

Malaysian Muslim Perspective vis-à-vis Organ Donation: A *Maqāsid*-Based Field Study

Sayyed Mohamed Muhsin*
muhsin@iium.edu.my

Nur Hasya binti Zulkifli**
nurhasya245@gmail.com

Nur Syazana binti Zawawi***
syazana2809@gmail.com

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Abstract

Malaysia faces a critical shortage of organ donors, with Muslims participating at lower rates compared to other ethnoreligious groups. This study investigates the sociocultural and religious factors shaping Muslim attitudes towards organ donation. Using both quantitative and qualitative methods, a survey conducted in Kuala Lumpur assessed Muslims' willingness to donate organs, while an interview with the Head of the National Transplant Resource Centre explored cultural and religious influences. Findings reveal significant barriers, including misconceptions that organ donation is self-harm, concerns about missing organs on Judgement Day, and beliefs regarding the sanctity of the human body in Islam. The study suggests that raising awareness through culturally sensitive campaigns, aligned with Shari'ah principles, could address these concerns. This could potentially increase the number of Muslim organ donors, thus supporting the Shari'ah goal of preserving life.

Keywords:

Organ donation, Malay Muslims, fiqh, Kuala Lumpur, medicine, organ transplant, Islamic principle, *hifz al-nafs*.

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* The author is an Assistant Professor of Islamic Jurisprudence at International Islamic University Malaysia (IIUM), and serves as the Editor-in-Chief of *Islamonline-English*. He also leads the Medico-Fiqh Institute project. His research primarily focuses on the intersection between Islamic jurisprudence and biomedicine, exploring how the former can enrich discussions in the latter. He earned his PhD from IIUM, specialising in Islamic Medical Jurisprudence, and had authored over three books and 25 research articles on various medical issues. He is the lead researcher of this research, developed the core concept, ideas, and themes, and also authored the final version of the manuscript.

** Nur Hasya Zulkifli completed her bachelor's degree in Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh) at Abdul Hamid A. Abu Sulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences (AHAS KIRKHS), IIUM. She contributed in conducting field studies, interviews, data analysis, and literature review.

*** Nur Syazana Zawawi also completed a bachelor's degree in Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh) at AHAS KIRKHS, IIUM. She too contributed in conducting field studies, interviews, data analysis, and literature review.

Introduction

The scarcity of available organs for life-saving transplantation surgeries presents a significant challenge to global public health, leaving many individuals with end-stage diseases without viable treatment options. This issue underscores the urgent need for increased organ donations and transplantation efforts to address the growing healthcare crisis. Indeed, it is well-known that there is a significant gap between the demand for and supply of donated organs and tissues on a worldwide scale.¹ Muslims have widely viewed human organ donation as a life-saving miracle by the modern medical science.² Organ transplantation has, to date, saved thousands of lives, bringing hope and happiness to countless families, while also significantly improving the quality of life for numerous patients. Locally, Malaysia has the facilities and expertise to carry out transplants. However, the bottleneck is the scarcity of organ donors in Malaysia.³

It appears that some Malaysian Muslims hold misconceptions about organ donation. Due to misunderstanding and anxiety, there is still a deficiency in their willingness to enrol as donors.⁴ Consequently, it has been reported that Malaysia has one of the world's lowest organ donation rates.⁵ Given that Malaysia is a predominantly Muslim country, Islamic teachings hold a pivotal role in guiding and motivating people in organ donation. When it comes to organ donation, Islamic jurists hold varying opinions, with one perspective deeming it prohibited due to its perceived similarity to self-harm and torture.⁶ Such stigma reduces the chances of survival for the 9,941 patients who are awaiting organ transplantation from post-death donors.⁷ However, these misconceptions are unfounded. Nevertheless, the scenario has significantly evolved, with the prevailing view now being that organ donation is permissible, thanks to the well-advanced medical facilities and advanced care, which eliminate concerns

1. James W. Peltier et. al, "A Sequential Decision Framework for Increasing College Student's Support for Organ Donation and Organ Donor Registration," *USA: National Library of Medicine* 22, no.3 (2012).
2. Aniza Ismail et. al., "Factors Influencing Families' Refusal for Deceased Organ and Tissue Donation in Malaysia," *International Medical Journal* 24, no. 3 (2017): 290–294.
3. F.A. Basri, "The Malay Perception on Organ Donation," *Medwell Journal* (2016): 5743–5751.
4. Mohamad Ismail et. al., "Exploration on the Understanding of Organ Donation Activities Among Muslims in Kuantan," *International Journal of Care Scholars* 5, no. 1 (2022): 56–64.
5. E. Haque, "Derma Organ di Malaysia Antara Terendah di Dunia," *Harian Metro*, <https://www.hmmetro.com.my/amp/mutakhir/2022/09/878599/derma-organ-di-malaysia-antara-terendah-di-dunia/> (Accessed 25th May 2023).
6. Makmor T. et. al., "Low Organ Donation Rate in Malaysia: A Survey," *Malaysia: Journal of Health and Translational Medicine* 17, no. 1 (2014).
7. Ministry of Health Malaysia, "Pusat Sumber Transplan Nasional (NTRC) Kementerian Kesihatan Malaysia." *Derma Organ*, <https://www.dermaorgan.gov.my/pstn-homepage-en>. (Accessed on 13th December 2023).

about torture or harm. Organ donation is a selfless act of kindness that can save lives and improve the quality of life for those in need. Therefore, different religions encourage such donations to help others, if carried out according to the proper rules and regulations.⁸ The intent is certainly not to engage in the sale of organs or establish a business that exploits the suffering and financial vulnerabilities of individuals in need. Furthermore, organ donation is both legal and regulated by government agencies to ensure a safe and ethical process. Organs are carefully extracted from the donor's body with utmost respect and dignity, ensuring there is absolutely no involvement of any form of torture.⁹ The vital organs frequently used for transplantation are the kidneys, heart, liver, lungs, and pancreas. Unfortunately, the supply of these organs falls short from meeting the demand.

