601>>.
- Masyhuri, Abdul Aziz, *Masalah Keagamaan (Hasil Muktamar dan Munas Ulama Nahdlatul Ulama Kesatu/1926 sampai dengan Ketigapuluh/2000)* (Jakarta: Qultum Media, 2004).
- Moenadjat, Yefta, *Hal yang Perlu Diketahui oleh Masyarakat Awam mengenai Bedah Plastik* (Jakarta: Balai Penerbit FKUI, 2001).
- Mousavi, SR, 'The Ethics of Aesthetic Surgery', *Journal of Cutaneous and Aesthetic Surgery*, 3.1 (2010) <<https://doi.org/10.4103%2F0974-2077.63396>> <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2890136>>.
- Pribadi, Yanwar, and Muhammad Adlin Sila, 'Intertwining Beauty and Piety: Cosmetics, Beauty Treatments, and Halāl Lifestyle in Urban Indonesia', *Ulumuna*, 27.1 (2023), 33–64 <<https://doi.org/10.20414/ujis.v27i1.588>>.
- Resolution Number 26 (1/4): *A Human Receiving the Organs of Another Human, Dead or Alive (Organ Transplantation)*, International Islamic Fiqh Academy, (1988) <<https://iifa-aifi.org/en/32287.html>>.
- Rispler-Chaim, V., 'Islamic Medical Ethics in the 20th Century', *Journal of Medical Ethics*, 15.4 (1989), 203–8 <<https://doi.org/10.1136/jme.15.4.203>>.
- Salehi, Hamid Reza, and Ann Marie Mangion, 'Legal Aspects of Cosmetic and Plastic Surgery', *International Journal of Advanced Studies in Humanities and Social Science*, 3.2 (2014), p. 97 <[https://www.ijashss.com/article\\_83556\\_a0fd04ae3ccc4c3423c2554ac2d83450.pdf](https://www.ijashss.com/article_83556_a0fd04ae3ccc4c3423c2554ac2d83450.pdf)>.
- Susanti, Anastasia Tri Yuli, 'Literature Review: Legal Aspects of Consumer Protection for Cosmetics Users', *Proceeding of the International Conference on Law, Economy and Health (ICLEH)*, (2020) <<https://doi.org/10.2991/aebmr.k.200513.110>>, published by Atlantic Press 20 May 2020, <<https://www.atlantis-press.com/proceedings/icleh-20/125940555>>
- Tan, Keng Boon Harold, 'Aesthetic Medicine: A Health Regulator's Perspective', *Clinical Governance: An International Journal*, 12.1 (2007), 13-25 <<https://doi.org/10.1108/14777270710725364>> <<https://www.emerald.com/insight/content/doi/10.1108/14777270710725364/full/pdf?title=aesthetic-medicine-a-health-regulators-perspective>>
- Zain, Akmal Haji Muhammad, *Halal dan Haram* (Kuala Lumpur: Al-Hidayah, 2004) p.187.