

# **Xenotransplantation: Animal Organs Transplanted into Humans from The Perspectives of Islamic Jurisprudence and Legal Opinions**

## ***Xenotransplantasi: Pemindahan Organ Haiwan Ke Dalam Manusia Dari Perspektif Usul Jurisprudence Dan Fatwa***

**Muhammad Azizan Sabjan<sup>1\*</sup>, Noor Shakirah Mat Akhir<sup>2</sup>, Roshimah Shamsudin<sup>3</sup>, Muhammad Ikhlas Rosele<sup>4</sup>, Farah Salwani Muda@Ismail<sup>5</sup>, Halipah Hamzah<sup>6</sup>**

<sup>1,2,3</sup> *Universiti Sains Malaysia, Penang, Malaysia*

<sup>4</sup> *Universiti Malaya, Kuala Lumpur, Malaysia*

<sup>5</sup> *Universiti Sains Islam Malaysia, Negeri Sembilan, Malaysia*

<sup>6</sup> *Universiti Institut Teknologi Mara, Penang, Malaysia*

### *Article progress*

Received: 6 September 2025

Accepted: 24 November 2025

Published: 30 November 2025

### *\*Corresponding author:*

Muhammad Azizan Sabjan,  
Universiti Sains Malaysia,  
Penang, Malaysia

Email: mazizan@usm.my

**Abstract:** Organ transfer and donation in the Islamic context have been discussed among scholars since the 1950s. The Quran and al-Sunnah, which serve as the primary sources of law, do not address this subject specifically because organ transplantation is a medical advancement that only came about in the 20th century. As a result, the opinions issued by Islamic scholars on organ transplantation are based on contemporary jurisprudential approaches that address new issues for which there is no prior scholarly opinion. The fatwa of organ transfer from human to human is unambiguous. However, the issue of transferring animal organs or tissues, particularly from animals considered unclean and prohibited for human bodies, requires careful study and discussion. This paper examines the concept of transplanting animal organs into humans from the perspectives of jurisprudence and legal opinions as outlined in Islam. The methodology employed in this study is a qualitative approach that incorporates both primary and secondary data analysis. Data findings are systematically analyzed using content analysis techniques. The study's findings demonstrate that the ruling on organ transplantation and donation is necessary because it fulfills the requirement to preserve human life, one of the higher objectives of shariah (*maqasid al-shari'ah*). Organ transfer is performed for treatment and is the last resort to save the life of a patient who is experiencing end-stage organ failure. The decision to transfer the organ is based on the fact that it is performed in urgent circumstances and is the last available option to save the patient's life.

**Keywords:** xenotransplantation; organ; animal; human; Islamic Jurisprudence; legal opinions

**Abstrak:** Pemindahan dan pendermaan organ dalam konteks Islam telah dibincangkan oleh para sarjana sejak tahun 1950-an. Al-Quran dan al-Sunnah, yang menjadi sumber utama hukum, tidak membicarakan isu ini secara khusus kerana pemindahan organ merupakan satu perkembangan perubatan yang hanya muncul pada abad ke-20. Justeru, pandangan yang dikemukakan oleh sarjana Islam mengenai pemindahan organ adalah berasaskan pendekatan jurisprudence kontemporari yang menangani isu-isu baharu yang tidak mempunyai pandangan ulama terdahulu. Fatwa mengenai pemindahan organ antara manusia kepada manusia adalah jelas. Namun begitu, isu pemindahan organ atau tisu haiwan, khususnya daripada haiwan yang dianggap najis dan haram oleh syarak, ke dalam tubuh manusia memerlukan penelitian dan perbincangan yang mendalam. Kertas kerja ini meneliti konsep pemindahan organ haiwan ke dalam tubuh manusia dari perspektif usul jurisprudence dan fatwa sebagaimana digariskan dalam Islam. Metodologi yang digunakan dalam kajian ini melibatkan pendekatan kualitatif, dengan menggabungkan analisis data primer serta sekunder. Dapatan kajian dianalisis secara sistematik menggunakan teknik analisis kandungan. Hasil kajian menunjukkan bahawa hukum pemindahan dan pendermaan organ adalah perlu kerana ia memenuhi tuntutan

memelihara nyawa manusia, yang merupakan salah satu daripada maqasid al-shari'ah. Pemindahan organ dilakukan untuk tujuan rawatan dan merupakan pilihan terakhir bagi menyelamatkan nyawa pesakit yang mengalami kegagalan organ pada peringkat akhir. Keputusan berhubung pemindahan organ adalah berdasarkan hakikat bahawa ia dilaksanakan dalam keadaan darurat dan merupakan pilihan terakhir yang ada untuk menyelamatkan nyawa pesakit.

**Kata kunci:** xenotransplantasi; organ; haiwan; manusia; usul jurisprudence; fatwa; etika; kerohanian

## Introduction

In the context of Islamic law, organ transplantation and donation are not explicitly addressed in the primary sources of law, namely the Qur'an and the Sunnah. This is because organ transfer and donation are relatively modern medical developments that emerged in the 20th century. Nonetheless, Islamic scholars have been deliberating on this matter since the 1950s. The viewpoints posited by Islamic scholars regarding organ transplantation are scholarly interpretations (*ijtihad*) in nature. They are based on contemporary jurisprudential approaches that address new issues for which no prior scholarly opinion has been recorded. The law of organ donation and transplantation is mandatory in Islam. This is because organ transfer and donation preserve human life, and preserving life is one of the higher objectives of shari'ah (*maqasid al-shari'ah*) in Islam.