The current situation represents a significant shortfall, with the number of patients on the waiting list needing organ transplantation increasing to 9,941.¹⁰ On the contrary, as evidenced in the data, the number of actual donors (post-mortem) has been only 876 since 1976, a figure notably lower compared to the count of individuals who have pledged their organs.¹¹ This reality should not be limited to discussions of permissibility alone. Instead, it calls for a comprehensive examination of the root causes and the proposal and implementation of solutions to address the increasing number of diseases from a broader perspective. This approach is crucial as it aligns with the core and essential aspect of *hifz al-nafs* (preservation of the human body).

Dr. Hasdy Haron, the Head of the Department and Clinical Manager of the National Transplant Resource Centre (NTRC) at Hospital Kuala Lumpur (HKL), emphasises that perception is the primary reason why Malaysia is among the countries with a low number of organ donors. He also pointed out that, despite an uptick in organ donation rates, a considerable gap persists between the demand and supply of organs. Patients from various races, age groups, and genders endure the waiting period, hoping for a compassionate donor to step forward.¹² Post-organ transplants, individuals often undergo a substantial enhancement in their quality of life. However, organ donation remains a complex and delicate issue, entailing moral, ethical, and legal considerations. Additionally, variations in the perception of organ donation exist among different communities due to social and cultural disparities.

8. H. Hasri and M.A. Hasliza, "Konsep *Hifz An-Nafs* (Pemeliharaan Nyawa) Berdasarkan Maqasid Shariah dalam Menghadapi Pandemik Covid-19," presented at the International Conference on Syariah & Law (2021).

9. Ibid.

10. Ministry of Health Malaysia, "Pusat Sumber Transplan Nasional Kementerian Kesihatan Malaysia."

11. Ibid.

12. Hasri and Hasliza, "Konsep *Hifz An-Nafs*."

Several initiatives in Malaysia have been organised by authorities to promote and encourage people to register as organ donors and make a pledge. One of these initiatives, called “Jom Ikrar,” was organised by NTRC. The campaign’s primary goal is to raise awareness among Malaysians about organ donation and transplantation, featuring the slogan “Satu Ikrar, Sejuta Harapan” (One Pledge, A Million Hopes). However, there remains a significant segment of Malaysians who are unaware of this campaign. Organ donation is not yet ingrained in the way of life for most Malaysians, and many still do not fully grasp its positive implications. Given that organ donation relies on the willingness and empathy of community members, a study was undertaken to assess the awareness levels among Malaysians regarding organ transplants, particularly from an Islamic perspective.

Research Objective

The organ donation campaign “Jom Ikrar” in Malaysia has been steadily gaining momentum in recent years, with various efforts aimed at raising awareness and encouraging more people to become donors. Nonetheless, numerous misconceptions and cultural barriers still need to be addressed to fully unlock the potential of this life-saving initiative. This study seeks to shed light on these issues by exploring the attitudes and beliefs of Malaysia’s Muslim community concerning organ donation. The Muslim community represents a substantial portion of the population with unique cultural and religious considerations in this regard. By comprehending how organ donation is perceived and accepted in this context, more effective strategies for promoting this crucial cause and saving more lives can be developed.

Scope of the Research

This study only focuses on the Muslim community in Malaysia, especially those who have not registered as pledgers of organ donation. Furthermore, the study specifically targeted certain locations: the Wilayah Persekutuan Mosque in Kuala Lumpur, NTRC, and the International Islamic University of Malaysia (IIUM). These sites were selected because NTRC had organised events at the first two mentioned areas, presenting researchers with an opportunity to collect data and insights from the targeted population. Actively engaging with the community during the event allowed the researchers to establish rapport and gain a deeper understanding of the factors contributing to the low registration rates among Muslim individuals. Being the official department overseeing organ donation data in Malaysia, NTRC serves as a crucial source for profound knowledge and understanding of organ donation. Hence, the researchers selected NTRC as a study area and conducted interviews with the Head of the Department

and Clinical Manager to ensure the information obtained is valid and reliable. Furthermore, being associated with IIUM, the researchers had the chance to consult their colleagues and students of IIUM. This collaboration enabled them to explore various viewpoints on the selected topic, incorporating the diverse perspectives gathered within the university community into their research data and thereby enriching the depth of their study.

Research Problem

The primary issue tackled in this research is Malaysia's standing as one of the countries with the lowest rates of organ pledgers and donors.¹³ Malaysia is a multi-religious and multi-ethnic country with Malay Muslims as the majority. In addition, research and data collection indicate that Malaysian Chinese have the highest percentage of donors with 55%, Indians with 26%, followed by 13% of Malays.¹⁴ This has motivated the researchers to undertake this study, aiming to investigate the reasons and concerns of the Muslim community from an Islamic perspective. The study involves reaching out to the concerned individuals and conducting surveys, as well as engaging in conversations with relevant personalities.

Research Methodology

In this study, researchers employed a mixed-method approach, integrating both qualitative and quantitative methods. Qualitative methods were utilised to analyse the understanding of the Islamic perspective on organ donation from the *maqāsid* standpoint. This analysis involved a library research approach, incorporating pertinent information from books, journals, articles, and websites. Additionally, contemporary *fatwās* were consulted to form an Islamic perspective in the contemporary context, emphasising the *maqāsid* viewpoint on this issue.

