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**Organ Donation and Transplantation and
Their Ethics in the Light of Islamic Shariah**

Fazal Hadi Fazli & Toryalai Hemat



Organ Donation and Transplantation and Their Ethics in the Light of Islamic Shariah

 **Fazal Hadi Fazli^{1*} & Toryalai Hemat²**

¹PhD Scholar at International Islamic University Malaysia and Assistant Professor of Civil Law Department, Law Faculty, Nangarhar University, Jalalabad, Nangarhar, Afghanistan

*Corresponding Author's Email: fazilahdi67@gmail.com

²Vice-Chancellor of Academic Affairs & Lecturer of Law & Political sciences faculty at Rokhan Institute of higher education, Jalalabad, Afghanistan

Co-Author's Email: Hematsafi58@yahoo.com



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Abstract

Purpose: Organ donation and transplantation are practices that are supported by all of the world's major religions, including Sikhism, Christianity, Hinduism, and Judaism. Recent developments in the fields of organ donation and organ transplantation have sparked a renewed sense of optimism for the treatment of critical illnesses. The jurists permitted organ transplants on the basis of certain principles, including ownership and categories of property. On the other hand, moralists strive to deny the ownership of human organs by using principles such as faith and Almighty Allah's absolute authority. Then main objective of this research paper is on one hand to identify and emphasize arguments for and against organ donation and transplantation in the framework of sacred provisions of Islam and its corresponding legal requirements and on the other hand to understand and teach the people that not only Islam allows organ donation but also encourage its followers to assist one another and make an effort to promote organ donations in society.

Methodology: The doctrinal methodology. Explanatory and analytical research approaches are used in this work. It is worth mentioning that this research study is entirely based on library sources. Most of the sources are reputable and trustworthy textbooks, scholarly published and

unpublished journal articles, law reports, and online websites related to the research area.

Findings: According to the arguments as well as clear and explicit rulings, principles and authentic evidence from the Holy Quran, it is clear that the donation and transplantation of human body organs is permissible. The Holy religion of Islam persuades its followers to participate in charity, assist people, and donate organs to save the lives of those patients who are waiting for organ transplant.

Recommendations: Theoretically, this work is very useful in contributing to the existing body of literature of knowledge. Practically, this work identifies the circumstances in which Muslim jurists not only allow but encourage its followers to assist one another and make an effort to promote organ donations in society in order to save people's life. It is recommended that both the donor and the recipient of an organ must belong to the same nationality or legal jurisdiction in order to prevent the growth of an international organ trade, which would be far more difficult to regulate. Additionally, in order to protect the health of both the recipients and the donors, it is imperative that transplants from unknown sources be prohibited.

Keywords: *Islam, Organ Donation, Ethics, Islamic Rulings, Transplantation*

1.0 INTRODUCTION

Rapid scientific and research developments in various fields of science, including humanities and natural sciences, have raised many issues among thinker and scholars of Islamic jurists. Among the issues that have been raised in the light of the rapid scientific and research advancement is the issue of organ donation and transplantation. Organ donation is permissible in Islam because it saves the life of thousands of people.

The donation of human body organs, in its modern era, is a new issue, which the ancient Islamic Jurisprudence scholars could not have dealt with or determined its sharia ruling. If the Islamic jurisprudence scholars were to observe this issue once again, they could come up with new Islamic rulings to take these new issues into the account. Even though the Islamic Sharia ruling does not prohibit the donation of organs, some people object that a human being's life does not belong to anyone, it belongs to the Almighty God, so none of the individual is competent to donate his/her organ. As well as some people criticize if the door of organ donation and transplantation is opened, it will pave the way too many harms and exposes people to misuse their body organs. This paper will provide specific answers for the above objections through authentic evidence from Quran, Hadith (saying and performance of the prophet Mohammad), and the saying of contemporary Islamic scholars.

To support this research, firstly, the paper explains the historical background of organ donation and transplantation. Secondly, the ownership of human organ. Thirdly, categories of donation human organ. Fourthly, the paper explains the donation of organ from the Islamic perspective, and finally, the paper explains some objections over organ donations and their replies.

2.0 METHODOLOGY

The doctrinal research methodology and an explanatory, and analytical research approaches are used in this work. It is worth mentioning that this research study is entirely based on library sources. Most of the sources are reputable and trustworthy textbooks, scholarly published and unpublished journal articles, law reports, and online websites related to the research area.

Historical Background of Organ Donation and Transplantation

The organ transplantation has a long medical history and it is not an innovation of the 20th century. Ancient Hindu surgeons defined ways for repairing defects of the nose and ears. For the repairing of nose and ears, they were using autografts from the adjacent skin (Ibrahimi, 1998). In 1902, Dr. Alkies Carl performed the vascular transplantation, and this tool not only developed the field of vascular surgery, but also opened the way for the transplantation of other organs, including the kidney. In 1954, kidney transplants in a twin pair were successfully completed. In 1968, Professor Barnard performed heart transplantation in South Africa for the first time (Tahiri, 2000).