Organ transplantation, as a treatment, represents the last viable option for patients who are suffering from end-stage organ failure. The jurisprudence governing organ transfers is based on the principle that they are performed in emergencies when other options are unavailable, as the patient's life depends on the transfer. Organ transfer treatments have been discussed in Malaysia since the 1960s. As a result, the Committee of the National Fatwa Council for Islamic Religious Affairs Malaysia issued a fatwa regarding organ transplantation in 1970. The Committee's decision of the National Fatwa Council became a reference point for organ transplants and donations in Malaysia. It was adopted in countries that lacked specific fatwas on the topic of organ donation. Perlis (1965), Sarawak (1996), Selangor (2000), Johor (2001), and Pulau Pinang (2010) are the states that have issued state-level fatwas on organ donation and transplantation. In a strict sense, the Majlis Fatwa Kebangsaan and the country's Fatwa Council have approved organ transplants, subject to specific and detailed conditions. The legality of human-to-human organ transfer is clear under the law, subject to particular conditions and standard operating procedures. The present discussion will focus on the issue of animal-to-human organ transfer.

## Literature Review

The present study concerns the transfer of animal organs or tissues to humans, a procedure known as xenotransplantation in medical terminology. Xenotransplantation involves the transfer of living cells, tissues, or organs from animals to humans. The most recent instance of xenotransplantation consists of the transfer of a genetically modified pig heart into the body of David Bennet, a 57-year-old terminal heart failure patient. Bennet had been repeatedly rejected for standard transfer and was not considered a strong candidate for a ventricular-assist device. On January 7, 2022, a team of medical professionals from the University of Maryland School of Medicine (UMSOM) in Baltimore, Maryland, United States, successfully performed a surgical transplant of a genetically modified pig heart into Bennett's body. The pig heart within Bennet's body is functioning well and has been accepted by his immune system.

Transferring animal organs or tissues, mainly those considered unclean and prohibited from human bodies, necessitates thorough deliberation and analysis. While the fatwa on organ transplants between humans is clear, organ transplants involving animals require a more nuanced approach. The guiding principle for such organ transplants is that they must comply with the law, but it is worth noting that they may be considered haram if they involve unclean animals, such as dogs and pigs, as per Muda and Omar's (2003) research. Further discussion and examination of this matter are required to assess its implications fully.

According to Zulkifli Mohamad al-Bakri, the former Mufti of Wilayah Persekutuan, using unclean material for purification in organ transplants involving humans and animals is forbidden if pure material is available (Zulkifli

Mohamad al-Bakri, 2022). However, in urgent situations and when alternative pure materials are unavailable, unclean materials may be used. The prohibition of pigs is explicitly mentioned in the Shariah, which emphasizes avoiding unclean materials. Allah says:

*Indeed, Allah has only forbidden you to eat carrion, and blood, and pork. Animals slaughtered not for the sake of Allah, so whoever is compelled (to eat it out of necessity) and does not desire it, nor does he exceed the limit (of what he eats), then he has not sinned. Verily, Allah is Forgiving and Merciful. (al-Baqarah 2:173)*

In addition, there is a hadith that goes as follows:

*Meaning: From Abu Hurairah, the Prophet (SAW) said that Allah has forbidden wine and its price, forbidden carrion and its price, and forbidden pigs and their price (Abū Dāwūd, 2009, Hadith no. 3456)*

Academic discourse on the use of unclean substances as medicinal remedies has concluded that such practices are prohibited. However, opinions diverge on whether it is necessary in emergencies. The Shafie school holds that using bones, which are considered impure, is not justifiable unless the situation is dire and no other pure bones are available. Al-Nawawi adds that connecting the bone with a pure bone becomes imperative if the bone is broken. The scholars of the Shafie assert that it is not permissible to connect it with an unclean bone as long as a pure alternative is available. However, if an individual connects it with an impure bone out of necessity, and a pure bone is unavailable, they are excused. Choosing an unclean bone in a situation where they do not need it, or a pure bone is available, would be deemed a sin, and in such a case, it is obligatory to remove the bone and replace it with a pure one, provided there is no risk of harm. (Hamdan, M.N., and Ramli, M.A., 2018).

Majma' al-Fiqh al-Islami Rabitah al-'Alam al-Islami, which convened from 19 January 1985 to 28 January 1985, has decreed that the transfer of animal organs to humans is permissible only if the animals in question are suitable for consumption and have been slaughtered by Shar'ie laws. Exceptions to this rule are only granted in the event of an emergency. According to a fatwa dated May 1997 by Shaykh Atiyyah Saqar, the former Mufti of the Arab Republic of Egypt, and a similar view expressed by Shaykh Jad al-Haq 'Ali Jad al-Haq, the former Mufti of Egypt, on December 5, 1979, if an individual's bone is broken and no human bone is available, but animal bone, which is regarded as unclean, may be used to connect the broken bone. The Jurisprudence principle that guides the resolution of conflicts between prohibition and harm is the following: "When two harms collide, the greater harm is rejected by doing the lesser harm." Shaykh Mustafa al-Zarqa expounded on this principle by stating that "celebrating the most severe of the two" translates to "abandoning it," as harms are mitigated by denying them, while welfares are realized by enacting them.