Meanwhile, quantitative methods were employed for conducting questionnaires and interviews with experts. The researchers employed a questionnaire method, distributing questionnaires exclusively to Muslim and Malay respondents. The questionnaire consisted of two sections: the first aimed to gather information about the respondents' profiles, while the second section assessed the level of awareness among Malaysian Muslims regarding organ donation. In addition, the researchers conducted an interview with an expert,

13. Ibrahim Basri et. al., "Muslim as A Condition in Handling Organ Transplant: The Juristic Views vs. the Practice in Malaysia," *Social Sciences* 11, no. 7 (2016): 1283–1287.

14. Interview with Dr Hasdy Haron. National Transplant Resource Centre. 7th April 2023. Friday. See also K. Parkaran, "Chinese top number of organ pledgers in Malaysia," *Free Malaysia Today*, <https://www.freemalaysiatoday.com/amp/category/nation/2023/04/19/chinese-top-number-of-organ-pledgers-in-malaysia/> (Accessed on 15th December 2023).

the Head of the Department and Clinical Manager of NTRC at Hospital Kuala Lumpur, Dr. Hasdy Haron, so as to gain a broader understanding of perspectives and attitudes regarding organ donation.

Literature Review

The research article titled “Exploration on the Understanding of Organ Donation Activities Among Muslims in Kuantan” by Mohamad Firdaus Mohamad Ismail, Muhammad Firdaus Roslan, and Siti Zuhaidah Shahadan delves into the perceptions of the Muslim population in Kuantan, Malaysia, regarding organ donation.¹⁵ The study recognises organ donation as a common treatment for individuals approaching the end of their life expectancy and emphasises its potential to cure diseases and save lives. The article notes that a key obstacle to organ donation is the challenge of finding willing donors, particularly among Muslims who may have a lack of understanding about organ donation activities. Thematic analysis of the data reveals some topics such as the understanding of organ donation, decision-making factors, updates on organ donation activities in Malaysia, awareness of Islamic guidelines related to organ donation, and sources of information. The findings suggest that due to misunderstandings and anxiety, there is a lack of willingness to register as organ donors. The article underscores the potential positive influence of awareness campaigns, emphasising the role of family, friends, and religious leaders in conveying the Islamic perspective on organ donation in an accessible manner to the public.

In the paper “Islamic Perspectives on Organ Donation” by Abdul Aziz Ahmed published in 2022, the researcher provides a comprehensive exploration of divergent opinions on post-mortem organ donation within the Muslim community.¹⁶ The paper highlights that while primary Islamic texts emphasise the sanctity of the dead body, they also underscore the importance of preserving life and encourage altruism. Specifically, the researcher points out that some Muslim scholars have reservations about organ donation, citing two British-based *fatwās* on the permissibility of organ donation after the heart and respiratory system stop, or after the declaration of brain death. The paper notes that, under a new legislation, Muslims in the United Kingdom have the autonomy to decide whether to donate after neurological death, after circulatory death, or not to donate at all. This decision is considered a personal one. However, the researcher does not explicitly address the participation and support among

15. Mohamad Ismail, Muhammad Firdaus Roslan, and Siti Zuhaidah Shahadan, “Understanding of Organ Donation Activities Among Muslims in Kuantan,” *International Journal of Care Scholars* 5, no. 1 (2022): 56–64.

16. Abdul Aziz Ahmed, “Islamic Perspectives on Organ Donation,” *European Journal of Philosophy, Culture, and Religion* 7, no. 1 (2022): 56–63.

the UK's Muslim community regarding organ donation. It might be beneficial for future research to delve into the attitudes, beliefs, and practices within the community, shedding light on the level of awareness and acceptance of organ donation and the factors influencing individual decisions within this context.

Another article, "The Moral Status of Organ Donation and Transplantation Within Islamic Law: The Fiqh Council of North America's Position" by Aasim I. Padela and Jasser Auda, explores the complex landscape of organ donation within Muslim communities, discussing the divergent perspectives among Islamic scholars regarding the moral permissibility of such practices.¹⁷ Highlighting the prevalent negative attitudes towards organ donation within Muslim communities, the authors delve into the comprehensive research conducted by the Fiqh Council of North America (FCNA) between 2016 and 2018. Through multidisciplinary research and collective Islamic moral deliberation, FCNA concludes that organ donation is morally permissible within the framework of Islamic law and ethics, provided certain conditions are met. These conditions encompass first-person authorisation, minimising harm to the donor, excluding reproductive organs from donation, and stipulating donation either while living or after circulatory declaration of death.

The paper titled "Organ Donation in Islam: A Search for a Broader Quranic Perspective" by Tazul Islam addresses the contentious issue of organ donation within the framework of Islamic principles.¹⁸ The study emphasises the need to explore Qur'anic principles in this discourse, asserting that existing juristic opinions often rely on legal principles rather than directly incorporating Qur'anic teachings. Islam argues that various Qur'anic principles such as donation, charity, mutual cooperation, protection of life, benefaction, ownership of life, the patient's right to be cured, medical ethics, social responsibility to a patient, and the concept of *wasiyyah* (bequest) could serve as foundations for justifiable judgments on organ donation. The research aims to scrutinise the Qur'anic verses cited by scholars in their discussions on organ donation and transplantation, seeking to deduce the theoretical underpinnings behind their usage. By proposing an additional Qur'anic dimension to the discourse, the study anticipates the emergence of a new perspective on organ donation within the Islamic context.

17. Aasim I. Padela and Jasser Auda, "The Moral Status of Organ Donation and Transplantation Within Islamic Law: The Fiqh Council of North America's Position," *Transplantation Direct* 6, no. 3 (2020): e536.

18. Tazul Islam, "Organ Donation in Islam: A Search for A Broader Quranic Perspective," A paper presented at the International Conference on Quran as Foundation of Civilization, Universiti Islam Sains Malaysia, Nilai 2021, 247–254.

