



Organ Transplantation in the Perspective of Islamic Fiqh: Analysis of Permissibility, Requirements, and Legal Implications

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Abstract

Organ transplantation is a significant advancement in medicine, playing a significant role in saving lives and improving the quality of life for patients. However, from an Islamic jurisprudence perspective, this practice raises ethical and legal dilemmas regarding body ownership, the legitimacy of organ harvesting from donors, and the potential for commercialization. This study aims to analyze the Islamic law on organ transplantation using the maqāsid al-syarī'ah approach. The results show that Islam permits organ transplantation in emergencies and under strict conditions, such as ensuring that the transplantation does not harm the donor, is voluntary, and is not for commercial purposes. The practice of organ trading is strictly prohibited because it violates the principle of human dignity (karāmat al-insān). This study recommends strengthening regulations and public education to ensure that organ transplantation is carried out in accordance with Islamic law and ethically.

I. INTRODUCTION

Organ transplantation is a form of medical technological advancement that offers new hope for patients with chronic organ damage. This innovation is an important medical alternative for extending life and improving the quality of life. However, within the framework of Islamic teachings, this practice has sparked various Islamic jurisprudence (fiqh) debates. Issues of concern include the legality of organ removal and from living humans and corpses, the principle of respect for the human body, to the issue of exploitation through the increasingly widespread practice of buying and selling organs (Yusuf Al-Qaradawi, 2021).

Islam as a comprehensive religion regulates all aspects of human life, including medicine and medical issues. Therefore, it is important to carry out an in-depth study to find out the limits of Islamic law in viewing the practice of organ transplantation. In this case, the theory of maqāsid al-syarī'ah is an important reference, especially the aim of protecting the soul (ḥifẓ al-nafs) which is one of the five main principles in sharia. The formulation of the problem raised in this study is as follows: What is the view of Islamic

jurisprudence on the practice of organ transplantation? What are the terms and conditions that allow or prohibit organ transplantation according to Islam? What is the Islamic law regarding taking organs from living or deceased donors? What are the legal implications of fiqh for the practice of buying and selling organs in a modern medical context?

By answering these questions, this article is expected to contribute to enriching contemporary Islamic legal literature and serve as a reference for the public and medical practitioners in making decisions in accordance with Islamic values.

In Islam, human life and body are a gift and trust from Allah SWT that must be protected and respected. The Qur'an emphasizes the importance of preserving life in the QS. Al-Mā'idah verse 32 which reads: "Whoever preserves the life of one human being, it is as if he has preserved the lives of all humans" (MUI, 2020).

This verse serves as the primary basis for discussions of Islamic bioethics, as it touches on the primary principle of maqāsid al-syarī'ah, namely, ḥifẓ al-nafs (protecting the soul). Based on this principle, any effort aimed at saving life,

including organ transplantation, can be legally legitimate, as long as it does not violate the basic principles of sharia (Al-Qaradawi, 2021).

In classical Islamic jurisprudence, there is no direct discussion of organ transplantation due to the lack of current medical developments. However, contemporary scholars such as Yusuf al-Qaradawi and fatwa-issuing institutions such as *Majma' al-Fiqh al-Islami*, *Dar al-Ifta al-Misriyyah*, and the Indonesian Ulema Council (MUI) have begun to systematically discuss the issue to address the community's concerns.

Al-Qaradawi (2021) stated that organ transplants are permitted in emergencies, if they meet strict requirements, such as not endangering the donor, being carried out voluntarily, and aiming to save lives. This opinion is in line with the fiqh principles of *al-ḍarūrāt tubīḥ al-maḥzūrāt* (emergency situations allow prohibited things), and *lā ḍarara wa lā ḍirāra* (must not harm and not harm each other). (M. Hidayat, 2022).

The Indonesian Ulema Council (MUI), through Fatwa No. 83 of 1984, stated that organ donation is permissible provided there are no other alternatives, it does not endanger the donor, it is voluntary, and it is not for sale (MUI, 2020). This fatwa emphasizes that the values of humanity, sincerity, and protection of the body are essential. Humans are an important foundation in transplantation practice.

Dar al-Ifta al-Misriyyah affirmed the same point in its 2019 document, *Organ Transplantation: Religious Ruling and Medical Ethics*, which rejects the commercialization of human bodies. The organization emphasized that organ trading violates human dignity (*karāmat al-insān*) and opens up opportunities for exploitation.

Islamic medical ethics studies believe that medical procedures should not be based solely on clinical outcomes but must also consider Islamic moral and legal principles. In the journal *Bioethics and Islamic Law*, Sari & Ramadhan (2021) emphasize that organ transplantation is only justifiable if it is carried out with the principle of *maslahah* (beneficial benefit) and does not conflict with sharia norms. They also criticize

illegal practices and organ trafficking that undermine the integrity of the health system. Similarly, Mahfud (2019) in his study *The Maqāṣid al-Shari'ah* emphasizes that medical procedures, including organ transplants, must have a clear goal of public welfare and not simply pursue technological advancement without ethical foundations. He emphasized that the principle of *ḥifz al-nafs* must be balanced with *ḥifz al-māl* (protecting wealth), so that the human body should not be used as an object of sale (M. Mahfud, 2019).

