

Organ Donation in Islam: The Concept of Necessity (*Darurah*) in Islamic Law and its Application

Muhammad Hamza¹, Mehwish Ilyas²

¹Department of Islamic learning, University of Karachi; dr.mhamza86@gmail.com

²International Center for Chemical and Biological Sciences, University of Karachi; mehwish-ilyas@hotmail.com

Abstract: Organ donation remains a critical biomedical intervention that saves lives worldwide. Within Islamic Jurisprudence, the concept of *darurah* (necessity) plays a vital role in determining the possibility of otherwise prohibited acts. This paper explores the theological and legal underpinnings of *Darurah* in Islamic Law and its application to organ donation. Drawing upon authoritative fatwas, classical jurisprudential maxims, and contemporary bioethical debates, this study analyzes how Islamic scholars reconcile the sanctity of the human body with the imperative to preserve life. The paper also examines sociocultural challenges, differing interpretations of brain death, and public awareness barriers in Muslim communities. Ultimately, it argues that while *darurah* provides a robust legal mechanism permitting organ donation under strict conditions, effective dissemination of religious guidance and ethical governance are essential for broader acceptance.



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Citation: Muhammad Hamza, & Mehwish Ilyas. (2025). Organ Donation in Islam: The Concept of Necessity (*Darurah*) in Islamic Law and Its Application . *Journal of Religion, Health and Society*, 1(1), 26-33.

<https://doi.org/10.63320/jrhs.v1.i1.8>

Received: 9, Feb 2025
Revised: 28, Mar 2025
Accepted: 29, May 2025
Published: 30, June 2025

Academic Editors:

Dr. Najmul Sahar Ilyas



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Publisher:

Global Social Sciences Research Forum SMC Pvt. Ltd

Keywords: Organ donation, biomedical intervention, ethical governance, preserve life, religious guidance

Introduction:

Organ Transplantation has transformed modern medicine, offering patients having organ failure a second chance at life. However, the procedure raises profound ethical, religious, and legal questions, especially in Muslim societies where theological principles guide bioethical decisions. Islam places a high value on the sanctity and inviolability of the human body. Rooted in Qur'anic verses and Prophetic traditions. Simultaneously, it emphasizes *hifz-al-nafs* (preservation of life) as one of the primary objectives of Shariah (Isa N. M. (2016).; Hassan, 2005)

The Islamic legal principle of *darurah* (necessity) permits exceptions to prohibitions when faced with compelling circumstances, suggesting a legal foundation for organ donation despite initial concerns over bodily sanctity (Albar; 2012; Elhassan, 2017). Since the mid-20th century, Islamic

scholars and jurists have issued fatwas endorsing organ donation under the rubric of *darurah*, yet debated persist regarding brain death criteria, body ownership, consent, and commercialization (International Islamic Fiqh Academy [IIFA], 1986; Padela et al., 2013).

This paper aims to critically analyze the concept of *darurah* in Islamic law and how it applies to organ donation. It further examines contemporary religious, ethical, and sociocultural challenges hindering acceptance among Muslim communities worldwide.

2. Literature Review

2.1 The Scriptural and Jurisprudential Foundations of *Darūrah*

The principle of *darurah* is grounded in Qur'anic injunctions such as "Allah does not burden a soul beyond that it can bear" (Quran 2:286) and the legal maxim *al-darurat tubih al-mahzurat* ("necessities permit the forbidden") (Padela, Arozullah, & Moosa, 2013; Tontodonati et al., 2023).

Classical jurists refer to the verses (2:173; 6:145, 16:89) permitting exceptions in cases of extreme necessity, forming the basis for the permissibility of organ donation when it aims to save life (Atighetchi, 2007; Elhassan, 2017; Padela et al., 2022).

2.2 Historical Fatwas on Organ Donation

Modern Fatwas supporting organ donation date back to the 1950s and 1960s, including the landmark rulings by Egypt's Grand Mufti Hassan Ma'mun (1959), and similar endorsements by religious bodies in Malaysia, Algeria, Jordan, and Kuwait (Albar, 2012; International Islamic Fiqh Academy [IIFA], 1986; Gatard & Sheikh, 2001). These fatwas emphasize the importance of consent, avoidance of harm, and prohibit organ trade (IIFA, 1986; Bedir & Aksoy, 2011).

2.3 Debates Over Brain Death as Legal Death

The acceptance of brain death as a valid criterion of death remains controversial. While bodies like the International Islamic Fiqh Academy and Islamic Organization for Medical Sciences endorsed brain death equivalency in the 1980s, dissenting scholars argue that death is only confirmed by Cardiopulmonary cessation (Bedir & Aksoy, 2011; Padela et al., 2011; Padela Shanawani, Arozullah, 2011; Shaikh, 2011).