The article “Islamic Perspectives on Organ Transplantation: A Continuous Debate” by Jan A. Ali explores the discourse within Islam regarding organ transplantation.¹⁹ From a medical perspective, organ transplantation is often viewed as a means of restoring health and improving the quality of life for individuals with failing or diseased organs. Despite its positive portrayal in modern medicine, the article points out that Islamic texts, namely the Qurʾān and hadiths, remain silent on the subject, leaving the permissibility of organ transplantation in Islam unclear. The absence of explicit guidance in religious texts has led to a lack of consensus (*ijmāʿ*) within the Muslim community, with some scholars and jurists supporting organ donation and transplantation, while others rejecting it as a violation of the Shariʿah. The author contends that the matter remains unresolved, emphasising the absence of a ubiquitous consensus within Islam on the acceptance or rejection of organ transplantation as a modality of treatment. The paper aims to inform readers about the divergent perspectives within Islam on organ donation and transplantation, emphasising the need for further research and robust academic and socio-religious discourse to address this ongoing debate.

The paper “Organ Donation and Transplant: The Islamic Perspective” by Abeera Ali et al., published in 2020, sheds light on the roots of negativity among Muslims in Western countries towards organ donation.²⁰ The identified factors include a lack of knowledge, family opinions, misunderstandings of religious rulings, and mistrust towards the healthcare system. The researchers aim to condense the views of Islamic scholars, both Sunnī and Shiʿah, on organ donation, specifically focusing on kidney donation. Additionally, the paper provides data on prevalent ideas and attitudes towards transplantation and donation in Muslim-majority countries, such as Malaysia, Algeria, Brunei, Pakistan, and more.

The paper “Muslims’ Views on the Permissibility of Organ Donation: The Case of Malaysia” by Makmor Tumin et al., published in 2016, addresses the low organ donation rate in Malaysia and specifically focuses on the Muslim community in the country.²¹ The study simplifies the main factor influencing the decisions of Malaysian Muslims, particularly Muslim Malays, to become organ pledgers and donors as being rooted in religious beliefs. The research methodology involves surveying three selected areas in Klang Valley: mosques, hospitals, and Islamic academics. Respondents were asked seven basic questions about organ donation in Islam. The study concludes that the majority of

19. Jan A. Ali, “Islamic Perspectives on Organ Transplantation: A Continuous Debate,” *Religions* 12, no. 8 (2021): 576. <https://doi.org/10.3390/rel12080576>.

20. Ahmed Ali et. al, “Organ Donation and Transplant: The Islamic Perspective,” *Clinical Transplantation* 34, no. 4 (2020): e13832. <https://doi.org/10.1111/ctr.13832>.

21. Makmor Tumin, “Muslims’ Views on the Permissibility of Organ Donation: The Case of Malaysia,” *IejSME* 10, no. 1 (2016): 41–46.

respondents agreed and were well-informed that organ donation is permissible in Islam, while a minority held contradictory views. The findings suggest that Malaysian Muslims, in general, are not opposed to organ donation. However, the paper emphasises that to promote organ donation effectively, the government must address public concerns about Islam's stance on this sensitive issue. One limitation highlighted is that the study provides a general overview, lacking detailed information on organ donation and Islamic rulings. It primarily focuses on the concept of communal responsibility (*fard al-kifayah*) without comprehensive explanations on the religious rulings related to organ donation.

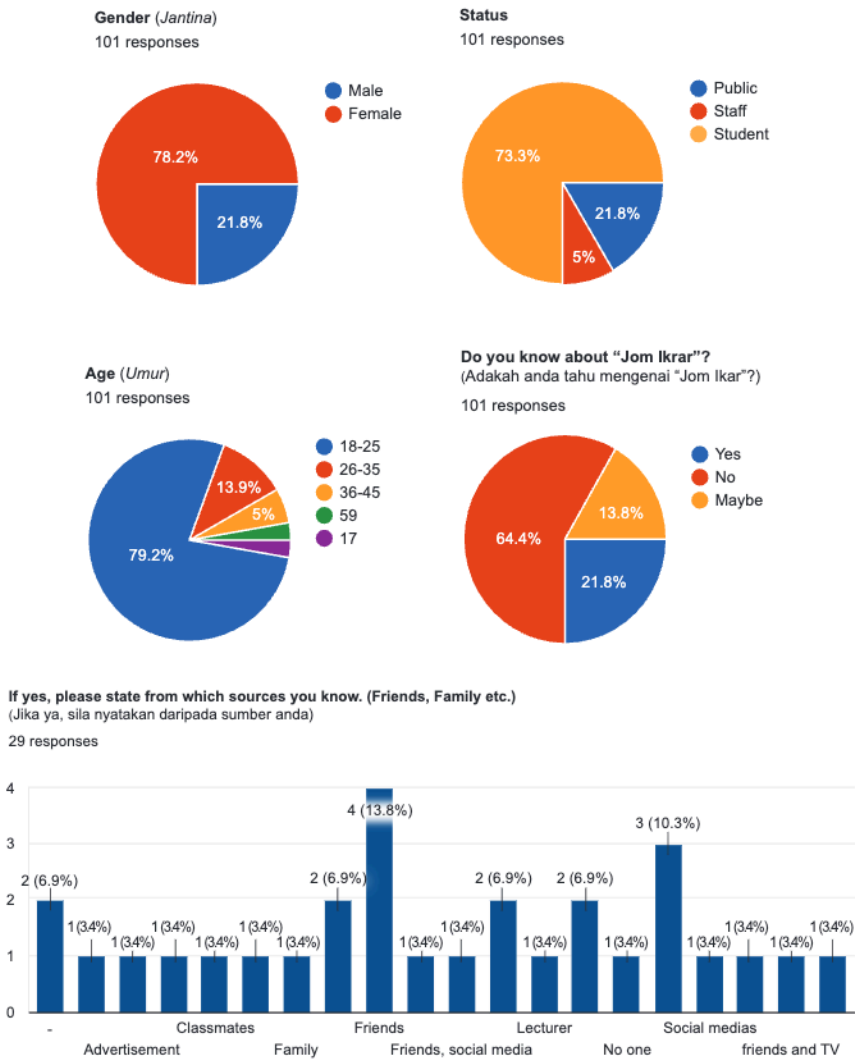
The present study differs from previous research by offering new insights, particularly regarding the impact of the "Jom Ikrar" campaigns and their influence on individuals. It further explores public awareness of fundamental knowledge, attitudes, and perspectives related to organ donation. Additionally, the study examines the understanding of organ donation from an Islamic perspective and how this practice aligns with Islamic principles, while also discussing Islamic rulings and viewpoints on organ donation.

