Islam and the Organ Shortage in Malaysia

A Critical Analysis

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Foreword

The advancements in organ transplantation have introduced great opportunities to save the lives of thousands of patients worldwide. However, there is a severe lack of transplantable organs in almost every country. Unfortunately, this includes Malaysia. To the date of writing this preface, more than 18,000 Malaysian patients are awaiting organ transplantation. One patient dies in every 16 hours due to the unavailability of transplantable organs.

Several proposals have been made by scholars and policy makers to explain the low number of organ donors, especially deceased donors. Perhaps one of the most important idea is that people abstain from donating organs due to religious barriers. In fact, it is very likely that most people would reject organ donation if they believe that organ donation is prohibited or if they have inadequate information about their religion’s perspective on organ donation.

As far as Islam is concerned, most religious scholars believe that donation and transplantation are permitted; however, few others believe that it is prohibited. These contradictory fatwas might cause uncertainties among the public, in which some fraction of the public may not have any information on the religious perspective of organ donation. In this context, the role of religious leaders and the community elite is the key to educate the public on the Islamic jurisprudence, specifically on organ donation.
It is an alarming fact that Muslims in Malaysia are the least contributing towards the pool of organ donors, although making up the largest religious group in the country. Understanding the factors behind this low contribution is key to tackle the dilemma of organ shortage in Malaysia.

This book tries to decode the factors behind low number of deceased donations among Malaysian Muslims. The book provides an excellent presentation of the fatwas supporting and opposing organ donation and transplantation. It also provides a scientific-based critical review of some fatwas that oppose organ donation.

The book also sheds light on Muslim professionals’ perception on organ donation and transplantation. According to the authors, it seems that the misconception and uncertainty on the permissibility of organ donation and transplantation among Muslim professionals is an essential factor of the low donation rate among Muslims in Malaysia. This misconception and uncertainty prevails also among the Muslim public. The book also explores the potential implications of adapting a presumed consent system (PCS) on Muslims’ donations. Unfortunately, a PCS is not expected to improve Muslims donations, but rather worsen it. An interesting chapter of this book focuses on the role of mosque in enhancing organ donation among Muslims in Malaysia. At the moment, mosques are seen to not be well-facilitated to serve this function.

This book provides policy makers with significant intervening strategies aiming to improve organ donation among Malaysian Muslims, educating Muslim professionals as well as the public on organ donation, and specifically on the permissibility of organ donation in Islam. Moreover, mosques should play a role to serve the public education-wise on issues of organ donation.

I am of full hope that this book will be a step forward towards a higher number of organ donations in Malaysia, and thus saving the lives of more than 18,000 Malaysian patients who are awaiting organ transplant.

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Introduction

Over the past century, we have witnessed advancements in the technology involved in the organ transplantation process, and these advancements have led organ transplantation to become a viable treatment for thousands of patients around the world with end-stage organ failure. The dark side of this story is that the number of human organs available for transplantation is very limited. Thus, most countries, including Malaysia, suffer from severe shortages of human organs. Many patients die every year while waiting for a donated organ.

In the United States of America, more than 100,000 patients are registered on the waiting list for organ transplantation; an estimated 18 patients die every day due to the absence of organs for transplantation (Abadie & Gay, 2006; SRTR report, n.d.). Similarly, in Malaysia, there are more than 18,000 patients on the organ-transplantation waiting list (NTRC, 2015). This number is escalating rapidly, with a 21% increase reported between 2012 and 2015, while the available statistics show no significant improvement over the last two decades in the number of transplantations performed in Malaysia (Hooi & Mansor, 2015).

Organs procured from deceased donors are the primary source of organs for transplantation. However, organs like the kidney and liver can be procured from living donors. The limited number of deceased donations worldwide has led to speculation in many
parts of the world, such as India and Pakistan, about human organ trafficking and transplantation (Budiani-Saberi, Raja, Findley, Keretta, & Anand, 2014; Moazam & Jafarey, 2014). It is reported that many misfortunate and poor people in these countries sell one of their kidneys for a few thousand dollars in order to pay debts or send their children to school. It is believed that the increasing demand for organs and the lack of organs donated legally from deceased donors are the major reasons for the worldwide prevalence of human organ trafficking. Therefore, in order to effectively end organ trafficking, promoting deceased donation seems to be the only viable solution. Accordingly, the Istanbul Declaration 2008 states that “the therapeutic potential of deceased organ donation should be maximized [and] efforts to initiate or enhance deceased donor transplantation are essential to minimize the burden on living donors” (Steering Committee of the Istanbul Summit, 2008: pp. 6).