2.4 Ownership vs. Trust: Theological and Ethical Disputes

The debate around body ownership is central. Some scholars hold that the human body is a divine trust, and thus the organ donation is impermissible (Rady, M.Y. et al., 2009; Padela et al., 2022). Others, including Al-Qaradawi (1995), argue that body ownership under divine trust allows donation, especially when saving lives, drawing analogies to blood donations. (Al-Qaradawi, 1995; Qabbani, 2004).

2.5 Ethical and Sociological Analyses in Muslim Societies

Critiques such as those by Rady and Verheijde (2014) caution against over-utilitarian reinterpretations of Islamic texts, emphasizing adherence to traditional principles safeguarding bodily sanctity. Nonetheless, many Muslim communities acknowledge the necessity and altruism embedded in organ donation, supported by Qur'anic principles of cooperation and saving lives (Isa N. M. (2016).; Hassan, 20025)

2.6 Empirical Evidence on Public Awareness and Attitudes

Studies in Western Muslim communities show religious misunderstanding and local imam opinions are major barriers to organ donation uptake (Rady & Verheijde, 2014; Rasheed, 2020; Khan & Hassali, 2013). Awareness campaigns combined with fatwas have increased knowledge but cultural discomfort remains

an obstacle in countries like Malaysia and Saudi Arabia (Rasheed, 2020; Turkish Council of Religious Affairs [Diyagnet], 2014).

2.7 The Role of Religious Intermediaries in Public Dissemination

Rasheed (2020) emphasizes the critical role of religious leaders in bridging the gap between scholarly ruling and community acceptance, highlighting how inconsistent messaging can undermine donor registration rates.

2.8 Shia Jurisprudential Perspectives

Shia jurists demonstrate diverse opinions, ranging from prohibitions (Ayatullah al Khu'i) to conditional permissibility (Ayatullah Sistani, Khamenei), often emphasizing avoidance of bodily mutilation and respect for the dead (Moazam, Zaman & Jafarey, 2009).

2.9 Medical Ethics and Regulatory Frameworks

Ethical reviews stress the necessity for Islamic-aligned regulatory framework-such as Malaysia's voluntary consent laws-to ensure donation aligns with sharia goals like *hifz alnafs* (preservation of life) (Shaikh, 2011; Tontodonati et al. 2023; World Health Organization, 2010).

2.10 Contrasting Ethical Frameworks and Policy Proposals

Philosophical and sociological scholars advocate for consent systems with strict oversight to avoid exploitation or commercialization, consistent with Islamic ethics (Devolder, 2011; Dierickx & Borry, 2017; Moazam et al., 2009).

3. Contemporary Challenges: Contemporary Fatwas and Case Studies

3.1 Fiqh Council of North America (FCNA)

In December 2018, the Fiqh Council of North America (FCNA) issued a comprehensive fatwa affirming that organ donation and transplantation are permissible under Islamic law-subject to strict conditions. The council's ruling, grounded in collective *ijtihad*, requires:

1. First person consent from the donor.
2. Donation occurring either during life or after circulatory death, not conditional on brain death alone.
3. Minimization of harm to the donor and protection of donor dignity.
4. Prohibition of financial gain, guided by *Amanah* (trust), *Karamah* (dignity), and *sadd al dara'i* (blocking of harm) (Albar, 2012; Fiqh Council of North America, 2018)

FCNA emphasizes that organ donation is a charitable act, (*sadaqah Jariyah*) when performed with sincere intention. They discourage organ commercialization and reaffirm that the human body is not a commodity (Albar, 2012).

3.2 Organization of Islamic Conference (OIC) and Muslim World League (MWL)

Resolution from OICs Islamic Fiqh Academy (1988) and the MWL's Fiqh Academy (1985) similarly permit organ donation "in case of necessity". They insist on safeguarding recipient benefit and donor safety, prohibiting organ sale, and requiring that donation come as a need based exception validated by competent physicians (Islamic Fiqh Academy, 1988; Muslim World league Fiqh Academy, 1985).

3.3 Case Study – Karachi Seminar (Pakistan, April 2025)

A pivotal seminar at Dow University of Health Sciences (DUHS) in Karachi culminated in a formal declaration that organ donation after confirmed brain death is permissible in Islam. Key Points included:

- Brain death confirmation by qualified doctors as a legal precedent for removing life support.
- Donation carried out with family consent and in humanitarian contexts.
- Emphasis on dignity preservation, avoiding harm, and the understanding that donating used ventilators or other resources to those in need can itself embody *darurah* (Dawn News, 2025; Naeemi et al., 2025).