Data Analysis and Research Results

Survey and Respondents

To obtain accurate and precise results, a comprehensive survey was carried out within the general public. The survey was conducted through both online platforms and manual methods. The accompanying pie chart illustrates a total of 101 respondents, encompassing diverse age groups, genders, and status. The survey data highlights a notable age discrepancy, indicating that younger respondents generally possess less knowledge about organ donation as compared to their older counterparts.

Figure 1 Pie chart 1 (top left), pie chart 1.1 (top right), pie chart 1.2 (bottom left), pie chart 1.3 (bottom right), bar chart (bottom)



Source: Respondents from the survey. Wilayah Persekutuan Mosque Kuala Lumpur, International Islamic University of Malaysia. 7th April 2023. Friday.

Of the respondents, 64.4% indicated that they were unaware of the organ donation campaign in Malaysia, while only 21.8% reported being familiar with it, primarily through information shared by classmates, friends, and social media.

Awareness on Organ Donation

Table 1 Basic Knowledge of Organ Donation

Question	Answer
Do you know who is able to be a living donor?	56.4% of respondents believed that anyone willing to donate and possessing a healthy body without any risk of disease, whether family members or not, is able to be a living donor. Conversely, the remaining respondents had no knowledge of eligible organ donors. ²²
Do you know what organ is most needed for donation?	48.5% respondents are well-informed that the most needed organ for donation and transplantation is the kidney, while only 11 from 30 respondents with adequate knowledge on eligible organ donors have the correct information on the most needed organ. On the Derma Organ's official website, it was recorded that the latest number of patients awaiting organ transplantation is 9,941, with 9,542 adults and 370 children among them having a need for kidney donation. ²³
Do you think organ donation is similar to torturing the donor?	98% of respondents held the correct perspective that organ donation or transplantation is neither harmful nor torturous to the donor. ²⁴
Do you have any guilt feelings or social pressure if you become a donor?	63.4% of respondents agreed that, if they become a donor, they will not have any guilt feeling and face social pressure either from family or friends. ²⁵
What is your motivation for organ donation?	In general, respondents expressed the belief that the primary motivations behind individuals choosing to become organ donors are rooted in humanitarianism, the desire to perform acts of kindness, and the aspiration to save lives.

Table 1 reveals that the awareness of organ donation among the Malaysian community remains low, with even adults showing limited familiarity. Similarly, young individuals also tend to be unfamiliar with the concept unless they have encountered it firsthand. The expert noted that organ donor pledgers are typically around 40 years old, while actual donors fall within the age range of 30 to 40 years.²⁶

22. Respondents from the survey.

23. Ministry of Health Malaysia, "Pusat Sumber Transplan Nasional."

24. Respondents from the survey.

25. Respondents from the survey.

26. Hasri and Hasliza, "Konsep *Hifz An-Nafs*."

Over the past decade, convincing people to donate or register as organ donors was a formidable challenge. However, after years of dedicated campaigns promoting organ donation, there have been noticeable shifts in public response. Currently, a significant portion of society is more accepting to the idea of organ donation. In the last five to six years, there has been a noticeable increase in the willingness of Malay Muslims to register as donors. Surprisingly, in agreement with the Head of the Department and Clinical Manager of NTRC, in the last two years, there has been a shift in the donor profile, with Malay donors being the highest in number last year, indicating a changing perspective.²⁷ According to surveys, the Chinese community in Malaysia has the highest percentage of voluntary organ donors, followed by the Malays, the Indians, and other communities. However, the issue of organ donor shortage remains a significant challenge and will require more time to overcome, given the substantial gap between the number of patients awaiting organ transplants, organ pledgers, and actual donors. The latest statistics from the official organ donation website in Malaysia has revealed that there are currently—at the moment of writing of this paper—9,941 patients on the waiting list for organ transplants, while the number of actual donors stands at only 876. Since 1997, a total of 377,772 individuals have registered as organ pledgers.²⁸

The most concerning aspect of organ donation is the possibility of organ donor exploitation. While such exploitation fortunately has not occurred in Malaysia, there have been numerous reports and allegations from confidential sources and the public regarding organ trafficking. Each time an allegation is made, it is promptly reported to the police. However, investigations consistently conclude that there is no evidence of organ trafficking taking place in Malaysia.²⁹ Some of these allegations are made to deliberately scare the community. For instance, there are some reports on human rights violation that claim that some migrant workers somehow had stolen kidneys, but after a police investigation was conducted, it was found to be false. However, the Director-General of Health emphasises that claims of organ trade must be treated seriously and can be subject to investigation under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act.³⁰

In cases occurring outside the country, regulation becomes notably challenging. This is often due to the fact that patients who travel overseas for such procedures are usually affluent, and the donors are frequently unknown. They undergo the transplant procedure in a foreign location, and upon their

27. Interview with Dr Hasdy Haron.

28. National Transplant Resource Centre, “Derma Organ.”

29. Interview with Dr Hasdy Haron; Hasri and Hasliza, “Konsep *Hifz An-Nafs*.”

30. CodeBlue, “MOH: Organ Trade and Trafficking Illegal in Malaysia,” *Code Blue: Health is a Human Right*. <https://codeblue.galencentre.org/2023/04/07/moh-organ-trade-and-trafficking-illegal-in-malaysia/> (Accessed 3rd October 2023).

