

Uterine Transplantation in Islamic Jurisprudence: Balancing Medical Needs and Shariah Boundaries

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ABSTRACT

Advances in medical technology have opened the door to various methods of fertility treatment, including uterine organ donation and transplantation as an alternative for women suffering from problems such as the absence or damage to the uterus. However, this issue raises various ethical questions and syariah law related to nasab, the protection of women's dignity and the need for offspring. This study also aims to examine the hukm of donation and uterine transplantation according to an Islamic perspective, focusing on analysing the results of the National Muzakarah Fatwa and the views of contemporary and classical scholars. The results of the study show that the original law of donation and uterine transplantation is haram and should not be re-examined for basic needs (*daruriyyat*) for women who suffer from infertility problems or the absence of a uterus to get descendants. This study has proved that there is no confusion of nasab and violation of the principles of maqasid syariah. Therefore, this study suggests that the method of uterine transplantation is accepted in Malaysia and is in line with the development of medical science and technology, as in other developed Islamic countries.

Keywords: Islamic law, Uterus Transplantation, Medical Fiqh, Reproductive Organ

INTRODUCTION

The World Health Organisation (WHO) (2023) recorded that 1 in 6 of the adult population suffers from infertility problems. The Department of Statistics Malaysia (DOSM) recorded a birth rate decline of 11.5% in 2025, the lowest record in Malaysian history compared to 2023, 13.6% (Astro Awani, 2025). Given this, modern medical technology is rapidly advancing to treat infertility in women, including In-Vitro Fertilization (IVF), Intrauterine insemination (IUI), hormonal treatments and methods of transferring the uterus. This procedure involves the donation of a uterus to women who have uterine damage or no uterus to allow them to conceive and give birth naturally.

This can be seen as a significant advancement in the field of reproductive health. However, the issue of uterus transplantation is still actively debated by modern scholars and fiqh scholars on questions arising from the point of view of Sharia Law, the offspring born and the implications for the donor and recipient of the uterus. There is still not much legal clarity and a firm view on the transplantation of reproductive organs such as uterus, penis, vagina and others. Therefore, studying the fiqh law of this uterus transplantation procedure is essential to guide society, medical institutions, and fatwa institutions. Mohammad Naqib et al. (2018) stated that the fatwa on the transplantation of reproductive organs is so important because it involves private members and is closely related to one's lineage.

Although uterine transplantation has been proven effective in treating the problem of absolute infertility (AUI) from the point of view of modern medicine, its position in the context of fiqh law in Malaysia has not yet received clear recognition. The objective of this article is to suggest that the procedure of uterus transplantation in the context of fiqh law is legally permissible for medical purposes in Malaysia by examining the views of classical and contemporary scholars as well as the fatwas in Malaysia on the procedure of organ donation in general as well as the fatwa on the transplantation of reproductive organs in particular. The National Fatwa Council should reconsider the law of uterine transplantation given the increasing number of AUI sufferers in Malaysia (Mansor et al., 2024). Dr. Zulkifli Al-Bakri also called for the law of uterus transplantation to be reviewed to help fight

for the future of AUFI patients to become mothers (Kosmo, 2024).

Maqasid Shariah principles that are closely related to the issue of uterine transplantation will also be analysed in depth in this article (Rosidi, 2024a). It is hoped that this approach will provide a more robust explanation of the necessity from the point of view of fiqh law, as well as recommendations on the guidelines for the implementation of the procedure.

LITERATURE REVIEW

Mayer-Rokitansky-Küster-Hauser (MRKH) Syndrome

Many people are increasingly aware of the syndrome of women born without a uterus, and this is no longer considered impossible to treat in the modern medical era. This disease is known as Mayer Rokitansky Kuster Hauser Syndrome (MRKH) or congenital absence of the uterus and vagina is a condition from birth that causes a woman to be born without a uterus and the upper part of the vagina or the whole (Herlin, M.K., Petersen, M.B. & Brännström, 2020). Those who face this syndrome are unable to conceive and bear children because the uterus is not home to a fetus and vagina (Hasanuddin & Al-Haddad, 2021).