Speakers such as Allama Raghīb Hussain Naeemi, Prof. Noor Ahmed Shahtaz, Mufti Muhammad Ramzan Sialvi, and Allama Shahenshah Naqvi highlighted that saving life outweighs concerns like donor animal status in xenotransplantation and affirmed respect for human dignity (Dawn News, 2025).

3.4 Comparative Analysis

Jurisprudential Body	Permissible Organ Donation?	Conditions
FCNA (2018)	Yes	Consent, circulatory death/ living, noncommercial, dignity, no reproductive organs
OIC Islamic Fiqh Academy (1988)	Yes	Necessity need, medical oversight, prohibits sale
MWL Fiqh Academy (1985)	Yes	Similar requirements as OIC
DUHS Seminar (Pakistan 2025)	Yes	Brain Death, family consent, dignity, societal benefit

3.5 Synthesis: Applying *Ḍarūrah* Across Contexts

All scholarly bodies affirm that organ donation aligns with *darurah* when it preserves life or essential bodily functions. The scholarly discourse reveals convergence on these shared principles:

- Voluntariness and consent as ethical prerequisites (Fiqh Council of North America, 2018; Islamic Fiqh Academy, 1988)
- Prohibition of commodification, ensuring altruistic intent (Muslim World League Fiqh Academy, 1985; Albar, 2012)
- Defining Death, with most accepting brain death within regulated criteria (Dawn News, 2025; Naeemi et al., 2025)
- Safeguarding human dignity and preventing exploitation (*Sadd al-darā'i*) (Fiqh Council of North America).

This evolving consensus underscores that, under Islamic law, *darurah* provides a robust jurisprudential mechanism to legitimize organ donation while honoring religious, ethical, and societal imperatives.

4. Ongoing Challenges in Applying *Darūrah* to Organ

Donation

Despite strong jurisprudential foundations, applying *darurah* in practice faces significant challenges in many Muslim-majority countries. These include disagreements over death criteria, the absence of clear regulation, and low public awareness influenced by cultural norms.

4.1 Brain-Death Recognition and Jurisprudential Discrepancies

The classification of brain death as legal death remains contentious. While the OIC's Islamic Fiqh Academy (1986) equated brain death with Cardiopulmonary death, opening the door for cadaveric donation (Alahmadi et al., 2023; Wikipedia, 2023a), other bodies -such as the Islamic Organization of Medical Sciences-regard brain death as an intermediate state, not sufficient for declaring death (Wikipedia, 2023b). In Pakistan, jurists and physicians at the DUHS seminar (April 2025) concluded that brain-death confirmation by qualified doctors permits ventilator withdrawal and organ retrieval with consent (Dawn News, 2025). These divergent rulings impede uniform practice across Muslim communities.

4.2 Regulatory and Legislative Gaps

Many countries lack comprehensive legal frameworks to support deceased donor programs. In Pakistan-which depends heavily on living donors-legislative inaction and transplant tourism have obstructed the development of deceased-donor infrastructure. (Amin et al., 2023). Experts note that despite clear fatwas, political inertia and absence of implementation hinder progress. Similar issues are found in Egypt, where regulations lag behind fatwas due to black-market concerns.

4.3 Public Awareness, Sociocultural Barriers, and Trust

Studies reveal that knowledge and attitudes toward organ donation in Pakistan are shaped by religious awareness and education:

- In Karachi, 35% of residents were knowledgeable of organ donation; 60-70% were willing but only 3-4% had donor cards (Amin et al., 2023; Hussain et al., 2009)
- A BMC Ethics study (2009) found that belief in religious permissibility strongly predicted willingness to donate ($p > 0.001$) (Hussain et al., 2009)
- An Iran based study noted that participants aware of their scholars' supportive fatwas were significantly more likely to donate (88% vs 55.6%) (Tabrizi et al., 2015)
- In Saudi Arabia, while 93% understood brain death and 55% were aware of supportive fatwas, only a minority registered as donors-highlighting a gap between religious endorsement and actual registration behavior (Alahmadi et al., 2023)

Social media and anecdotal discussions reveal persistent fears: distrust in healthcare, concerns over body mutilation, and fatalistic beliefs about religious fate (Reddit, 20113).