return to Malaysia, they possess a transplanted organ, such as a kidney. However, a significant problem arises because both the donor and the procedure remain undisclosed. Recipients in these situations are required to take immunosuppressive drugs throughout their entire lives to prevent organ rejection, incurring monthly costs of RM3,000 to RM4,000. To discourage and prevent individuals from seeking transplants overseas, the Malaysian government has implemented a policy that offers recipients free access to immunosuppressive drugs. However, this provision comes with a condition: recipients must undergo the transplant procedure in Malaysia. If they opt for an overseas transplant, they are required to cover the costs themselves.³¹ Undeniably, in any surgery, complications could happen, and the same goes for organ donation. Complications can arise from the surgery or the surgeon or the technical handling of the organs during the process of organ donation as it is a multi-step process.

Organ Donation from the Religious Perspective

Table 2 Understanding of Organ Donation based on the Religious Perspective

Question	Answer
What is your understanding of organ donation in Islam? (Is it permissible or not?)	97% of the respondents were well-informed that organ donation is permissible in Islam, given that it is known to save people's lives, as long as the process does not cause harm to the donor.
Is there any reward in your religion if someone becomes an organ donor?	64.4% of the respondents agreed that, in Islam, there is a reward for those who become organ donors, while less than half of the respondents were unsure if their religion offered any such reward.
Do you think the receiver needs to know the background of the donor? (Religious etc)	Out of 101 respondents, 37 expressed that knowing the background of the donor was not important for saving someone's life. Most respondents opined that helping to save someone's life is a fundamental aspect of humanity, transcending considerations of religion and other specific attributes.
Do you think that organ donation procedures are done in accordance with your religious principle?	58 respondents believed that the organ donation procedure is in line with religious principles, as it has been discussed and approved by religious authorities and <i>fatwā</i> bodies and is also permitted by the government.

31. Hasri and Hasliza, "Konsep *Hifz An-Nafs*."

<p>Do you have any kind of thought that the donor and the receiver need to be of the same religion, or it can be different?</p>	<p>Out of 101 respondents, 68 respondents stated it was not crucial for the donor and the recipient to share the same religion. They regarded it as an act of humanity to save someone’s life without considering their religious background. Meanwhile 33 respondents believed it was important for both parties to share the same religion to prevent the organ donation from involving any <i>ḥarām</i> (forbidden) substances. They cited concerns that non-Muslims might consume alcohol, pork, lard, and gelatine which will be absorbed into all the other organs. Moreover, they opined that as Muslims, they need to preserve the cleanliness of what they consume and avoid ingesting forbidden substances because it is prohibited by God.</p>
<p>Do you think that organ donation is necessary?</p>	<p>Almost half of the 101 respondents, specifically 50 of them, considered that organ donation is not necessary. This indicates that the community still has limited awareness regarding the current scenario and the necessity of organ donation.</p>
<p>Is it lawful in your religion to donate organs to a family member?</p>	<p>Many respondents were well-informed that their religion permits the donation of organs to family members.</p>

Based on the data in Table 2, it can be concluded that the majority of the respondents believe that Islam does not oppose organ donation. However, there are factors that may reduce willingness among religious individuals to participate in organ donation. For example, some people may harbour negative perceptions about organ donation, even though it is a virtuous act, because of concerns about the medical risks associated with the living donors. Experts emphasised a preference for cadaver donors due to the absence of risks associated with such donations, unlike living donors, who may still face some risks even if only minimal ones. Live transplants have demonstrated a success rate of approximately 95% with minimal risks. However, ethical considerations come into play with living donors, as doctors are obligated to prevent harm to healthy individuals through unnecessary surgery, considering the compatibility of blood and tissues. Moreover, living donors may only provide limited organs, such as a kidney or a portion of the liver, while cadaveric donors offer a wider array of organs and tissues available for donation, including lungs, eyes, tissues, bones, and more.

While there were previous objections from some Muslim jurists against organ donation, the predominant position today is that there is nothing wrong with it, albeit with certain conditions. The permissibility of organ transplants in Islam has been widely publicised, primarily based on a *fatwā* issued by a

muzakarah held by the National Fatwa Council. This *fatwā* asserts that organ transplants are permissible according to the legal maxims followed by the Islamic jurists, which prioritise the elimination of harm. In this context, the lesser harm takes precedence, allowing for the donation of organs from deceased donors to be transplanted into patients in need. This practice is deemed permissible. Furthermore, while most respondents showed limited interest in the organ donation campaign, they still expressed agreement that the campaign should continue to raise awareness within the Muslim community. Surprisingly, the act of pledging to donate organs is relatively rare and practically non-existent. Some respondents express the opinion that as Muslims, they feel a need to prevent organ donation from the adherents of other religions who may consume *harām* products. In Malaysia, non-Muslims consume alcohol, pork, lard, and *harām* gelatine, which are prohibited in Islam and can affect the sanctity of a person's body during worship. Unfortunately, statistics indicate that Malay Muslims constitute the largest group of patients awaiting organ transplants.³² Logically, such concerns should not arise in this context: "Thus, in the context of Malaysia, the issue of whether it is permissible or not to donate organs to non-Muslims does not arise because they (the non-Muslims) should be helped when they are in need."³³

Therefore, donations can take place between individuals of various religions, driven by the noble intention of saving another human being's life. It is not only a humanitarian act but also a profound form of invaluable charity.³⁴ The Qur'ān underlines this, "[The truly virtuous are] those who feed the poor, the orphan, and the captive for the love of Allah" (*Sūrat al-Insān* (76):8). The captives referred to in the verse were non-Muslims, but Islam teaches the virtuous and praiseworthy act of feeding and caring for them. In situations involving multiple individuals in need, preference is given to a Muslim brother, as their bond is rooted in religion (*dīn*), in light of the Qur'ānic verse, "The believers men and women are guardians of one another" (*Sūrat al-Tawbah* (9):71).³⁵ This notion is also stressed by the hadīth, "The parable of the believers in relation to the kindness, mercy, and compassion they have for each other, is that of the body: when an organ of it falls ill, the rest of the body responds with fever and sleeplessness."³⁶ If the Muslim is a neighbour or a relative, then he has more

32. National Transplant Resource Centre, "Derma Organ."

33. Ministry of Health Malaysia and Malaysian Department of Islamic Development (JAKIM), "Frequently Asked Questions: Islam and Organ Donation." (Accessed on 6th January 2024).