One of the biggest concerns in the practice of organ transplantation is the commercialization that can lead to exploitation, especially towards the poor. Zuhri (2020) stated that Islam strictly prohibits the practice of organ trading because it violates the principle of social justice and can lead to inequality. In practice, there are many cases where poor people are forced to sell their kidneys due to economic pressure, while the recipients are wealthy. This contradicts the principles of *adl* (justice) and *rahmah* (compassion) in Islam.

The *maqāṣid al-shari'ah* framework is crucial in assessing the permissibility of transplantation. Organ transplantation aims to preserve life (*ḥifz al-nafs*), which is one of the five primary objectives of sharia. However, such an action must also take into account *ḥifz al-dīn* (protecting religion), *ḥifz al-'aql* (protecting reason), *ḥifz al-māl* (protecting offspring). If any of these objectives is jeopardized by transplantation (e.g., organ trading that violates human dignity or involves exploitation of the sexual donor), then this action is invalid in the eyes of sharia (Mahfud, 2019).

A literature review shows that organ transplantation has a justifiable basis in Islam as long as it is carried out ethically and meets sharia requirements. Contemporary literature, from both Islamic scholars and bioethicists, emphasizes the importance of maintaining a balance between medical advancements and sharia values. A consistent view is that donation must be voluntary, non-threatening, and non-commercial.

Therefore, strong regulation and public education are key to ensuring organ transplantation adheres to Islamic values of justice and humanity (N. Sari, 2021).

II. RESEARCH METHODS

This research uses a qualitative approach based on literature studies by examining primary sources in the form of fiqh books, fatwas of scholars, and the Koran and hadith. Secondary references are taken from scientific journals, books, and official documents from fatwa institutions such as MUI, Majma' al-Fiqh al-Islami, and Dar al-Ifta al-Misriyyah. The analysis was carried out using a descriptive-analytical method to understand the position of Islamic law comprehensively.

III. RESULTS AND DISCUSSION

A. Research result

This research was conducted using a qualitative approach through library research of various contemporary Islamic jurisprudence literature, official fatwas, and scientific journals discussing organ transplantation from an Islamic perspective. Based on the data obtained, several important findings were identified, as follows:

- 1) View the majority of contemporary scholars allows organ transplantation with strict conditions, including in emergency conditions, not endangering the donor, being done voluntarily, and not being commercial in nature.
- 2) Law on organ harvesting From living donors, it is permissible if it is not harmful and is done voluntarily. From deceased donors, it is permissible if there is permission during life or family consent, and it is done with respect for the deceased.
- 3) Buying and selling body organs is strictly prohibited because it is contrary to the principle of human dignity (*karāmat al-insān*) and has the potential to open the way for human exploitation and trafficking.

- 4) Implications of fiqh for modern medical practice This demonstrates that organ transplantation can be performed in accordance with Islamic law with strict supervision and regulation. The public needs to be educated to understand Islamic values in medical practice.

B. Discussion

General Fiqh Views on Organ Transplantation

Organ transplantation in Islam is a contemporary fiqh issue that requires a legal approach based on *maqāsid al-syarī'ah*. In the view of the majority of contemporary ulama, this practice is permissible as long as it meets strict conditions. First, it must be a medical emergency (*ḍarūrah*) where the patient's life depends on the transplant and there are no milder treatment alternatives. Second, donors must give consent voluntarily without pressure or coercion. Third, the organs taken must not eliminate vital functions of the donor's body, such as the heart or brain. Fourth, this practice must not be based on commercial purposes.

These principles are based on the Islamic jurisprudence principle of *al-ḍarūrāt tubīḥ al-maḥzūrāt* (emergency permits forbidden things), as well as the Quranic verse in Surah Al-Mā'idah, verse 32, which emphasizes that saving one life is equivalent to saving all of humanity. This demonstrates the extraordinary value Islam places on human life.

Laws on Organ Harvesting from Living and Deceased Donors

Organ harvesting Living donors are permitted if they meet Islamic requirements. Donors must not be coerced and must be conscious and understand the medical risks they face. Scholars agree that the organ harvested must not threaten the donor's life or interfere with their vital bodily functions. Common organs transplanted from living donors include kidneys (one side), bone marrow, or part of the liver.

Removing organs from corpses (deceased donor) has similar laws as long as it is done with respect and based on permission. Islam

emphasizes *ḥurmat al-mayyit* (the honor of the corpse), so that medical procedures such as organ removal must be carried out professionally and not tarnish the dignity of the corpse. Consent can be in the form of a will from the person concerned during their lifetime or from their family/heirs. Fatwas from *Majma' al-Fiqh al-Islami* and *Dar al-Ifta al-Misriyyah* state that this action is permissible if the aim is to save another person's life and there is no element of violation of the honor of the corpse.