This issue should be emphasized because it is closely related to the nature of a human being to marry and have children. A woman with this syndrome is denied the right to marry simply because she is unable to produce offspring from her womb. MRKH syndrome causes many married couples to separate because of the imperfections of their spouse (TV3, 2023). This demonstrates the need for uterine transplantation treatment as an effort to meet the basic needs of women so that they can continue their fitrah as a mother and wife. Uterine transplantation treatment is seen as a necessity for the well-being of life to maintain offspring by having offspring of their own (Mansor et al., 2024).

Uterus Transplantation

A uterus transplantation procedure is a medical procedure in which a healthy uterus from one woman is transferred into the body of another woman who has a uterus-related problem such as not having a uterus since birth, a uterus that has been discarded or a uterus that is not functioning correctly (Jones et al., 2021). This treatment aims to provide help and hope to women who have problems with their uterus to have a pregnancy and childbirth. This method has emerged as the only treatment for this type of infertility other than using surrogate mothers. This surrogate mother service has been banned in Malaysia for keeping the hifz al-nafs because this method would cause mixing of the lineage, thus confusing (Al-Bakri, 2016).

The one-year survival of the graft showed 19 of 33 recipients (58%) had given birth to 21 live children at 36 weeks 6 days gestation, with no detectable congenital disabilities (Jacques et al., 2024). The results of this study have shown that this method of uterus transplantation provides a significant effect in helping to treat female infertility problems. However, a 46-year-old woman underwent a uterus transplant surgery to be transferred to a 26-year-old woman. However, on the 99th day after the transplant, the uterus had to be removed due to a blocked blood vessel, resulting in the death of the uterus (Fageeh et al., 2002; Mohammad Naqib et al., 2018).

The necessity of uterus transplantation should be considered in parallel with the legal approval of performing in vitro fertilization (IVF), which helps couples with fertility problems to obtain offspring naturally. Denying the right to perform a uterus transplant without seeing the same purpose as brought about by IVF is seen as a medical injustice.

Risks

Uterus transplants have been shown to affect a person's psychology. On the positive side, the recipient of the uterus will feel the satisfaction of being able to experience the birth of a child after a long period of infertility. The American Society for Reproductive Medicine (ASRM) found that multiple surveys have been conducted, and this suggests that women are more in favour of the uterus transfer method than the surrogacy method (Gameiro, 2020).

However, there are also adverse effects on psychology due to the procedure, such as depression and disappointment resulting from miscarriage or if the treatment performed does not result in pregnancy at once, causing discomfort in the relationship with the partner due to prolonged emotional stress. According to Gameiro (2020), the concerns that arise due to the impossibility of obtaining specific effects of this uterus transplantation are such that different events (transplant failure, miscarriage, divorce, failed IVF and successful IVF followed by childbirth) occur. This has also led to doubts in society about the origin of the child born as a result of this uterus transplant procedure.

Everything indeed has its challenges and risks, and so does this method of uterus transplantation. This procedure would pose medical risks to both the recipient and the donor of the uterus. Gameiro (2020) says that uterus donors will experience an impact on quality of life. The average suggested sick leave for donors was 56 days, and 1 in 9 donors experienced postoperative complications. O'Donovan et al. (2019) also reported risks such as infection, thrombosis, fistula and injury to the uterus. There is also a consensus that this method of uterus transplantation should not be offered until its safety and efficacy are proven, and advises limiting this procedure until the results of ongoing studies are released.

Additionally, donors are at risk for problems such as infection, chronic pain, urinary hypotension and depression. Some donors may regret the procedure if it fails or the relationship with the recipient becomes increasingly strained (O'Donovan et al., 2019). The benefits of living donors also need to be examined because these transplants are not done to save lives but to improve the quality of life. Therefore, efforts in minimising the use of living donors are critical as they consider the equality of the level of harm and benefit gained by the donor and recipient (O'Donovan et al., 2019). From the point of view of Islamic law, it is also necessary to be careful about the law of uterine transplantation because this procedure involves the transplantation of human reproductive organs.