34. Tazul Islam, "Organ Donation in Islam."

35. Islam Online, "Organ donation for non-Muslims," *Fiqh al-Muslim*. Accessed on 7th January 2024, <https://fiqh.islamonline.net/%D8%A7%D9%84%D8%AA%D8%A8%D8%B1%D8%B9%D8%A8%D8%A7%D9%84%D8%A3%D8%B9%D8%B6%D8%A7%D8%A1-%D9%84%D8%BA%D9%8A%D8%B1-%D8%A7%D9%84%D9%85%D8%B3%D9%84%D9%85-2/>

36. Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, book no. 78, ḥadīth no. 42.

right than others, because neighbours have certain rights, and relatives have even stronger rights, as has been declared in the Qurʾān, “And the relatives, some of them are more entitled to inherit from one another in the decree of Allah” (*Sūrat al-Anfāl* (8):75).³⁷ Furthermore, the organ donation procedure has been referred to Muslim religious authorities, *fatwā* councils, and government bodies to ensure that it aligns with religious principles, as it involves ethical, religious, and cultural considerations. To raise the awareness on this topic, NTRC has collaborated with Muslim NGOs, influencers, and ambassadors to promote the awareness among Muslims and encourage their support for organ donation, ultimately aiding those in critical need.

An Islamic View on Organ Donation

According to contemporary Muslim scholars, there is a consensus that organ donation is not only allowed but is also encouraged and highly valued when done in line with the conditions set forth by the Shariʿah. It is deemed even more virtuous than giving wealth to a person in need. A crucial condition is that organ donation must not endanger the donor, as Islam prioritises preventing harm without causing equal or greater harm. This principle is articulated through two Islamic legal maxims: “harm should be prevented as much as possible” (*al-darar yudfaʿu bi qadr al-imbkān*)³⁸ and “harm should not be replaced with another harm or with the same harm” (*al-darar lā yuzāl bi al-darar*).³⁹ Therefore, organ donation must undergo an independent evaluation by medical experts to verify its safety for the donor. This ensures that the benefits of the donation are guaranteed for the recipient patient. Additionally, a crucial condition is that the donation should come from a mature, mentally competent, and accountable individual (*mukallaf*).⁴⁰

The argument that organ donation is a form of torture to the human body has become less relevant in this era due to technologically advanced medical procedures that ensure the utmost care, precision, and safety for both donors and recipients. Some respondents argue that the human body belongs to God and, therefore, no individual has the right to donate any of their organs, as it might be seen as seizing or misappropriating property. However, a counterargument posits that everything ultimately belongs to God and has been entrusted to people for their welfare in accordance with Shariʿah standards. Indeed, Allah’s consent is believed to be granted when the action, inaction, or procedure aligns with the principles of the Shariʿah.

37. Ibid.

38. Muṣṭafā Aḥmad al-Zarqāʿ, *al-Madkhal ilā al-Fiqh al-ʿĀmm* (Damascus: Maṭbaʿah Jāmiʿah, 1983), 587.

39. Ibid., 589.

40. Ibrahim Basri, “Muslim as A Condition in Handling an Organ Transplant.”

It is emphasised that all organ donation procedures should be conducted in a manner that avoids causing humiliation or insult to the donor or their family. Therefore, the sale of organs is prohibited, as it would commodify human beings and undermine the dignity of individuals who are honoured and ennobled by God. Authorities have a solemn duty to prevent any potential exploitation, including the trafficking of human organs. Organ donation transcends religious considerations, encompassing complex issues that span criminal, societal, medical, ethical, and political dimensions.

Organ Donation to Preserve Life (*Hifz al-Nafs*)

The concept of *hifz al-nafs*, which encompasses the preservation of life and soul, stands as one of the five primary objectives of Sharī'ah. *Hifz al-nafs* entails safeguarding health, life, and humanity from all forms of harm and adversity while actively engaging in activities that promote and preserve these essential aspects.⁴¹ The goal of preserving life is intricately linked to the field of medical science. The objective of medical science is to address human health issues, not merely to cure diseases. The Qur'ān says: "Whoever will save a life shall be regarded as if he gave life to all the human beings on Earth" (*Sūrat al-Mā'idah* (5):32). In accordance with this verse, organ transplantation is considered a crucial means of saving a life.⁴² The process of organ transplantation offers a broader avenue for saving human lives. Islamic medical ethics emphasises seeking treatment for all ailments and providing quality care to those in need. While the Qur'ān and hadith do not contain specific provisions on organ donation and tissue transplantation, Muslim jurists have issued general rulings through *ijtihad* (independent legal reasoning).