Dr. Ibrahimi (1998) states that the prophet Mohammad himself performed many retransplantation of body organs such as he replanted the eye of Qatada ibn Noman, the hand of Habib ibn Yasaf, and the arm of Muawith ibn Afra, which were amputated in the war. Anyway, from this type of events and instances, we could reach the historical record of the issue of organ transplantation and could say that the donation and transplantation of organ not only permissible in the religion of Islam but also Islam encourages people to donate their organs.

Ownership of Human Body Organs

From the perspective of Islam, man is entrusted with his body as well as with his assets. Every human being should use his/her body and wealth in a proper way which is described by Almighty God. People who donate their organs, in fact, they assist other people and save the lives and many people (Ibrahimi, 1998).

Every single person should take care of his/her body and do not cause any kind of harm to his/her body. The body of every individual is the house of the soul created by Almighty God, so no one is allowed to cause harm to his/herself or commit suicide because suicide is considered one of the major crimes in Islam (Zahidul Islam, 2014). As Almighty God states in the Holy Quran that, “O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful.”

Moreover, regarding the above issue, the Holy prophet Mohammad says that, ““He who kills himself with an iron, his iron will be in his hand poking his stomach in the fire of hell, for all eternity; he who has taken poison will continue to take it for all eternity in the fire of hell; and he who throw himself from a mountain to kill himself will fall in the depths of hell fire for all eternity.” Every human being is responsible to Almighty God regarding how he/she deals and use his/her body organs during the life. As Almighty God says in the Holy Quran, “And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the feeling in the heart will be questioned.”

Categories of Donation Human Organs

The donation and transplant of a Human Organ can take place in two ways: Transplant of organ from a living person, and transplant of organ form a dead person. Both kinds are going to be explained as follow:

Transplant of Organ from a Living Person

Nowadays many people are waiting for organ transplant, so for this reason the number of living donors has to be increased in order to meet the requirement of many patients. Presently it is possible and easy for a living individual to donate his/her kidney, a part of the liver, a portion of a lung, a lobe of the intestine a so more because these living organs are capable to regenerate themselves (Zahidul Islam, 2024). The benefit of living organ donation is related to the survival rates of those patients who received transplants from an active donor are 94% and they have been living for five years post-transplant. One issue which is very important in the living transplantation is the blood group of both the donor and the recipient must be the same. Moreover, it is forbidden for a living donor to donate and transplant an organ on which the life of the donor is subjected to, for instance, the donation and transplantation of the heart of living donor (Zahidul Islam, 2014).

Transplantation of Organ Form a Dead Person

The removal of organ from a deceased should be weighed against the profit received and the new life provided to the recipient. The principle of saving ones live is very important in Islam, so the donation and transplantation of the organ of a deceased person is permissible. Nevertheless, the organ of a dead person cannot be transplanted except the consent of the deceased while he was alive, as well as the agreement of his/her relatives (Rizvi, 2006). In addition, Dr. Ibrahimi explains that if the dead person does not have any relatives or the identity of the deceased is unknown then

a Muslim Qadi (magistrate) is competent to order the transplant of his/her body organ. In conclusion I could say the transplantation of a deceased organ is conditional and related to the consent of the dead person, consent of the deceased relatives, and the magistrate order in case of unfamiliarity of the dead body.

Donation of Organ and Its Existing Position and Ruling in Islam

As the Islamic sharia upholding human welfare, interest, and the protecting of human life, all Muslims jurists approve that the donation of organ is permissible and there is no contradiction with the explicit principles of Holy Islam. In common, organ donation and transplant are permissible because it is a precious gift to be disparately in need and suffering from organ failure. Organ donation just not only save the life of an ill person but also help those individuals who depended on him/her like his/her family members (Zahidul Islam, 2014).

In addition, the donation of organ is noble deed because the Almighty God persuades people to help others in this regard. As Almighty God mentions in Holy Quran that, "...Help you one another in righteousness and piety, but help you not one another in sin and rancor..."

Moreover, Almighty God says in the Holy Quran that, "Because of that, we decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely. And Our Messengers had certainly come to them with clear proofs. Then indeed many of them, [even] after that, throughout the land, were transgressors."

Furthermore, Zahidul Islam (2014) states that the purpose of human being is to love Almighty God and those which almighty God created them. It can be human, plant, or animals. Every individual is accountable to Almighty God as well as responsible for the well-being of the mankind.

Donation of organ is charity to be performed voluntarily without any coercion and pressure. As Almighty God mentions in the Holy Quran that, "By no means shall you attain righteousness unless you give (freely) of that which you love, and whatever you give, of a truth Allah knows it well."