Contemporary Fatwas

In Malaysia, a Fatwa represents an official Islamic legal ruling that holds considerable legal authority and goes beyond the individual perspective of a Mufti on a specific issue (Rosidi, 2024b). Contemporary scholars differ on the law of uterine transplantation. Some allow it, but the majority reject it. Due to the emergence of differences of opinion, there is a determination of the *maslahah* and *mafsadah* for a matter that can give rise to a modern discussion for the sufferers of this MRKH syndrome. Thus, several alternatives have been suggested to solve this problem, including the uterus transplant procedure. Some scholars have prescribed this procedure, but it is not general, as there are guidelines to follow before this procedure can proceed. Majma' al-Fiqh al-Islami, which is under the auspices of Ri'ayah Rabitah 'Alam al-Islami, Makkah al-Mukarramah, has issued a fatwa on the necessity of this uterus transfer procedure (Al-Bakri, 2024). After further investigation, transplantation of reproductive organs that do not carry genetic traits is allowed in case of emergency.

Among the conditions closely related to the necessity of the transplant is that the donor must be perfect or be able to distinguish between good and evil, the purpose of this donation must be to treat diseases for which the transplant cannot cause death and cannot damage the function of the limb as a whole and most importantly that all these transplant procedures are not based on the sale of organs. Uterus transplantation also involves maintaining five aspects, which are *maslahah* and avoiding all that is *mafsadah*, so rejecting all that is *mafsadah* is considered as *maslahah* (Rosidi et al, 2025). The word of Allah in Surah Al-Baqarah verse 185 :

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ

Meaning: Allah desires ease for you and does not desire hardship for you. (Surah Al-Baqarah, 2:185)

Thus, these goals can be seen to be achieved in the process of uterine transplantation, which includes all the goals of the Shariah, which are holistic, especially in taking care of oneself and offspring, which is the demand of the Shariah after the preservation of religion. However, the Muzakarah of the Fatwa Committee of the National Council for Islamic Affairs of Malaysia decided that donation and uterus transfer are haram because they are only to obtain offspring that carry the nature of *takmiliyyah* (Mohamad Al-Bakri, 2024). The jurists have agreed to decide that the law of uterus transfer is not necessary because it does not reach the emergency level that could allow something to be prohibited. This statement is also supported in the words of Allah in the Surah Al-Rum

verse 30:

فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا ۚ فِطْرَتَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا ۚ لَا تَبْدِيلَ لِخَلْقِ اللَّهِ ۚ ذَٰلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ

Meaning: So set your face to the religion, as a man of pure faith, the likeness of God, in whom He created humanity. There is no altering the creation of Allah. That is the correct religion, but most people do not know.

This dalil proves that some scholars reject significant changes to the human body, including any organ transplantation, because it is considered to alter God's creation unlawfully. However, this interpretation also considers the intentions, effects, and sacrifices involved during the procedure. This uterus transplantation is a contemporary khilafiyyah issue that always requires further research from the medical, ethical and fiqh aspects.

METHODOLOGY

This describes in detail the research approach used in this study. Emphasis is placed on study design, data collection methods, analysis techniques, and justification of method selection. The study focuses on the issue of uterine transplantation from the perspective of Islamic fiqh, taking into account the development of modern medical technology as well as the limitations of the Shari'ah. Due to the normative and theoretical nature of the study, a qualitative approach in the form of librarianship is fully utilised. Appropriate data collection methods are essential to ensure that the data obtained is accurate and appropriate to the purpose of the study.

Research Design

The study was conducted using a qualitative design based on library research. This approach allows researchers to examine a variety of scientific and religious sources directly related to the issue of uterine transplantation. Studies do not involve collecting field data; instead, they rely entirely on secondary sources such as academic articles, books, journals, and fatwas.

Sources and Methods of Data Collection

The data source was obtained through a systematic online search involving various academic platforms such as Google Scholar, Scopus, ScienceDirect and the website of the fatwa institution. Among the keywords used are “uterus transplantation”, “medical fiqh” and “Islamic law”. The study focused on sources published in Malay, Arabic and English between 2015 and 2025. Materials are selected based on their relevance to the study's objectives and aspects of Islamic law and medical technology.

Data Analysis Methods

A method of thematic content analysis was used in this study. The data were analysed by identifying key themes such as fiqh law on uterine transplantation, Sharia maqasid principles related to the care of offspring (ḥifẓ al-nasb), ethical issues, and Sharia limitations in modern medicine. These themes are critically examined and compared between various scholarly perspectives and current medical sources.

Justification for the Choice of Methods

The qualitative approach in the form of librarianship was chosen because it is best suited to studying legal and ethical issues that require reference to primary and secondary sources of Islam. This study requires an in-depth observation of Sharia principles and technological developments, which can only be clarified by analysing texts and documents. Thus, this method provides ample scope for comparison of views and holistic interpretation of fiqh.