Muhammad bin Muhammad al-Mukhtar al-Syinqiti, on the other hand, stipulated two conditions for the transplant of unclean animal organs.

1. The patient requires the transplant of the unclean animal's organs and is validated by a medical expert as needing it.
2. There is no alternative to a pure organ. If these two conditions are met, then there is no problem with transplanting the organ. It also does not affect prayer and other acts of worship that require purity due to the impurity of using the unclean organ.

In short, the transfer of pig organs to humans can be deemed permissible under exceptional circumstances, certified by medical professionals, and where no alternative options are available. However, this imperative is null and void if a halal substitute option exists. Moreover, if the pig organ that has been transplanted can cause harm to the patient, then its replacement is unnecessary. The Committee of the National Fatwa Council for Islamic Religious Affairs Malaysia must provide a viewpoint. Such studies serve a vital role in resolving medical treatment-related issues that pose significant challenges in contemporary times (Maktabah albakri, 2022).

## Methodology

This qualitative literature study employs a descriptive approach to comprehend and analyze the interpretation and acquisition of data replete with information. The literature method requires aggregating all data that may support this research, including books, papers, journals, fatwas, deeds, official documentation, expert perspectives, and standard operating procedures from royal authority bodies, particularly JAKIM and Majlis Fatwa Kebangsaan, both locally and internationally. This analysis will focus on the use of animal organs, particularly unclean and haram ones, with Sharia-compliant emergency parameters.

## Results and Discussion

### *Islamic Jurisprudence Perspectives*

The examination of xenotransplantation, the process of transplanting animal organs into humans, will be approached through the lens of *Usul Jurisprudence* principles. This inquiry examines the ethical, legal, and religious aspects of this medical procedure. The analysis will be conducted with utmost diligence and care to ensure that all pertinent considerations are taken into account. When dealing with this process, three significant points need to be examined: human organ transplant law, the use of animal organs, including their use in transplantation, and the transfer of animal organs to humans.

When discussing the transfer of animal organs to humans, it is essential to consider the ethical implications of human organ transplantation. Similarly, the transfer of organs from a dead person (brain-dead) to a living human being requires legal analysis. In most cases, organ donation is necessary in emergencies, such as famine, and to ensure benefits (Hamdan, M. N., and Ramli, M. A., 2018). However, some views reject the necessity of organ transplantation (Abbasi, M., Kiani, M., Ahmadi, M., and Salehi, B., 2018) on the grounds of altering Allah's creation (*taghyir khalqillah*) or the glory of the human being. It is generally agreed that a human organ transplant is required (Islam, T., 2021; Albar, M., 2012; Athar, S., 2015).

The acceptance of organ transplantation, particularly from a human standpoint, has led to discussions regarding the transfer of animal organs to humans. To explore this topic thoroughly, it is necessary first to understand animals' position on their use by humans. This can be comprehended through the words of Allah SWT, who states that:

Meaning: *He is Allah, who made for you all that is on earth (Surah al-Baqarah, 2:29).*

According to Al-Qurtubi (2006), the verse indicates that all earthly material possessions are intended for humans to enjoy and utilize. Furthermore, it implies that every helpful thing has been created for this purpose. Al-Baghawi (1989) supports this interpretation by affirming that everything on the earth's surface can be used. This interpretation is based on another verse of Allah SWT.

Meaning: *And He has subjected for you all that is in the heavens, and all that is in the earth, (as mercy) from Him. Indeed, in such, there are signs for those who think." (Surah al-Jathiyah, 45:13)*

According to Al-Tabari (1994), celestial bodies, such as the sun, moon, and stars, as well as terrestrial entities, such as animals, trees, mountains, rocks, and ships, are created for the benefit of human beings and intended for use. Al-Sa'di (2002) further elaborates that everything created in the heavens and on earth, including animals, serves the purpose of fulfilling human needs; it is thus incumbent upon humans to employ and utilize them as a token of gratitude to Allah and as a means of contemplating the verse.

The following verse suggests that animals were created primarily for human use. As such, it may be considered a general proposition regarding animal-to-human organ transplantation, which is one form of animal use. However, Islam imposes certain limits on the use of animals, prohibiting the consumption of certain animals, such as pigs, and consequently, the use of their organs. This is consistent with the principle that when something is forbidden to eat, it is also forbidden to derive benefit from it (Al-'Ayni, 2001).

In his work, Ibn Qudamah (1997) elaborates on purification. He states that using unlawful substances for purification is not obligatory. This includes but is not limited to milk from a donkey, meat from unlawful animals, and alcohol. The Prophet (SAW) is reported to have said, “Allah does not make the medicine of my Ummah from haram things.” Furthermore, when informed about an intoxicating juice that was being used for medicinal purposes, the Prophet (SAW) responded by saying, “It is not a medicine, but a disease.” Based on these teachings, it is clear that purification processes should not involve the use of unlawful substances.

