

RELIGIOUS PERSPECTIVES OF ORGAN TRANSPLANTATION IN UZBEKISTAN

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ABSTRACT:

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Many religions in the world prohibit harming the body of the deceased.

This research paper focuses on the problems regarding the topic of organ transplantation in Central Asia, mainly in Uzbekistan. Despite the increasing need for organ transplants in the country, there are several barriers that prevent patients from accessing this life-saving treatment. These barriers include a lack of infrastructure and resources, a shortage of trained medical professionals, and cultural and religious beliefs that discourage organ donation. The paper mainly highlights the religious perspectives of the organ transplantation in Uzbekistan.

INTRODUCTION. Many religions in the world prohibit harming the body of the deceased. From the worldly point of view, the death of a person does not destroy the effect of his will in relation to the things that belong to him. The expression of this will can be his written presentation (will) or oral will. There are ethical problems related to the procedure of receiving organs in cadaver organ transplantation and the lack of transplant resources among potential recipients.

We got the idea that it is appropriate to take the organs from dead bodies. But who actually owns the organs taken from corpses?

This is both a moral and a legal aspect. O. B. Galibin and I. G. Belyaeva write about this in their article "Organ transplantation: ethical and legal aspects": three approaches are used on this issue: principles of informed consent (informed consent), presumption of consent and routine organ collection. In our country, the regular collection of organs suitable for transplantation of corpses has long been the main type of solution to this issue²⁶.

²⁶ Galibin, O. B., & Belyaeva, I. G. (2016). Organ transplantation: ethical and legal aspects. Vrachebnoe delo, 7, 85-90.

At the same time, the authorities can manage the body of the deceased at their discretion. In this case, utilitarianism is established, according to which an action is morally justified if it brings the greatest benefit to the majority. However, this violates the right to manage the body (even after death) and affects the moral values of the family of the deceased, in some cases causing additional moral damage to relatives²⁷. It can be seen that the collection and preservation of the organs of the deceased is allowed by the government, but the organs to be removed must be useful, but it affects the moral values of the family of the deceased, in some cases it can cause additional moral damage to the relatives, for example, protests will arise later, demand money, etc. .

Now let's get acquainted with the opinions presented by Islamic scholars and the fatwa panel of the Office of Muslims of Uzbekistan on the process of human organ transplantation in the Republic of Uzbekistan: "Bismillahir Rohmanir Rahim. God made man the most honorable among creatures. It is blessed in the Qur'an: " And indeed We have honored the Children of Adam, and We have carried them on land and sea, and have provided them with At-Tayyibat, and have preferred them above many of those whom We have created with a marked preferment" (Surah Al Isra, verse 70).

Therefore, a person and his organs are sacred, even the judgment of a dead person remains the same, that is, it is considered a grave sin to desecrate the body of a deceased person or to cut off any of its parts. The sale of human organs is not allowed, as it is not considered a commodity. Human organs are not property, it is not allowed to sell it, nor is it compensated, because it is selling something that is not owned. Likewise, the organs of a person are not property of the heirs, they cannot sell the organs of the dead body. Selling the organs of a person is contrary to his honor and dignity.

Another original rule in our Sharia: it is forbidden to harm a Muslim by wounding or cutting him, whether he is alive or dead. If there is no reason to change or exclude from this rule, the original rule remains.

Scholars based the permissibility of the practice of transplanting (moving) human organs on the Shari'a rule of "benefiting a person and preventing harm from him". According to this rule, it is necessary not to harm another person during the practice. Allowing to take one's own organs and give them to the needy because there is a great benefit to another's life in

²⁷ Fatwa of the Office of Muslims of Uzbekistan on the process of human organ transplantation in the Republic of Uzbekistan. Retrieved from <https://islam.uz/ru/articles/fatva-o-peresadke-organov-cheloveka-v-respublike-uzbekistan>

performing this practice is not contrary to the concept of maintaining the integrity of one's organs.

If both parties agree, it is possible to transfer a member under the following conditions:

1. The life of a person who donates an organ should not be in danger when the organ is taken;
2. The person who donates his organ should be voluntary and not forced by anyone;
3. It has been concluded that the disease of the patient who really needs the organ transplantation can be cured only in this way;
4. It is necessary to be sure that the surgical procedure will be successful and the expected result will be achieved for both the parties receiving the organ and the new one. organs), organs that carry these qualities and cause the fetus; – organs such as the heart, which are directly related to human existence; – an organ such as the pupil of the eye, which is indirectly related to human survival; .

As mentioned above, several conditions are imposed on the transfer of members in case of necessity. The most important point is that even when the organ is moved, it is not sold, but is given as a donation. Now, sometimes, the kidnapping of deaf children and the sale of their organs are combined with several major sins. There is suicide here. The Qur'an says that killing one person unjustly is equal to killing all people. On top of that, selling something (human organs) that is not considered goods (goods) in our Sharia is illegal earning.

Those who commit such abominable sin, if they do not repent, will be humiliated in this world and painful punishment in the Hereafter[3].

Based on this fatwa, we can come to the following conclusion. Donating organs to another person does not endanger his life, the person who donates his organs is voluntary, it is not forced by anyone, and it is concluded that the disease of the patient who really needs the organ can be cured only in this way. The success of the surgery and the achievement of the expected result for both the parties receiving the organ and the new organ should be verified in the experiments. Therefore, the practice of organ transplantation in our country should be carried out based on the rules specified in the fatwa.

There is no doubt that transplants are necessary to save many lives. Our people turn to foreign clinics to realize their right to live by transplanting organs and tissues to perform this expensive and very important operation. This causes great inconvenience and is very expensive. A large amount of foreign currency is the reason for it to go abroad and create

conditions for it. In addition, citizens of the country, like foreigners, often fall into a social and legal disadvantageous situation.

Conclusions:

In conclusion, organ transplantation in Uzbekistan faces significant challenges related to legal and regulatory frameworks, infrastructure and resources, cultural and religious beliefs, and ethical issues. However, there are opportunities for improvement, and addressing these challenges will require a multi-faceted approach that involves collaboration between government agencies, medical professionals, and civil society organizations.

The reason is that the issue of transplantation of human organs, tissues and cells, which is one of the most common types of somatic rights, is an urgent issue that needs legal regulation in the Republic of Uzbekistan.

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