Prohibition of Buying and Selling Body Organs

One of the main problems with organ transplantation is the widespread practice of buying and selling organs, which is in stark contradiction to Islamic principles. Islam rejects the treatment of the human body as an economic commodity. The principle of human dignity (*karāmat al-insān*) prohibits the commercialization of the body, both during life and after death. In this regard, Islamic jurisprudence views the human body as a trust that cannot be bought or sold, as this would open up opportunities for:

- 1) Exploitation of poor people, who sell organs due to economic pressure.
- 2) Illegal organ trade and global human trafficking networks.
- 3) Deviation of intention, from the spirit of humanity to personal gain.

The Indonesian Ulema Council (MUI) Fatwa No. 83 of 1984 affirms that organ transplantation is permissible only if it is done voluntarily and without financial compensation. Similarly, *Dar al-Ifta al-Misriyyah* states that the practice of buying and selling organs is absolutely haram and cannot be accepted. can be tolerated under any conditions.

Implications of Fiqh in the Medical World

The implications of these Islamic jurisprudence findings for transplantation practices in modern medicine are significant. First, every transplant must be strictly supervised by religious and medical institutions to ensure there are no violations of Islamic law. Hospitals should establish ethics boards involving Islamic scholars and medical personnel to provide Islamic

recommendations. Second, organ donation must be carried out in a transparent manner. voluntary and free, without material compensation. Any form of compensation is considered a disguised form of buying and selling and undermines the donor's noble charitable intentions.

Third, national regulations must be designed based on principles of justice and protection of the rights of donors and recipients. The state must prohibit and take firm action against all forms of organ trafficking, and educate The public must be aware of the Islamic values of organ donation. Fourth, widespread public education is needed to ensure the public understands not only the medical aspects but also the ethical and legal dimensions of Islam. This is crucial for Muslims to develop awareness and actively participate in the process of saving the lives of others, both on the basis of humanity and worship.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Organ transplantation in Islam is permitted in emergency situations provided it meets the requirements of sharia, such as voluntary consent, non-harm, and non-commercial purposes. From a fiqh perspective, an emergency (*ḍarūrah*) is the primary reason that allows for previously prohibited activities, as emphasized in the principle of *al-ḍarūrāt tubīḥ al-maḥzūrāt* (emergency permits prohibited activities). Therefore, organ transplantation is permitted if it is the only way to save a person's life or improve the quality of life impaired by organ damage.

Another absolute requirement is the consent or willingness of the donor without coercion, and that it must not cause permanent harm or death to the donor. Furthermore, this medical procedure must not be commercialized or used for financial gain.

The commercial sale of organs is strictly prohibited in Islam because it violates fundamental principles of Sharia law and demeans human dignity (*karāmat al-insān*). The human body is not private property to be freely bought and sold, but rather a trust from Allah SWT

that must be protected, respected, and treated fairly. The commercialization of organs not only violates religious norms but also opens up opportunities for exploitation of vulnerable groups, particularly the poor, and fosters the practice of illegal organ trafficking.

Therefore, all forms of organ trading, whether direct or covert, violate humanitarian values and Islamic law. In this context, Islam places greater emphasis on the principles of mutual assistance (ta'awun) and human solidarity, which encourage people to voluntarily donate organs for the benefit and salvation of fellow human beings.

B. Suggestion

Based on these conclusions, it is recommended that understanding of organ transplantation from an Islamic perspective be continuously improved, both among medical professionals, academics, and the general public. Comprehensive outreach regarding Islamic sharia provisions regarding organ transplantation is necessary to avoid misunderstandings between medical practices permitted for emergency reasons and the practice of organ trading, which is expressly prohibited in Islam.

Furthermore, the government and relevant institutions, including religious institutions and the Ulema Council (MUI), need to actively participate in strengthening regulations and oversight of organ transplant practices. These regulations must ensure that every transplant is conducted ethically, non-commercially, and truly oriented toward the welfare and protection of human dignity for both donor and recipient.

Medical personnel are also expected to uphold the principles of medical ethics and the values of Islamic law by ensuring that there is legal and voluntary consent from the donor, as well as ensuring that the transplant procedure does not cause greater harm. In this context, collaboration between medical experts and clerics is important to provide balanced legal and moral considerations.

Academically, further research is recommended to further examine the practice of

organ transplantation from an empirical perspective, including the challenges of implementing Islamic law in modern healthcare systems. Interdisciplinary studies of Islamic jurisprudence (fiqh), positive law, and medical ethics are expected to provide a more comprehensive contribution to formulating organ transplant policies and practices that align with humanitarian values and Islamic teachings.

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