The 80th Muzakarah Jawatankuasa Fatwa MKI, 2008, issued guidelines regarding the use of animal bones, horns, teeth, and nails for daily purposes and jewelry. The ruling declared that the bones, horns, beaks, teeth, and hooves of animals that are permissible to consume and have been slaughtered according to Islamic law are considered pure and fit for use. This decision serves as the basis for any discussion of the legal aspects of transplanting animal organs into humans.

There have been numerous studies on the topic of xenotransplantation, specifically the transfer of pig organs to humans and their compatibility with Islamic beliefs. Dayan, Ali, Asad & Shit (2020) researched the Islamic perspective on xenotransplantation and its ethical and legal implications. Their findings indicate that xenotransplantation is permissible in urgent situations but is prohibited in the absence of such exigencies. Haddow (2021) asserted that Muslims do not accept xenotransplantation that involves unclean animals, such as pigs. Other scholars, such as Butt (t.t.), Padela & Duivenbode (2018), and Albar (2012) have similarly argued that the transfer of animal organs to humans is permissible only if the organs are clean (*halal*) and that the transfer of unclean (*haram*) animal organs is prohibited unless there is no pure alternative available.

Rosele et al. (2016) provided a comprehensive discussion on xenotransplantation, with a focus on stem cell transfer. The authors highlighted several medical issues that remain under debate and require careful consideration in the context of organ transplants. These issues are of significant importance in the successful implementation of xenotransplantation. Specifically, the authors noted the complex ethical considerations surrounding the use of animal organs in humans, including the risk of transmitting animal diseases. Furthermore, the human body’s immune response to foreign tissues and organs remains a significant challenge in xenotransplantation. The authors also highlighted the need for further research to address these issues and improve the safety and efficacy of xenotransplantation.

The following are potential challenges that may arise when utilizing animal-based therapies in human medicine (Rosele et al., 2016):

1. Disparities in the immune systems of humans and animals cause immune system rejection.
2. Outbreak of disease transmission.
3. Disparate natural survival rates between humans and animals.
4. Alterations to human DNA.
5. Limitations in determining the quality and yield of the product.

Considering these challenges when exploring animal-based therapies for human medicine is imperative, as they may impact their safety and efficacy. Therefore, further research and evaluation are necessary to ensure the appropriate use of animal-based therapies in human medicine.

The practice of *ijtihad*, which involves using animal parts for medical purposes, requires consideration of relevant medical studies to ensure a satisfactory solution. The jurisprudence works also provide various cases that underscore the need for the therapeutic use of animal parts. Al-Nawawi (t.t.) expounds on this issue, stating that “if the bone is stalked, it is necessary to accommodate it with a clean bone.” Similarly, *al-Fatawa al-Hindiyyah* by al-Humam (2000) also records that “there is nothing wrong with using bones for healing purposes if they are sourced from sheep, oxen, camels, horses, or any other animal, except for pig bones.”

In his book “*Bahr al-Madhhab*,” al-Rawayani (2009) provides an in-depth explanation of this issue. The author’s insightful analysis delves into the subject matter with great detail and precision. It is an excellent resource for individuals who seek a comprehensive understanding of the topic.

*If he breaks a bone - a human bone - and he wants to fill it with a bone or replace it with a bone, then he should be careful. It is obligatory if he replaces it with a pure bone, i.e., the bone of an animal whose meat is lawful to eat and that has been slaughtered. Likewise, if he takes out his teeth, then he must replace them with the teeth of an animal that is lawful to eat and has been slaughtered. However, if he wants to replace his bones with unclean bones, i.e., dog bones, pig bones, or carcass bones, this is permitted under two circumstances: when he is in a state of emergency. If he is in a state of duress and cannot find anything lawful to use, it is permissible, as is the rule regarding the consumption of carrion. However, covering it with an unclean bone is not obligatory if he is not in that situation.*

Multiple conditions must be observed during organ transfers, particularly when animal organs are transplanted to humans. These conditions aim to ensure the efficacy and safety of the transplant procedure. According to Amir Sa'id, several factors must be considered to minimize the risk of complications and to improve the chances of a successful outcome. By adhering to these conditions and guidelines, medical professionals can ensure that patients receive the best possible care while minimizing the risks associated with organ transplantation.

It is recommended that organ transfers should be carried out through donation rather than sales and purchases to ensure ethical and moral standards are met. The transfer should not create a false impression or perception in the donor. In cases where human organs are scarce, the transplantation of organs from pure animals is permissible. However, if obtaining organs from pure animals proves difficult, it is permissible to transfer organs from unclean animals in cases of urgent need (Pejabat Mufti Wilayah Persekutuan, 2019)

### *The Fatwa Perspectives*

The original tenet of human-animal organ transplantation implies that it is mandatory. However, this stipulation may be deemed prohibited (haram) if it involves unclean animals such as dogs or pigs. Similarly, in the context of using animal limbs, organs, or tissues, if the animal is legally consumed and slaughtered by the law, it does not pose a problem, as the materials are not regarded as impure. However, if the material is procured from a halal animal that has not been adequately slaughtered (carcass), then there is a difference of opinion regarding its permissibility.