4.4 Summary of Key Obstacles

Challenge Area Issue Description

- Death Criteria: Disagreement over brain-death definition across Islamic bodies.
- Legal Weak or absent legislation: Heavy reliance on living donation; transplant
- Public Awareness: Misunderstandings and low registration despite religious rulings in favor.
- Trust & Culture: Fear of organ misuse, dishonoring the body, and medical distrust.

Moving Forward: To actualize clerical ruling within *darurah*, Muslim-majority countries must integrate religious guidance into medical law. This requires clarifying definitions of death, embedding fatwas into regulation, and launching culturally sensitive public education. Collaboration between scholars, healthcare professionals, and media—who have already successfully shifted perceptions in Iran and Saudi Arabia—can align jurisprudential principles with societal practice

5. Policy Recommendations for Implementing *Darurah*-Based Organ Donation

To align national policies with Islamic legal principles, the following recommendations—grounded in *darurah*, human dignity, and religious ethics—are proposed:

5.1 Clarify and Standardize Death Criteria

- **Adopt legally and medically sound definitions:** Build on the 1986 International Islamic Fiqh Academy (IIFA)-Organization of Islamic Cooperation (OIC) resolution recognizing Brain death as legal death when confirmed by specialists. (Wikipedia, 2023).
- **Mandate multidisciplinary confirmation:** Require declaration of death by at least three qualified physicians (including Muslim ones when possible)- as per Malaysia's Selangor state fatwa (Pejabat Mufti Wilayah Persekutuan, 2023).
- **Legislate brain-death equivalence:** Enshrine brain death aligned with Islamic legal standards in national transplant laws (Pakistan, Saudi Arabia).

5.2 Integrate Islamic Rulings into Legal Frameworks

- **Incorporate key fatwas into law:** Embed conditions from fatwas (e.g. Fiqh Council of North America [FCNA], 2018; OIC, 1988)-first-person consent, ban on sale, donor dignity, minimization of harm—into binding statutes (Esposito & Moosa, 2020).
- **Establish national oversight councils:** Include Islamic Scholars and medical experts to govern ethical oversight—following FCNA's inclusive deliberative model (Matas et al., 2019)
- **Prohibit commodification:** Clearly outlaw organ sales, aligning with the Prophet's teachings on trust (Amanah) and legal maxims against exploiting hardship (Islam Q&A, 2023)

5.3 Increase Public Awareness with Religious Messaging

- **Launch faith-informed awareness campaigns:** Highlight organ donation as *sadaqah jariyah*, citing Qur'an 5:32 and examples from Al-Azhar's 2025 statements (Daws, 2025)
- **Engage religious leaders:** Train Imams and jurists to discuss permissible donation in sermons (Khutbahs), mirroring successful outreach in Pakistan and Saudi Arabia (Dawn, 2025)
- **Promote religious literacy:** Clarify misconceptions (e.g. body ownership vs divine trust) through fatwa-based brochures, webinars, and school curricula.

5.4 Develop Ethical Healthcare and Regulatory Systems

- **Form organ donation authorities:** Create bodies alongside transplant agencies to oversee consent verification, donor protection and fatwa compliance.
- **Enforce strict consent and donor protocols:** Ensure both living and deceased donations meet medical, ethical and religious standards—similar to UK/US advanced directive frameworks.
- **Monitor and prevent exploitation:** Use transparent registry systems and criminalize organ tourism, supporting *sadd al-dara'i* ("blocking of harmful means") (Dawn, 2025)

Summary of Policy Blueprint

1. **Define Death** in legislation consistent with Islamic and medical standards.
2. **Embed religious legal rulings** into transplant laws.
3. **Leverage religious endorsement** to shift public practices.
4. **Build robust regulatory bodies** to uphold ethics.

By following this multi-layered strategy, nations can operationalize darurah effectively transforming Islamic scholarly consensus into ethical, legally sound, and socially accepted organ donation framework.

Conclusion

The Islamic legal concept of darurah offers a sound theological and juridical basis for permitting organ donation as an act aimed at preserving life. Authoritative fatwas and classical jurisprudential maxims emphasize that necessity over-rides prohibitions, including those concerning bodily sanctity (Albar, 2012; Elhassan, 2017). However, diverse opinions on brain death, ethical concerns about body ownership and, sociocultural barriers complicate broader acceptance in Muslim societies (Padela et al., 2013; Padela et al., 2022). Effective dissemination of religious rulings through trusted religious leaders, combined with clear, ethically robust regulatory frameworks, is essential for increasing organ donation rates (Rasheed, 2020; Shaikh, 2011). Ultimately, organ donation in Islam must balance respect for divine trust in the body with the sharia imperative to save human life (Isa N. M. (2016); World Health Organization, 2010).

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