SHARIAH FINDINGS

The Obligation to Treat Illness

Generally, the hukum of organ transplantation is necessary as this is aimed at meeting the demands of preserving

human life, which is one of the Maqasid al-Syariah, according to the hukum issued by the Mufti of the State of Perlis (2022) regarding this method. There are several reasons why organ transplants and donations are necessary. Organ transplants performed for therapeutic purposes are the last resort to save lives and treat end-stage disease. The methods of fiqh employed in the law of organ transplantation are based on the reality that organ transplantation is done in a desperate situation. In other words, organ transplants are performed in a highly urgent and necessary (emergency) situation. This is seen in parallel with the need to perform uterine transplant procedures based on the need to treat disease. Hadith Al-Bukhari :

"Allah does not send any illness without a cure for it." (*HR al-Bukhari, no. 5678*)

DISCUSSION

The current fatwa rejects uterine transplantation for several reasons:

Unreachable to the level of necessity (*Darurah*)

In Malaysia, the Islamic Development Department of Malaysia (2014) has ruled that the original hukum for donation and uterus transplantation is illegal because the need for it has not reached the emergency level that allows something illegal to become mandatory. In this context, attempting to obtain offspring through uterus transfer is only considered a necessity of tahsiniyyat or complementary (takmiliyyah) to family life and not an urgent necessity (darurah). Furthermore, in Malaysia, the need to obtain offspring through donation and uterus transplantation is not yet at a worrying level, further justifying the exception of the original hukum.

However, the increase in the number of women who have infertility in Malaysia is a concern for the national fatwa committee in amending the law related to this issue. It is impossible to treat this disease by fertility treatment, even with the presence of In-Vitro Fertilisation (IVF) and injection of Human Chorionic Gonadotropin (HCG) Hormone (Mansor et al., 2024).

Women who are born without a uterus cannot go on to live as normal women who can provide perfect sex to their husbands. This causes the sufferer of MRKH to be unable to meet the demands of maqasid syariah in marriage especially from the aspect of alimony because not only does not have a uterus but also a vagina. Marriage is intended to legalise intercourse between a man and a woman while preventing people from committing adultery. Marriage is also intended to continue human survival, care for offspring and form a family (Nurhadi, 2017; Rosidi et al, 2025). This seemed to deny them the right to marry and to have children. This shows that the method of "Adh-darurat tubh al-mahzurat" should be applied, whereby allowing the transfer of the uterus which was initially forbidden due to urgent necessity, as in the Hadith of the Prophet from the narrative of Ibn Majah:

"God has forgiven my people for their sins, negligence, and what they were forced to do".

Lineage Confusion

Various perspectives say that uterus transplantation is illegal and not permitted. Some argue that the uterus transfer procedure is the same as the surrogate mother method, which is outlawed because it violates the principle of hereditary care (hifz al-nasb). According to Yusuf Qardawi, if the egg cell comes from the wife but the uterus or womb used is the uterus of another woman, then this method is not allowed, even if the other woman is his wife. This is due to concerns about the loss of motherhood among couples (Ashar, 2015). This is said to have similarities to uterus transplantation, as there is a prohibition on men having sex with another woman's uterus. If this is not permissible, then pregnancy from someone else's uterus is also haram (Mohd Anuar Ramli et al., 2019).

This is important because it is closely related to the confusion of the lineage. The kinship or descent is obligatory to maintain the Islamic social system (Mat Rashid et al., 2017; Rosidi, 2024a). However, the role of the uterus in this transfer context is solely as a physiological medium that provides nutrients and oxygen to the embryo, including protein (in the form of amino acids), carbohydrates (glucose), fats (fatty acids), as well as oxygen. Thus, this function does not affect progeny as it does not involve genetic donation, but rather only a biologically

supportive role (Ashar, 2015), unlike the ovaries and testes that contribute to genetic inheritance and directly affect offspring. The Assembly of Muslim Jurists of America (AMJA) said that the uterus does not carry any genetics and can be transplanted if needed (AMJA, 2022). Therefore, there will be no intermarriage between the husband and the uterus donor.