According to the Hanafi school of thought, the members or parts of the bodies of deceased animals that exist as complex objects, such as bones, horns, teeth, nails, ivory, and similar substances, are not considered unclean. The rationale behind this belief is that the impurity of members or parts of the carcass is due to liquid impurities, such as blood and mucus, on the member. However, no impurities exist in the case of limbs or parts of the animal that can be classified as complex objects. Conversely, the Shafi'i school of thought, as well as most scholars, holds that all parts of the carcass, including complex objects, are considered unclean.

According to the Hanafi perspective, using any limb or part of an animal carcass and complex objects as substitutes for certain parts of the human body is permissible, even without an emergency. In fact, Hanafi scholars openly approve of this use in their writings. On the other hand, using animal carcasses instead of complex objects in the Shafi'i school of thought must be restricted to emergencies. (Muda, Z. Y Omar, N., 2003).

According to Zulkifli Mohamad al-Bakri, the former Mufti of Wilayah Persekutuan, the fundamental principle governing organ transplants involving humans and animals prohibits the use of unclean materials for medicinal purposes if pure alternatives are available. However, in urgent situations where pure materials are not available, unclean materials are permissible. The Shariah is explicit in its prohibition of pork, as Allah says:

*Meaning: Indeed, Allah has only forbidden you to eat carrion, blood, pork, and animals slaughtered, not for the sake of Allah. So, whoever is compelled to eat it out of necessity and does not desire it, nor exceed the limit, has not sinned. Verily, Allah is Forgiving and Merciful. (Surah al-Baqarah 2: 173)*

The Quran contains several verses that discuss the use of pigs, with most of them emphasizing the animal's prohibition by Allah using the term "haram." However, certain verses in the Quran, such as those in *surah al-Baqarah*, *al-Ma'idah*, *al-Nahl*, and *al-An'am*, permit the use of pigs in specific circumstances. For instance, verse 173 in *surah al-Baqarah* can

be interpreted in two ways. This ambiguity in interpretation has led to varied opinions regarding the use of pigs among Muslims.

The interpretation of the prohibition on pigs, as outlined by scholars Ibn Kathir, al-Qurtubi, al-Baghawi, al-Samarqandi, al-Zamakhshari, Ibn Atiyyah, and al-Shah'rawi, suggests that pigs are considered a creation of Allah that possess benefits, yet are deemed a heavy form of unclean (*mughallazah*) and therefore prohibited in Islam. However, it has been established that the prohibition on pigs can be reversed in emergencies when their use is necessary to meet the needs of individuals in precarious situations. Furthermore, the creation of pigs is believed to serve as a test for people and provide a means of support in times of desperation. The ending of the verse justifies the use of pigs in such situations. Prophet SAW emphasizes this point by stating that special pigs may be used in emergencies (Rahman, N. N. A. & Mohamad, M. A., 2016). The Prophet SAW says:

Meaning: *Allah has forbidden wine and its price, forbidden carrion and its price, and forbidden pigs and their price. (Abū Dāwūd, 2009, Hadith no. 3456)*

Scholars unanimously prohibit the use of najis (impure) materials as medicine. However, scholars differ on the permissibility of using such materials in emergencies. For the Shafi'i school of thought, it is impermissible to use unclean bones except in dire situations when there is no alternative to pure bones. According to al-Nawawi, a broken bone must be connected with a clean bone. Shafi'i scholars, however, state that it is not permissible to connect a broken bone with an unclean one, provided a clean bone is available. If the patient connects the broken bone to an unclean one and no clean bone is available, the patient is excused from doing so. However, if a clean bone is available, but the patient still chooses to connect with an unclean one, it is considered a sin. In such a case, the patient must discard the contaminated bone and replace it with a clean one, provided this does not harm the patient (Hamdan, M. N., & Ramli, M. A., 2018).

The Majma' al-Fiqh al-Islami, a global Islamic association of jurists, convened from 19 January 1985 to 28 January 1985. The assembly has decided that the transfer of animal organs to humans is permissible only when the animals in question can be legally consumed and slaughtered as per Islamic law guidelines. Furthermore, such transfers are allowed only in emergencies.

The authenticity of connecting an unclean animal bone to a human body without a human bone was validated by Sheikh Atiyyah Saqar, the former Mufti of the Arab Republic of Egypt, in his fatwa dated May 1997. In response to the question, "If a person's bone is broken and there is no bone to be found but an animal bone that is considered unclean, can they connect to it?" he confirmed the possibility of such a connection. Similarly, Sheikh Jad al-Haq 'Ali Jad al-Haq, former Mufti of Egypt, expressed the same view in his fatwa on December 5, 1979.

This jurisprudence principle should be considered when prohibition and harm clash: "When two harms clash, the greater harm is preserved (rejected) with the least harm." According to Shaykh Mustafa al-Zarqa, abandoning the more severe option is the most effective way. In this context, the denial of harm (*mafsadah*) is met by abandoning it. The implementation of an excuse (*maslahah*) is met by doing it. Similarly, Shaykh Muhammad bin Muhammad al-Mukhtar al-Syinqiti identified two conditions for the transplant of unclean animal organs, which are as follows:

1. The medical practitioner has deemed it necessary to perform the xenotransplantation of unclean animal organs.
2. There is no viable alternative to clean animal organs.