In Islam, organ donation is permissible under two conditions. Firstly, live organ donation during the donor's lifetime is allowed, except when it involves vital organs necessary for the donor's survival, as this is considered similar to suicide. Secondly, a person donates an organ while still alive, but the organ is to be transplanted after their death. In this scenario, i.e., donating an organ to be transferred after death, the preferred view is that it is permissible. The primary focus is on prioritising the benefits for the living, transferring organs from the deceased to those in need, in line with the principles of facilitating ease, avoiding harm, and considering public interests. It is important to note that the recipient must be a Muslim or a *dhimmī* (non-Muslim protected

41. 'Abd al-Majīd al-Najjār, *Maqāsid al-Sharī'ah bi Ab'ādin Jadīdah* (Beirut: Dār al-Gharb al-Islāmī, 2008).

42. Ali al-Ali, "Jurisprudential Issues in Human Organ Transplantation," in *A Series of Contemporary Jurisprudential Research*, issue no. 4 (Gombak: IUM Press, 2011).

under the Muslim rule, excluding hostile non-believers.⁴³ These rulings affirm that organ transplantation aligns with the imperative of preserving human life. Moreover, there are Islamic legal maxims that have been used by Muslim jurists to judge the permissibility of organ transplant. These are stated in the Ministry of Health Malaysia journal article entitled “Organ Transplantation from the Islamic Perspective.”⁴⁴ A brief overview of this is given below:

*Deeds Are Judged by Their Goals and Purpose (al-Umūr bi Maqāṣidihā)*⁴⁵

According to this legal maxim, all actions are evaluated based on their objectives and intentions. In the case of organ transplantation, the primary purpose is to save a patient’s life. It is not performed with the intention of dishonouring the deceased or seeking revenge and torture. Instead, it is carried out with the noble intention of saving a life and seeking the pleasure of God. Consequently, organ transplantation is permissible, whereas sale and monetary motivations are prohibited in this domain.

*Harm Must be Eliminated (al-Darar Yuzāl)*⁴⁶

Eliminating harm is a fundamental objective of the Islamic law, and organ transplantation plays a significant role in achieving this objective by alleviating the substantial pain and suffering of patients. The Ministry of Health Malaysia employs a framework that assesses situations based on varying degrees of harmfulness, with a priority on selecting the lesser harm over the more harmful option. In the context of organ transplantation, the more harmful scenario would be allowing a patient in need of an organ transplant to pass away. Consequently, in such situations, the principle of prioritising the lesser harm takes precedence, which involves donating organs from a willing donor to be transplanted into the patient in need.

*Hardship Begets Facility (al-Mashaqqah Tajlubu al-Taysir)*⁴⁷

Organ transplantation serves as a vital resource for humanity, offering a solution to the challenges faced by patients suffering from end-stage organ failure. This is aligned with the Qur’ānic verse in *Sūrat al-Baqarah* (2):185, which states, “Allah

43. “The Ruling on Organ Donation.” *IslamWeb*. Accessed on 7th January 2024. <https://www.islamweb.net/ar/fatwa/11667/%D8%AD%D9%83%D9%85-%D8%A7%D9%84%D8%AA%D8%A8%D8%B1%D8%B9-%D8%A8%D8%A7%D9%84%D8%A3%D8%B9%D8%B6%D8%A7%D8%A1>

44. Ministry of Health Malaysia and JAKIM, *Organ Transplantation from the Islamic Perspective* (Putrajaya: Ministry of Health Malaysia, 2011).

45. Jalāl al-Dīn al-Suyūṭī, *al-Ashbāh wa al-Nazā’ir* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1983), 8.

46. *Ibid.*, 83.

47. *Ibid.*, 76.

intends every facility for you; He does not want to put you to difficulties.” In light of this verse, the Islamic law recognises that when individuals endure unbearable hardships, they are permitted to take measures to alleviate their suffering. Hence, organ transplantation is not merely allowed but deemed a key facilitation in the face of a necessity (*darūrah*) in the Islamic law, particularly when it becomes a vital measure to preserve a patient’s life. Conversely, this Islamic legal standpoint firmly asserts that, in the absence of such a compelling need, organ donation is prohibited.

Conclusion

Organ donation is a compassionate act with the potential to save lives. In a broader context, it appears that the Muslim community in Malaysia could benefit from an increased awareness and motivation to encourage more donors and pledgers within their ranks, thereby expanding the pool of available assistance to those in need. From a religious perspective, it is evident that safeguarding life is one of the core objectives of the Shari’ah. While many people associate charitable acts with monetary contributions, food, and clothing donations, it is crucial to recognise that organ donation is also a profoundly impactful form of giving. Dr. Yūsuf al-Qaradāwī opined that organ donation is one of the three actions that promise continual rewards, even after one’s death. As such, individuals who donate their organs will be rewarded in Paradise.⁴⁸ According to the following hadith,⁴⁹ the Prophet said, “When a man dies, his deeds come to an end except for three things: ceaseless charity (*sadaqah jāriyah*); a knowledge which is beneficial; and a virtuous descendant who prays for him (for the deceased).”⁵⁰

Recommendations

Experts have clarified that the current organ transplant law in Malaysia, notably the Human Tissue Act of 1974, primarily pertains to cadaveric donations and does not encompass live transplants.⁵¹ The absence of regulations for live transplants can potentially create a gap in controlling illegal activities related to such procedures. To address this issue, the National Transplant Resource Centre has leveraged other existing laws, particularly those against human trafficking and smuggling of migrants enacted in 2007, to provide some level of protection for live transplant donors. Additionally, the Malaysian Medical Act

48. Ministry of Health Malaysia and JAKIM, *Organ Transplantation from the Islamic Perspective*.

49. *Ibid.*, 32.

50. Al-Nawawī, *Riyād al-Sālihīn*, book 12, ḥadīth no. 8.

51. National Transplant Resource Centre, “Derma Organ.”

of 1971 stipulates that doctors and healthcare staff can face legal consequences for engaging in illegal transplant activities, which ultimately safeguards live transplant procedures. Nevertheless, there is a call for the development and revision of a new act specifically tailored to regulate live transplants, with the aim of preventing illegal activities in this domain.

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