There are two primary systems for deceased donation applied globally: (1) the informed consent system and (2) the presumed consent system. In the informed consent system (also known as the ‘opt-in’ or ‘explicit consent’ system), organs can only be procured from those deceased who had officially registered their wishes to donate during their lifetimes. Under the presumed consent system (also called the ‘opt-out’ or ‘implicit consent’ system), on the other hand, organs can be procured from any deceased person unless that person had officially registered his or her objection to donating organs. Malaysia, the United States, Brazil, Canada, and Saudi Arabia are among those countries applying the informed consent system, while countries such as Spain, Croatia, Chile, Italy, Turkey, and Tunisia apply the presumed consent system. Under both systems, in most countries, family consent is needed before organs may be procured from a potential deceased donor. In some countries, however, as will be detailed later in this book, family consent is not required.

Responding to the organ shortage dilemma, many countries have shifted from an informed consent to a presumed consent system. However, in doing so, only a few countries, such as Spain and Croatia, have been successful in reducing the number of patients on their organ transplantation waiting lists. Other countries, such as Chile and Singapore, still suffer from severe organ shortages. Consequently, the availability of human organs for transplantation continues to be a critical issue.
Research on marketing organ donation around the globe has concluded that effective promotion of organ donation must consider the social factors that drive a community's attitude toward and behavior around organ donation (Guy & Aldridge, 2001). Religion has been found to be one of the most important factors shaping people's attitudes toward and behavior around organ donation. Therefore, in order to improve the rate of organ donation, it is imperative to understand the influence of religious beliefs.

Islam is not only a metaphysical belief but also a way of life. Islamic jurisprudence (sharia’h) guides all aspects of a Muslim's life, including attitudes towards organ donation and transplantation. Since the primary sources of sharia’h—the Quran and Prophet Muhammad's (pbuh) guidance (Sunna)—do not provide detailed regulation regarding contemporary issues, it is the duty of Islamic scholars to deduce the Islamic perspective on such issues in light of the primary sources of sharia’h. As a result, different stipulations (fatwas) may be issued by scholars according to the different approaches they use in framing their fatwas.

The majority of Muslim scholars and official fatwa councils in the Muslim world believe that organ donation is permitted in Islam. Moreover, some scholars, such as Dr. Yusuf al-Qaradawi, have argued that organ donation is encouraged under sharia’h. On the other hand, a few Islamic scholars believe that organ donation is prohibited, on the grounds that it abuses the human body, which belongs to Allah. Both the proponents and the opponents of organ donation claim that evidence in the Quran and Sunna supports their standpoints towards organ donation. However, evidence that permits organ donation seems more convincing, as we will see later in this study.

Malaysia has a population of about 30 million from three main ethnic groups: (1) the Malays (50.1%); (2) Chinese (22.6%); and (3) Indians (6.7%). The four most-professed religions in the country are Islam (61.3%), Buddhism (19.8%), Christianity (9.2%), and Hinduism (6.3%). Although Muslims make up the majority of the Malaysian population, they contributed the least to the organ-donation pool (NTRC, 2015). Many studies have found that Muslims in Malaysia are less likely to donate organs compared to members of other religious groups (Abidin, Ming, Loch, Hilmi, & Hautmann, 2013; Loch, Hilmi, Mazam, Pillay, & Choon, 2010; Rasiah et al., 2014). To increase the number of deceased donations in Malaysia, foremost priority should be given to improving donation rates among Muslims. Thus,
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“And whoever saves one [soul], it is as if he had saved mankind entirely” - Quran (5: 32).

Although Islam strongly encourages saving lives and that a decision of one person to donate organs post mortem may save up to eight lives, Malaysian Muslims are the least contributors to the pool of transplantable organs compared to their counterparts of other religions.

The shortage of donated organs is a serious public health issue in Malaysia. There are more than 18,000 patients suffering end stage organ failure and wait-listed for organ transplant. Unfortunately, about two of these patients die every day due to the scarcity of donated organs. Thinking of solution for this dilemma would absolutely drive us to question: Why are followers of the most prominent religion in Malaysia not donating organs regardless of their religion encouraging such noble deed? Does Islam prohibit organ donation? Are Malaysian Muslim professionals really aware about the issue of organ donation? What is the role of mosques as the Islamic central institution in improving organ donation?

This book tries to answer the above questions and search for possible policy interventions to improve deceased organ donation rate among Malaysian Muslims.