At its fourth working meeting in 1985, the Majlis of the Academy of Islamic Legislation of the World Muslim League in Mecca determined that the transfer of organs from animals that have been slaughtered according to Islamic procedures or from animals that are otherwise prohibited for consumption under Sharia law to the human body is permissible in urgent situations. This resolution, which pertains to hetero transplantation, was adopted by the Islamic Jurisprudence Academy of India during its first jurisprudence seminar in Delhi in March 1989 (Nazarli, E. 2010).

The implantation of animal tissues or plant organs is a topic of interest in medical research. However, using animal tissues or organs raises ethical and religious considerations. In particular, the use of tissues or organs from animals considered clean (halal) or unclean (haram) is a topic of discussion. The implantation of these tissues or organs is divided into two cases requiring further investigation and analysis.

When considering the medicinal use of animal organs, it is essential to distinguish between the two cases. In the first case, the animal in question, such as a farmed animal like an ox, buffalo, or goat, is considered halal. In this scenario, using the animal's organs for medicinal purposes is permissible and indeed justified, provided that the organs are procured after the animal has been slaughtered in a Sharia manner. This practice is not prohibited and falls under the category of medicine that the Messenger of Allah has ordered to seek for the patient. However, the animal is considered unclean (haram) in the second case. In such instances, the use of the animal's organs for medicinal purposes is not allowed except in situations of real emergency where there are no other viable options. It is imperative to prioritize the safety and health of the patient while also being mindful of religious restrictions regarding the use of animal organs.

Syarak explicitly prohibits the consumption of certain animals, such as pigs. The Qur'an has limited this prohibition to pork consumption, and this is the consensus among scholars. However, there is disagreement among scholars regarding the use of pig organs for medicinal purposes, as it does not involve consumption. The majority of scholars forbid it on the basis that pork is considered unclean, and therefore, treatment with unclean substances is prohibited. The Athar of Ibn Mas'ud supports this position:

Meaning: *Allah has not made an antidote for you to all that is forbidden to you*  
(<https://dorar.net/hadith/sharh/111503>).

Certain scholars permit treatment with impurities despite the Islamic doctrine that prohibits contact with impure substances. The Prophet once justified using pig hair as a binding agent when one of his companions questioned its permissibility. According to the second group of scholars, the aforementioned hadith is subject to contextual limitations, and impure treatment is only condoned in emergencies. In other words, using impurities in medicinal procedures is justified only in emergencies.

According to Shafi'i, utilizing an unclean object to connect one's bones is permissible because no equivalent or more effective object is available. However, using pig organs is only permitted if no other organ can be used in its place. On the other hand, Hanafis hold that it is not permissible to pray with haram objects, as Allah does not make a remedy for that which is unlawful. There is a hadith that prohibits the use of haram objects as a remedy. However, if such an object is believed to contain medicine, and no other medicine is available, it is permissible to use it. Based on these two opinions, transplanting pig organs is required when no other option is equivalent or more effective. This necessity is permitted in such circumstances.

According to Ibn Hajar, the recipient of a transplanted organ must be an infallible person, indicating that the individual must be a Muslim and not an apostate or disbeliever. However, for al-Ramli, al-Asnawi, and al-Subki, the recipient does not need to be pious, as a pious person is already revered. It is important to note that all humans are created by Allah to be protected, as Mubarrirroh (2021) affirms.

The prior discussion and deliberation resulted in Syarak's formulation regarding the transfer of animal organs to humans. Notably, the organs of haram animals are considered justifiable. According to Rosli Othman (2022), one of the Penang state committee's legal opinions, the main factor in this issue is the principle of necessity and the lack of alternatives. In the context of using animal organs, especially those from forbidden animals, these principles of Halal and Haram can serve as a guide:

1. Halal: Organs must be procured from halal animals regardless of their medical condition. Halal animals must undergo ritual slaughter by Syarak, after which their organs may be collected for treatment. To ensure compliance with this requirement, it is necessary to verify that the organs are sourced from halal animals that have undergone the prescribed Syarak-slaughtering procedure.
2. Haram *Mukhtalaf Fihi* (Mildly Disputed): This category of animals includes species such as crocodiles, giraffes, and meat-eating squirrels, among others. Crocodiles may be shot and consumed under the Maliki and Hanbali schools of thought. However, according to the madhhab of al-Shafie, the organs of mildly disputed haram animals in this category may be used, provided no corresponding halal animal organ is available and the animal is slaughtered according to the Syarak.



3. Haram *Mukhtalaf Fihi* (Severely Divided): Dogs are the category of animals under discussion. According to the Maliki school of thought, mongrel dogs can be slaughtered and consumed. Regarding the use of dog organs, the previously explained ruling applies. If halal animal organs are not available, and there is a lack of animal organs, then the ruling remains the same. In mild cases, the use of dog organs is permissible.
4. Haram *Muttafaq Alayh* (Haram by Consensus): It has been established that pigs belong to the category of animals whose organs may be used during a medical emergency when no other animal organ option is available or when only pig organs are deemed suitable for a life-saving procedure. In such circumstances, the use of pig organs is mandatory.