The Basic Ethics of Organ Donation and Transplantation

Transplantation of organs is so mixed with moral issues that in most countries of the world, it has attracted the attention of religious scholars, philosophers, moralists, lawyers, and doctors. With the progress of this category, many ethical issues and dilemmas appeared. Those ethics are going to be discussed as follow:

- Preserving human dignity: In the discussions and challenges that have taken place in the field of medical ethics, there are many references to human dignity. Almighty Allah says in holy Quran "Certainly we have honored the Children of Adam, and carried them over land and sea, and provided them with all the good things." It means that Almighty Allah has given dignity to the human beings and this dignity is due to the fact that Allah has breathed his soul into every mankind. Therefore, Almighty Allah is the owner of human soul and body. In the existing literature, some measures such as buying and selling human body parts for transplantation are considered against human dignity. (Sanjabi N, 2018).
- Paying attention to the principle of trusting body parts: Those who believe in the principle of the trust of human organs, consider the principle of ownership claimed by jurists to have harmful results and consider many losses to follow the principle of ownership. An example

that exists on the rule of ownership and the permissibility of organ transplantation is the sanctity of benefiting from a dead body. Moreover, human beings are not the real owner of his body and soul, so he is not allowed to possess his parts in any way. Almighty Allah says in holy Quran “Almighty Allah is the dominion over the heavens and the earth.” In response to this opinion, it can be said that Allah’s property does not conflict with human property, and there is nothing wrong with human property being included in Allah’s property and human parts being entrusted to mankind by Allah. However, even in such a situation, the scholars of ethics say that Almighty Allah has not issued any permission for human to own his own body parts, even within his own possession, so people are not allowed to take possession of their own body parts even if they agree to the principle of ownership. It seems that in such cases where the conflict between jurisprudence and ethics is formed, it is not possible to definitively rule on the preference of jurisprudence over ethics it is not possible to prefer fiqh over ethics, rather, in order to preserve Allah’s original creation and not interfere in his affairs, it is better to prioritize ethics over jurisprudence.

- Compliance with the principle of justice: The principle of justice in relation to others refers to fulfilling others’ rights, fairness in transactions, respecting elders, reaching out to the oppressed and weak. Examples of non-compliance of justice in relation to others in the organ transplant debate can be mentioned in various fields, such as discrimination in providing services to patients, meeting the needs of patients through unethical and illegal methods, seeking a share, and ignoring or disregarding the rights of patients.

Some Objections over Organ Donation and Transplantation and Their Responses

The result we have come up according to some rules of Islamic sharia regarding the questions of the donation of human body organs could pose two major objections that are going to be discussed as follow:

The First Objection

The life of a human being is not the possession of him/her, it belongs to the Almighty God and Almighty God has created every human being and has given him/her the right of life, so no one is allowed to donate any of his/her organs (Shaw. 2018). The response for this objection is that the Islamic sharia’s rulings and principles define that the body of every human being is associated to the right of God and the right of the person. The Islamic Sharia’s rules have given every individual a complete right to transfer his/her right to help people and to save their lives.

Moreover, since almighty God has exclusive right over every person body, the Islamic Sharia rulings specify that the rights of Almighty God might be moved for the sack of saving ones’ life. In fact, both Almighty God and every human being has right over an individual body. For this reason, we must take the permission of both the donor and the Almighty God to donate or transplant an organ. So, in this condition the agreement of the person (donor) is his/her consent, and the permission of Almighty God is the ruling of sharia which also permit people to donate organ in order to save the lives of hundreds of thousands of patients (Shaw, 2018).

The Second Objection

Yaseen (1990) says that some objectors object that if the door of donation and transplantation of body organs is opened it may lead to many mis abuses and exposes people to exploitation and commercialization of organ. For example, people who disparately in need of an organ they could

exploit the poverty and financial need of the donors or could blackmail the poor donor to donate his/her organ. This makes us cautious and advise us to forbid organ donation and transplantation.

The answer for this objection is very simple and straight forward. The principles and system of donation and transplantation of organs have not paved the road for the misusing, exploitation, and trading of body organs. However, the donation of organs is a kind of charity and assistance to save people's lives just for the sake of good reward and humanity. It does not mean that the rulings and principles of the Islamic Sharia regarding organ donation is just the vast of time. It harmonizes the community to take part in the donation of organs and help patients to start their lives again. The damage and harm which is generating from the donation and transplantation of organ is due to the lack of rule of law, control and supervision, and chaos. Besides, to deter misusing of organ donation, organ transplants should only be done in specific medical centers and under the supervision of trustworthy physicians (Yaseen, 1990).

3.0 CONCLUSION AND RECOMMENDATIONS

Conclusion

According to the arguments as well as clear and explicit rulings, principles and authentic evidence from the Holy Quran, it is clear that the donation and transplantation of human body organs is permissible. Besides, we should donate our organs and we should inform and encourage people to donate organs. The Holy religion of Islam persuades its followers to participate in charity, assist people, and donate organs to save the lives of those patients who are waiting for organ transplant. According to the above discussion, it is obvious that the Holy religion of Islam appreciate their follower to give hand to the people in bad situation and change their lives.

Recommendations

The researcher suggests the following regarding the donation and transplantation or human organs.

1. A centralized method of procurement must be developed, and private sales must be legally outlawed.
2. Both the donor and the recipient of an organ must belong to the same nationality or legal jurisdiction in order to prevent the growth of an international organ trade, which would be far more difficult to regulate.
3. In order to protect the health of both the recipients and the donors, it is imperative that transplants from unknown sources be prohibited.
4. To prevent the valuation of individual organs and the subsequent negotiations of private sales, donor compensation must be a predetermined amount.
5. To avoid private agreements that would undermine a regulated organ donation system, donors and recipients must remain anonymous.

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