In a scientific context, this uterine transplantation involves only the transplantation of the uterine organs alone, without involving the transplantation of the donor ovaries or genetic material (Flyckt et al., 2020). Thus, there is no contribution to the child's genetics because the uterus is only the place of fetal enlargement during pregnancy and does not involve the transfer of DNA or reproductive cells (Brännström et al., 2014).

Infertility

The views of previous Islamic scholars discuss that the donation and acceptance of uterus are related to the prohibition of sterilization practices which can have implications of changing the creation of Allah SWT (Mohd Anuar Ramli et al, 2019). This practice is contrary to the prohibition mentioned by Allah SWT through His words in surah al-Nisa', 4:119:

"وَلَا ضَلَالَتُهُمْ وَلَا مَنِيَّتُهُمْ وَلَا مَرْتَهُمْ فَلْيَبْتَئِكُنَّ آذَانَ الْأَنْعَامِ وَلَا مَرْتَهُمْ فَلْيَغَيِّرُنَّ خَلْقَ

اللَّهِ"

"And verily, I (Satan) will mislead them, and will raise vain desires in their (hearts) and will command them to cut off the ears of cattle and they will indeed cut them off; and I will command them to change the creation of Allah".

However, this sterilisation practice will not occur if the donated uterus is from a deceased donor. A total of 12 live births have been recorded from 24 deceased uterus donors with an average loss of only 25% through uterus transplant programs including Turkey, Brazil and Italy. Therefore, deceased donors are the choice of recipients given this success (Pecorino et al., 2024).

Violating the Principle of Maqasid Hifz Al-Nafs

In addition, the issue of uterine transplantation is contrary to the second most important objective in the maqasid syariah, which is hifz al-nafs. From the Quran (Surah al-Ma'idah, 5:32)

"وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ"

"Whoever saves the life of one person, it is as if he has saved the life of all humanity".

The verse explains that it is the responsibility of every human being to protect the lives of all humans. Therefore, the uterus transplant procedure is seen to pose risks to the human body, such as bleeding complications, organ rejection and side effects from immunosuppressive drugs (EdhaCare, n.d). However, if viewed broadly in a medical context, every procedure necessarily has its risks, not just the uterus transplant procedure.

Furthermore, Malaysia should take note of the advancements in current medical science that allow for uterus transplant methods as an effort to help women who do not have a uterus or who have suffered uterine damage in line with other Islamic countries, for example, Turkey and Saudi Arabia which have successfully carried out uterus transplant surgeries that allow menstrual cycles to occur in the uterus recipient while also allowing them to conceive (Amel Alghrani, 2013).

CONCLUSION AND SUGGESTION

The issue of uterus transplantation is a topic that often causes debate among medical experts and Islamic jurists. Uterus transplantation refers to a surgical procedure that allows a woman to receive a uterus from a donor for fertility purposes to continue the generation and lineage. Although this is a significant advancement in medicine, it must be examined from a Sharia perspective to ensure it does not violate Islamic principles. After studying the

subject of uterus transplantation in more depth, it is no secret that this matter can still be improved so that no individual deviates from Islamic religious law.

The issue of uterus transplantation requires a more comprehensive approach in the context of Sharia. For example, when a woman faces serious fertility problems, uterus transplantation may be permitted as a solution. However, this decision must depend on special measures, whereby something that is forbidden initially may be permitted in an emergency, provided that there is no safer and more suitable option. Therefore, an in-depth study of the acceptability and prohibition of fiqh must be conducted to ensure that Islamic Sharia carries out this procedure. (Ibn Qudamah, 1997).

In addition, in the view of Sharia, women's health rights are fundamental. Therefore, any medical procedure, especially a uterus transplant, should be carried out with full concern for the safety of the woman. Religious and medical authorities need to work together in formulating guidelines that prioritise health interests, whereby a uterus transplant can only be performed when it provides clear benefits to the woman without causing harm to the individual's health. Post-procedure health care should also be given serious attention to ensure the well-being of the woman who undergoes the surgery.

Overall, uterine transplantation is an issue that requires deep medical and jurisprudential consideration. This procedure may be permissible in certain situations, such as medical emergencies, but it must be carried out within a clear Sharia framework. Therefore, it is important to have clear guidelines to ensure this procedure is carried out according to Islamic law, adhering to all the principles the religion outlines.

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