It is also commendable to address the ethical and spiritual aspects of organ transplantation. While organ transplantation is permitted, Islam emphasizes the importance of considering ethical and spiritual factors related to this practice. Recognizing these ethical and spiritual qualities highlights their significance in Islamic teachings. These vital aspects are as follows:

1. Transplanting organs is justified to uphold the principle of preserving human life, a fundamental requirement of *Maqasid al-Syariah* (Objective Sharia). However, consent must be obtained from the donor or their family before the procedure to prevent misunderstandings and complications. This approach also ensures that the organ transplant process remains free from negative associations.
2. Spiritual and humanitarian considerations often influence donors' willingness to contribute. Research conducted in Italy demonstrates this (Annali di Igiene, 2021).
3. Organ donation is a benevolent act that enables family members to replace the sorrow of loss with the gratification of providing a life-saving gift to someone in need. This underscores the beauty of Islam's teachings, as demonstrated by the recognition of Suzina Sheikh Abdul Hamid, Coordinator of the Tissue Bank Unit at the School of Medical Sciences, Universiti Sains Malaysia (USM). Abdul Hamid regards organ and tissue donation as a humanitarian and noble gesture, offering the recipient a new lease of life with Allah's permission. The act of organ donation, therefore, serves as a testament to humanity's benevolent nature.
4. Organ donation plays a crucial role in saving and enhancing recipients' lives, thereby preventing the loss of human capital within families, societies, and countries. This act carries significant social implications, as it contributes to individuals' well-being and has a broader, positive impact on communities and nations.
5. Organ donation allows individuals to altruistically contribute to the welfare of family members or fellow human beings. It is a profound act of charity as it directly impacts the preservation of life.
6. Organ donation is a process that emphasizes ethical considerations. It is essential to note that not all organs can be donated without careful consideration, even if the donor is still alive. In such situations, prospective donors are required to undergo counseling sessions to ensure a complete understanding of the risks associated with donation. Moreover, socio-economic assessments are also conducted to determine the suitability of the donor. These measures are necessary to protect the interests of all parties involved.
7. Donations should be made voluntarily, free from coercion or monetary inducement. Donors should have the right to retract their decision should they change their minds. To prioritize

the protection of human well-being, lifetime donations are prohibited for minors and individuals lacking mental capacity, except for bone marrow donations.

8. Organ donation has significant spiritual implications that are often overlooked. When an individual donates an organ, it is a profound testament to their having played a vital role in saving another person's life.
9. Every act of worship—be it prayer, zakat, fasting, hajj, service to the country, or any other form—must entail a share for the recipient. Without the donated organ, the patient would be unable to lead a life of complete devotion and piety.
10. Charity and donation in Islam are not confined to a particular religious group. The Islamic faith promotes indiscriminate giving and does not limit the disbursement of aid to Muslims alone. By extending humanitarian assistance to non-Muslims, Islam can effectively dispel misconceptions about the religion, thereby presenting itself as a welcoming and inclusive faith. This strategy can also serve as a tool for da'wah efforts, enabling greater exposure to Islamic principles among a broader audience.
11. In view of Allah SWT, the donor will receive the reward for their deeds without bearing the sins of the recipient (Abdullah Bukhari Abdul Rahim, 2022). The ethical and spiritual facets of organ donation are topics of discussion, not only within the context of Islam but also in other religions. They are also discussed from an ethical and human values perspective. Thus, ethical and spiritual issues related to organ donation are universal. Islam acknowledges this aspect, reflecting the religion's simplicity and beauty.

## Conclusion

The study of the use of halal and haram animal organs for human consumption requires further research. This investigation should not be limited to organs alone but may also include skin, blood, intestines, fur, and unclean elements. The question arises whether the use of these elements from animals with halal or haram status is permissible in medical treatments aimed at saving human lives. In emergencies where the patient's life is at risk and no alternatives are available, transplanting animal organs, even if it is haram, is allowed. Therefore, it is crucial to define the parameters of such emergencies under which this practice is permitted. More research is necessary to fully understand the ethical considerations and practical applications of using halal and haram animal organs in medicine.

## Acknowledgment

This publication is a component of a research grant awarded by the Mufti Department in Penang, Malaysia. We sincerely thank the Mufti Department for their financial support towards our research.

## Conflict of Interest

This article has been composed with the utmost care to ensure it is free from any conflicts of interest or biases that may be detrimental to humanity. The content has been reviewed and verified to guarantee its impartiality. We intend to present the information objectively and unbiasedly, with the sole aim of promoting knowledge and understanding.

## References

- Abbasi, M., Kiani, M., Ahmadi, M., & Salehi, B. (2018). Knowledge and ethical issues in organ transplantation and organ donation: Perspectives from Iranian health personnel. *Annals of Transplantation*, 23, 292–299.
- Abdullah Bukhari Abdul Rahim. (2016). *Derma organ*. <http://derma-organ.blogspot.com/2016/06/> (Accessed July 15, 2023).

- Abū Dāwūd, S. A. (2009). *Sunan Abī Dāwūd* (Y. Qadhi & N. Khattab, Trans.). Riyadh: Darussalam Publishers & Distributors.
- Al-'Ayni, Badr al-Din. (2001). *'Umdah al-Qārī Sharḥ Ṣaḥīḥ al-Bukhārī*. Beirut: Dār al-Kutub al-'Ilmiyyah.
- Al-Baghawi, A.-H. ibn Mas'ud. (1989). *Ma 'ālim al-Tanzīl*. Riyadh: Dār Ṭayyibah.
- Albar, M. A. (2012). Organ transplantation: A Sunni Islamic perspective. *Saudi Journal of Kidney Diseases and Transplantation*, 23(4), 817–822.
- Al-Humam. (2000). *Al-Fatāwā al-Hindiyyah*. Beirut: Dār al-Kutub al-'Ilmiyyah.
- Al-Nawawi, Y. ibn Sharaf. (n.d.). *Al-Majmū' Sharḥ al-Muhadhdhab*. Jeddah: Maktabah al-Irsyad.
- Al-Qurtubi, M. ibn Ahmad. (2006). *Al-Jāmi' li Ahkām al-Qur'ān*. Beirut: Mu'asasah al-Risalah.
- Al-Rawayani, 'Abd al-Wāhid ibn Isma'il. (2009). *Baḥr al-Madḥhab fī Furū' al-Madḥhab al-Shāfi'ī*. Beirut: Dār al-Kutub al-'Ilmiyyah.
- Al-Sa'di, 'Abd al-Rahman Nasir. (2002). *Taysīr al-Karīm al-Raḥmān fī Tafsīr Kalām al-Mannān*. Riyadh: Maktabah Dār al-Salām.
- Al-Tabari, M. ibn Jarir. (1994). *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān*. Beirut: Mu'asasah al-Risalah.
- Athar, S. (2015). A gift of life: An Islamic perspective on organ donation and transplantation. *Journal of Transplantation Technology & Research*, 5(1), 1–4.
- Butt, M. Z. (n.d.). *Organ donation and transplantation in Islam: An opinion*. <https://nhsbtdbe.blob.core.windows.net/umbraco-assets-corp/16300/organ-donation-fatwa.pdf> (Accessed July 15, 2022).
- Dayan, A., Ali, B., Asad, M., & Sial, A. Q. (2020). The application of necessity to xenotransplantation: Constitutional and Islamic bioethical perspective. *Ilkogretim Online*, 19(2), 1246–1253.
- Haddow, G. (2021). 'Dirty pigs' and the xenotransplantation paradox. *Medical Humanities*, 1–8. <https://doi.org/10.1136/medhum-2021-012187>
- Hamdan, M. N., & Ramli, M. A. (2018). Taghyir Khalqillah and limb or organ transplants: An analysis of resolutions and fatwas of selected fatwa bodies. In Z. M. Musa & D. I. Supaat (Eds.), *Current issues in Islam and science* (pp. 509–520). Bandar Baru Nilai: USIM Publisher.
- Islam, T. (2021). Organ donation in Islam: A search for a broader Qur'anic perspective. *Religions*, 12, 647. <https://doi.org/10.3390/rel12080647>
- Masrawy.com. (2021). *Ra'īs Lajnah al-Fatwā bi al-Azhar....* <https://bit.ly/3o1LQjk> (Accessed July 15, 2022).
- Ministry of Health Malaysia. (2007). *Xenotransplantation*. Putrajaya: Health Technology Assessment Unit, Medical Development Division.
- Ministry of Health Malaysia & Jabatan Kemajuan Islam Malaysia (JAKIM). (2011). *Organ transfer from an Islamic perspective*. Putrajaya: Ministry of Health Malaysia.
- Muda, Z., & Omar, N. (2003). Pemakaian organ dan tisu binatang: Kesannya terhadap ibadat solat. *Jurnal Syariah*, 11(2), 99–108.
- Nazarli, E. (2010). *Islamic law review of the practice of xenotransplantation of pig organs to humans* (Bachelor's thesis). Syarif Hidayatullah State Islamic University, Jakarta.
- Padela, A. I., & Duivenbode, R. (2018). The ethics of organ donation, donation after circulatory determination of death, and xenotransplantation from an Islamic perspective. *Xenotransplantation*, 25(3), 1–12.
- Pejabat Mufti Wilayah Persekutuan. (2019, April 16). *Bayan Linnas Series 176: Organ and tissue donation*. <https://muftiwp.gov.my/en/artikel/bayan-linnas/3314-bayan-linnas-series-176-organ-and-tissue-donation>
- Rahman, N. N. A., & Mohamad, M. A. (2016). Xenotransplantation of khinzir element as a therapeutic medium according to Islamic and scientific perspectives. *Tafhim: IKIM Journal of Islam and the Contemporary World*, 9, 113–134.

- Rosele, M. I., Md Ariffin, M. F., Ramli, M. R., & Ismail, M. Z. (2016). Contemporary ijtihad approach in current issues in Malaysia. *Journal of Islam and Contemporary Society*, 13(1), 53–66.
- Rosli Othman. (2022, Ogos 27). Muzakarah fiqh. Masjid Abdullah Fahim.
- Zulkifli Muda, & Omar, N. (2003). Pemakaian organ dan tisu binatang: Kesannya terhadap ibadat solat. *Jurnal Syariah*, 11(2), 99–108.
- Zulkifli Mohamad Al-Bakri. (2022, January 27). *Swine organs transplanted into humans*. <https://zulkifliabakri.com/47-swine-organ-transplanted-into-humans/>